Food Within Reach

A guide to opening small farmers’ markets in San Jose, CA

Fresh Approach
About Fresh Approach

Fresh Approach believes the fresh, healthy food grown by California farmers is an integral part of the solution to the growing problem of obesity and poor nutrition in Bay Area communities. Every day, through our educational programs, we connect low-income individuals and families with California-grown food and give them the knowledge they need to make smart diet choices because everyone, regardless of means, deserves access to fresh, healthy and affordable food.

The Food Within Reach Project is a part of that effort to make fresh and healthy food from California farmers more available in the Bay Area.

The mission of Fresh Approach is to encourage healthier children, families, and communities through community education, innovative programming, and novel partnerships that promote a stronger local food system and better-informed choices about food and nutrition.

Founded in 2008, Fresh Approach works in close partnership with the Pacific Coast Farmers’ Market Association to connect the healthy food and local food movements in the San Francisco Bay Area through educational outreach and programs.
Food Within Reach
A Guide to Opening Small Farmers’ Markets in San Jose, CA

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Attributions

The principal author of the Food Within Reach guide is Allen Moy, who has served as the Executive Director of Fresh Approach since 2011. Allen was introduced to the world of farmers’ markets and sustainable agriculture in 2003 when he joined the staff of the Pacific Coast Farmers’ Market Association (PCFMA) as the organization’s Assistant Director. During his time there, he had the opportunity to work on myriad aspects of farmers’ markets: market management, new market development, marketing, and consumer research. Allen continues to work with farmers’ markets at Fresh Approach, developing and managing programs that help these markets to better serve low income communities; and designing strategies that help low income consumers to increase their consumption of fresh, nutritious, locally grown fruits and vegetables.

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Photographs were taken from the PCFMA and Fresh Approach archives. Photographers include Sarah Trent, Greg Zeroun, Anna Buss, James Cochran, Keith Wall, and Erik Madsen.

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Introduction

Food Within Reach is a two-year technical support program of Fresh Approach. The goal of the program is to assist community-based organizations in San Jose, California, to launch small certified farmers’ markets in the neighborhoods they serve. These markets will increase access to fresh and healthy food and contribute to a stronger local food economy.

In 2012, a community-led process, organized by The Health Trust, successfully changed the zoning laws in San Jose to make it easier to start small farmers’ markets. The hope is that these markets can help to make fresh fruits and vegetables more readily available in communities in which traditional food retail outlets are not adequately meeting consumers’ needs. While a farmers’ market may not be the best solution for every community, they have proven to be popular and successful strategies for increasing food access and encouraging community revitalization.

This project is made possible through the support of The Health Trust.

This guide, the first edition, is designed to provide a guide to planning, developing, and operating small farmers’ markets within the city of San Jose, in compliance with the City of San Jose’s new zoning rules. In 2014, Fresh Approach will provide technical assistance to a small number of community-based organizations as they use the guide to launch a farmers’ market. By the end of 2014, a second edition of this guide will be made available that captures the lessons of those groups that have used the guide and that provides additional recommendations to help other communities successfully launch farmers’ markets.

Intended Audience

This guide is written with a targeted audience in mind: community-based organizations interested in learning more about opening farmers’ markets in San Jose, California; particularly those that meet the definition of “small farmers’ markets.”

Hopefully, much of what is contained within this handbook, such as questions to consider concerning understanding the most important needs of a community and deciding whether or not a farmers’ market is the right strategy to address those needs, will also be helpful to others working on issues of food access and food justice.

As well, while this guide starts with the assumption that the reader has never been involved in operating a farmers’ market before, many of the tips within the guide, which come from veteran farmers’ market managers, could be helpful to anyone who manages a farmers’ market.
What is a Farmers’ Market?

If you look up “farmers’ market” on the internet, it will tell you that a farmers’ market is:

*(noun)* A food market at which local farmers sell fruit and vegetables and often meat, cheese, and bakery products directly to consumers.

The USDA has a similar definition:

*A farmers’ market is defined as a multi-stall market at which farmer-producers sell agricultural products directly to the general public at a central or fixed location, particularly fresh fruit and vegetables (but also meat products, dairy products, and/or grains).*

While those are generally accepted definitions, they are not enshrined in law so the term “farmers’ market” can legally be used by retailers that do not involve “local farmers” or “farmers-producers.” This is true in California where the law does not define the term “farmers’ market.” Instead, the state of California defines “certified farmers’ markets.”

While it might be tempting to consider operating a farmers’ market without certification from the State of California, that option is not without its own set of challenges. For a brief description of the challenges of non-certified farmers’ markets and other similar approaches, see “General Rule for all Food & Market Programs” later in this section of the guide.

The Legal Definition

The legal definition of a certified farmers’ market can be found in the California Food and Agricultural Code Section 47004(b):

*Certified farmers’ markets are locations established in accordance with local ordinances, where California farmers may transport and sell to the public California agricultural products that they produced, that are exempt from the established grade, size, labeling, packaging and other such requirements for fruits, nuts, and vegetables, and operated in accordance with this chapter and regulations adopted pursuant to this chapter.*

This legal definition introduces a few terms that are important to understanding how farmers’ markets operate:

- **In accordance with local ordinances.** Even though this is state law, it specifically allows local laws to have some jurisdiction over the farmers’ markets. It is this element that allows the City of San Jose to set additional conditions for farmers’ markets through its zoning regulations.

- **California farmers.** This law specifically applies to California farmers. It does not allow farmers from any other state or another nation the benefits of the law. The enforcement of this rule has created a system in which California counties, which act as agents of the state, certify farms as “California farmers” so they can benefit from this law.

- **California agricultural products that they produced.** California farmers are authorized to sell only those products that they have grown themselves. They

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In 2013 there were **821 Certified Farmers’ Markets in California.**

33 of those were in Santa Clara County.

(CDFA)
are not allowed to purchase products from neighboring farms, packing houses, or wholesalers to sell in farmers’ markets. Once you get into the details of the regulations, there are some exceptions through a process known in the state’s certified farmers’ market industry as “second certificates.” We explain rules for those in “Second Certificates” in Section 2 of this guide.

- **Exempt from the established grade, size, labeling, packaging and other such requirements.** One of the unique elements of the way in which California law is structured is that it not only gives farmers the right to do something (“may transport and sell”), it also gives them the right to not do something, namely following packing regulations. California farmers produce nearly half of all fruits, nuts and vegetables grown in the United States. To ensure that those products arrive in good condition, the state has created “standard pack” regulations for many products that govern packaging and labeling of the products. This law exempts farms selling in farmers’ markets from those standard pack regulations so that they do not need to pack produce the same way for transporting those products themselves to a nearby farmers’ market as they would for shipping their products across the country.

- **In accordance with this chapter and regulations adopted pursuant to this chapter.** Within this law are additional requirements for operating a farmers’ market and the authority for the Secretary of the California Department of Food and Agriculture to enact additional regulations that help to better define the law and guide its implementation and enforcement. Later within this guide there are references to sites at which those interested can read the laws and regulations in their entirety.

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**The Backstory of California’s Farmers’ Markets**

California is known worldwide for the volume of agricultural products that are produced; for the diversity of fruits, vegetables, nuts and grains that are grown throughout the state; and for the high quality of these products.

Building this reputation was no accident. It was a result of the hard work of thousands of California farmers and the vision of the state’s leaders that put a system into place to ensure that when California’s agriculture is shipped around the country and the world, it will arrive in excellent condition and be of the highest quality. This system encompasses a set of rules defining how agricultural products are selected, packed and shipped. Today this system is often referred to as “standard pack.”

While the standard pack regulations helped to build California’s agricultural export business, they had an unintended consequence, making it more difficult for small farmers to deliver their farm products within the state. A small farmer from the Fresno area, who wished to take 10 boxes of fresh peaches to San Francisco to sell was required to pack his fruit in the same way as a large farmer shipping 10,000 boxes by rail for sale to a grocery store in Chicago. For the small farmer, it was not cost effective. The regulations threatened both the viability of small farmers and the access of California’s urban areas to California-grown fresh fruits and vegetables.

In 1976, a confluence of events spurred changes in California. A bumper crop of stone fruit was on the trees in California’s orchards but a statewide strike had shut down the state’s canneries, leaving many farmers without an outlet for their fruit. Many farmers tried to salvage their seasons by selling in the few farmers’ markets that were operating at that time (most operating informally in hopes of avoiding state regulation).

Farms that wanted to directly market their crops as an alternative to the canneries petitioned Governor Jerry Brown for an exemption to the state’s standard pack laws.

In 1977 the state of California addressed this challenge by creating direct marketing regulations. These new regulations allowed farmers to be exempt from standard pack regulations when selling their products in a certified farmers’ market. The direct marketing regulations also stated that only certified producers (farmers), local governments, and nonprofit organizations could operate certified farmers’ markets.

Over time, this created a distinct certified farmers’ market industry in California, complete with its own regulatory framework and industry groups. The 2012 changes to the City of San Jose’s zoning codes are just the latest steps in the evolution of the state’s farmers’ markets.
What a Farmers’ Market Can Mean for Your Community

While it is essential to understand the laws which govern certified farmers’ markets, it is equally important to know why you may want a farmers’ market so you are able to build something that not only meets the legal definitions, but also responds to your community’s needs.

- **Food access.** Farmers’ markets are centered on food and can provide communities with access to fresh, locally-grown fruits and vegetables that might not otherwise be available within the community. The design of farmers’ markets, with portable equipment and setups that can typically be assembled in less than two hours, allow them to launch without the more expensive infrastructure requirements of traditional brick and mortar stores.

- **Community gathering space.** Because food is a universal need, it can serve as something which brings people together. The atmosphere of farmers’ markets — outdoors and centered in the community — can make them attractive community gathering spaces. When a community embraces a farmers’ market as a community asset, it is not uncommon to find people lingering within the market and warmly greeting friends and neighbors that they encounter as they shop. This can be a real boon to communities that face a lack of cohesion due to issues such as class or race. A farmers’ market can provide a platform where providers and community members can connect so that neighborhood services are fully utilized, and the community can come together.

- **Market place for small farmers.** In today’s business climate many marketing and distribution systems seem to be geared towards generating large amounts of identical products. This is true in the food industry as it is in other industries. For small-scale farmers, selling directly to consumers at a farmers’ market is the most cost-effective marketing channel available. Farmers’ markets in urban communities have become life lines for many small farmers’ in the states’ rural areas.
• **Incubator for small businesses.** Small businesses face similar challenges to small farmers of finding outlets for their products which are more unique or based on development in small batches versus mass production. Many small scale food artisans and other businesses have found success selling through farmers’ markets. Adding these types of businesses adds an additional layer of regulatory complexity to planning and operating farmers’ markets, but they also add additional variety to the markets. For more about including food artisans in farmers’ markets, see “Nonagricultural Products” in Section 2 of this guide.

• **Classroom to teach about food, nutrition and agriculture.** Today consumers receive messages continually about what to eat. Food advertisements are on television and in the movies. They are on bus benches and billboards. These messages, which are most often driven by the marketing of a food product rather than by the sharing of health information can mislead and confuse consumers. Farmers’ markets, with a simpler product mix that is almost exclusively fresh and healthy can serve as sources of simple and effective health and nutrition messaging. In much the same way, farmers’ markets can help consumers to understand where, and from whom, their food comes. This connection can engage consumers to support a food system that keeps these fresh and healthy foods accessible and affordable.

• **Whatever else you can dream of.** Once you bring your community together there is little that you can’t achieve. Farmers’ markets are used to help revitalize communities, as a sign of community life in opposition to violence, and many other purposes. You are limited only by your imagination.

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**Survey Your Community**

If you are targeting a specific audience as potential farmers’ market shoppers, you may be able to conduct surveys of them to estimate the potential customer base for your farmers’ market. Some of the information that could be important to collect includes how often potential customers currently shop at farmers’ markets, how much they spend on fruits and vegetables in a typical week, the extent to which they are food insecure, how interested they are in shopping a farmers’ market, the days and times that would be most convenient for them to shop and whether or not they rely on public assistance such as CalFresh or WIC to make food purchases. Sample questions can be found in Appendix A.

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**Is a Farmers’ Market a Good Fit for Your Community?**

Farmers’ markets are incredible community resources. They have proven their ability to bring communities together and provide access to fresh and healthy foods in places neglected by others and to be catalysts of community improvement. But they are not right for every community and have not always been successful at building themselves into sustainable markets for local food access. While it may seem strange to devote space in a guide about how to start a farmers’ market to a list of reasons not to start a farmers’ market, it is important to consider some of the reasons why a farmers’ market may not be a good fit for every community.

While farmers’ markets are less expensive to launch than brick and mortar stores, the regulations which govern them also makes them less efficient to operate than other food access strategies. Under California law, farmers can only sell products of their own farming production in a farmers’ market. That means a farmer who only grows strawberries can only sell strawberries and he or she must earn enough from the sales of strawberries at that market to make it cost effective to continue selling at that market. Before committing to a farmers’ market as a strategy, it is important to assess whether or not there will be sufficient sales to support the diversity of farmers and products that will be necessary to make the market attractive to consumers.

This limitation on who can sell also limits what consumers will find at a farmers’ market: only fruits, vegetables and nuts that are grown in California and currently in season. Consumers seeking products only grown in other places, such as bananas or pineapple, may be disappointed to not find them in their local farmers’ market,
especially when those products are plentiful in mainstream supermarkets. Similarly,
those accustomed to purchasing products like tomatoes or peppers throughout the
year, may be disappointed to learn that those products are only available in farmers’
markets during summer months.

Compared to mainstream grocery stores, farmers’ markets are also less convenient.
While many grocery stores are open 12 to 24 hours a day, seven days a week, most
farmers’ markets are only open four to six hours a day on one or two days a week.

None of these obstacles are insurmountable. Community education campaigns can
teach consumers about seasonality and introduce them to new fruits and vegetables
that they can incorporate into their diets when their favorites are out of season.
Listening carefully to the community can find the days and times for a farmers’
market that are most convenient for the largest number of customers. Identifying
these barriers early in the planning process is essential to determining if a farmers’
market is the right strategy and what will need to be done to maximize the chances
for success for the market.

**Defining Community Need**

Determining the needs of your community is essential to ensuring that a farmers’
market is the best solution into which you should invest your time and energy.

- **Food Access.** Are you considering a farmers’ market as a tool to open up food
  access in a community? If this is one of your goals it is important to assess the
  current food landscape. Where are your targeted customers currently shopping
  for food and what are they able to find? In many communities, food is plentiful
  but healthy food such as the fresh fruits and vegetables that are mainstays of
  farmers’ markets are hard to find. In other communities food is harder to find
  without traveling outside of the community which can be challenging for those
  who lack easy access to transportation. If your community needs increased
  access to food or fresh produce, a farmers’ market can be an effective strategy.

- **Affordability.** Does your community have nearby sources of food but lack the
  financial means to purchase them regularly? In communities where affordability
  is a primary need, farmers’ markets can be an effective response, but it is not
  guaranteed. The nature of a certified farmers’ market, in which each of
  the farmers operates their own business within the market, means that each
  farmer also sets their own prices. There are limits, including legal limitations,
  to what can be done to ensure affordability in a farmers’ market, though there
  are strategies (discussed in more detail below) that can help to encourage
  affordability. Public benefit programs such as CalFresh and WIC can help to
  make food more financially accessible. Strategies for accepting those benefits
  in a certified farmers’ market are included in “Accepting Public Benefits” in
  Section 4 of the guide.

- **Food Security.** Food security is generally defined as access by all people at all
  times to enough food for an active, healthy life. By increasing access to healthy
  food and facilitating healthy food purchases through public benefit programs,
  farmers’ markets can help to support food security in your community.

- **Community Building.** Farmers’ markets have demonstrated time and again
  that they can be effective tools for community building by bringing people
together around a universal need in a welcoming environment. If building
community is an important goal of your farmers’ market, you can help to advance that goal in how you design your market. It could be important to plan the operating hours of your market so shoppers can linger in the market, versus simply shopping and leaving. You may want to plan spaces to sit or for a musician or other entertainer to perform. Bringing in local food artisans or reserving space for community organizations who reflect the character of your community could also be a priority to ensure your shoppers feel a sense of connection to the farmers’ market.

• **Education.** Farmers’ markets can be effective venues for teaching the community about food, nutrition and agriculture. To facilitate educational activity at your market, plan spaces either in the market or in an adjacent building or plaza where this activity can take place. Plan for both passive education — such as recipes and health guides regularly displayed for consumers to take — as well as active education in which an instructor directly interacts with consumers. Encourage the farmers selling in your market to participate by sharing information on their farming practices or regularly posting photos either at the point of sale or through social media of their farm throughout the growing season.

### Alternatives to Farmers’ Markets

There are alternative approaches to opening a farmers’ market that can address community needs. These vary in the resources they require as well as in their potential impact. This guide does not provide details on launching any of these food access strategies, but some helpful resources may be found in Appendix D.

#### Community Gardens

A community garden is typically a single piece of land gardened collectively by a group of people. They have been developed in a number of urban areas to provide a space for local residents to grow food in a community-based environment. In some areas, well-tended gardens can create more food than the gardeners themselves can eat and systems have been developed to share the excess produce with the community through sales or donations. A primary factor of success of community gardens is to what extent residents are willing to spend time gardening, which can be a challenge for working families.

#### Urban Farm Stands

Urban farm stands were made possible through the passage of California Assembly Bill 2168 in 2008. Urban farm stands also sell local produce that is traceable from the point of sale to the farm that grew the product, but it allows a single entity to sell products from multiple farms. The urban farm stands are still regulated by the county health department but few counties have much experience implementing and enforcing the law, despite the law having been in place for five years. If you wish to consider an urban farm stand model as an alternative to a certified farmers’ market, it is important to open discussions with your county environmental health department early in the planning process to ensure that you can garner their support. From the point of view of the county agriculture department, these farm stands, like certified farmers’ markets, are exempt from the standard pack regulations.
**Food Boxes**

Food box programs are an adaptation of the Community Supported Agriculture model that developed in the 1980s as an alternative model for financing farm operations and marketing to consumers. Originally, customers would buy “shares” of a farm’s upcoming harvest, paying in advance, which helped fund the farm’s operations. As the harvest came in, they were repaid through boxes of fruits and vegetables harvested from the farm. As the concept became more popular it evolved to involve collaborations of multiple farmers and eventually private businesses which would purchase from farmers to pack boxes for sale to customers.

A food box program has the advantage of not needing a large space for farmers to set up and for sales to take place. However, the labor and logistics involved in packing and distributing boxes can be complex. Food box programs also limit choice for consumers which can be a challenge in communities in which more education is needed to help customers become familiar with and comfortable cooking with a wider variety of fruits and vegetables.

**Partnerships with Existing Farmers’ Markets**

If farmers’ markets already exist in your community, it may be more effective to partner with them than to launch a new farmers’ market. Before approaching a farmers’ market for a partnership it is important to visit the market to get a feel for its size and scope and to do a little research to learn about the individual or group behind a farmers’ market.

Farmers’ markets exist for a number of very valid reasons. Some were created to open up food access in underserved areas; others were designed to attract customers to commercial districts or to provide outlets for small farmers to sell their products. Understanding the core mission of the farmers’ market is essential to building a collaborative partnership as it allows you the opportunity to present the potential partnership as a win-win for both your organization and the farmers’ market.

**General Rule for All Food & Market Programs**

Once the regulatory requirements of farmers’ markets become clear, it may be tempting to consider starting a farmers’ market that is not certified in hopes of increasing food access with less paperwork. The general rule of thumb to remember when planning any activity that involves feeding others is that under state law, all food that is distributed to the general public through sales or other means must come from an approved source.

That sounds pretty simple until you start asking questions like “what does general public mean?” and “what is an ‘approved source’?”

The intent of health codes is to ensure that the food that people consume is safe to eat. Those responsible for enforcing health codes are not concerned with the sharing of food by private citizens with friends and families. Their jurisdiction does not extend to exchanges of backyard produce between neighbors, meals served at home to family or friends, or snacks provided to those attending meetings in workplaces. But when the food is provided to the general public at events that are open to all, regardless of whether the food is sold or provided free of charge, then health codes apply and the food must be from an “approved source.”

The “approved source” refers to an entity that has been inspected and found to be producing and providing food in a safe manner that protects the health of those who will consume the food. The approved source label applies all along the food chain. The place where the end consumer accesses food — a farmers’ market, grocery store or food pantry — must be licensed to be considered an approved source. The locations from which each of those entities acquires food — farms, distributors, manufacturers, etc. — must also each be an approved source. For farms, it is even more complicated. To be an approved source, the county agriculture department has authority over the space in which the food is grown, and the county health department has authority over the space in which the food is sold — including farm stands on the farm property and farmers’ markets.
Designing Your Farmers’ Market

Once you have made the decision that a certified farmers’ market is the right response to your community needs, you can begin the process of designing your farmers’ market to ensure that it will address the needs that you have identified for your community. This section will provide tips on selecting producers and vendors, mapping out a site, and writing market rules.

A Mission Statement for Your Farmers’ Market

Before you begin, you may want to consider drafting a mission statement for your farmers’ market that can help to guide the future development of your market. If your farmers’ market is one element of a larger organization, then the mission statement can help to define how the farmers’ market helps you to pursue your larger mission.

Within your mission statement you can also reflect that which makes farmers’ markets unique — supporting California farmers by facilitating the direct marketing of their products to California consumers — by including in your mission the goal of supporting farmers or of using direct marketing to achieve larger goals.

Selecting Farmers and Vendors

The selection of farmers and vendors for your farmers’ market is among the most important decisions that you will make. The products that they will bring to market, the appearance of their displays, their commitment to your goals for the farmers’ market and the level of customer service they provide to consumers will shape how the community views the farmers’ market.

Farmers and California Grown Products

To qualify as a certified farmers’ market, you must have at least one California farmer (referred to as a certified producer in state regulations) selling within your farmers’ market. A certified producer is a California farmer holding a valid “certified producers’ certificate.” This document, issued by the County Agriculture Department in the county in which the farmer is growing crops, lists the location of the farm and the farm products that are under production there.

All fruits, vegetables and nuts sold within a Certified Farmers’ Market in the state of California must be California grown and must be sold by the farmer who grew the product. This is integral to the definition of farmers’ markets in California. In addition to fruits, vegetables and nuts, the state of California considers shell eggs, honey, flowers, and nursery stock to be certifiable agriculture products that may be sold within a Certified Farmers’ Market.

In addition to certifiable agriculture, California farmers are also allowed to sell noncertifiable agricultural products within the Certified Farmers’ Market. Noncertifiable agriculture products include livestock, fish and shellfish as well as processed agricultural products such as roasted or flavored nuts, jams or juices. The intent is to allow farmers to minimally process their harvest in order to create a value-added or shelf stable product, thus increasing the profitability of their farm production.
A processed product in which the farmers’ harvest is not the primary ingredient, such as a tart containing fruit that they harvested but which also contains flour and sugar which they purchased, is not considered noncertifiable agriculture but would instead be considered a nonagricultural product and subject to the rules included below. Candy-coated nuts fall into the same category of nonagricultural products.

Second Certificates

The state of California allows one general exemption to the rule that the produce available for sale within a farmers’ market must be sold by the farmer who grew the crop. Farmers are allowed to also sell for no more than two other California farmers. Those farmers must have certified producers certificates listing the products that they grow and their certified producers certificate, and the certified producers certificate of the farmer who will sell on their behalf, must be cross-referenced.

Farmers who sell products through this “second certificate” program must have more of their own product than of the products from the second certificate at the beginning of the market day and must separate their own products from those sold through the second certificate at the point of sale.

While the state allows sales from second certificates, it also allows farmers’ markets to create rules that are more restrictive. You can decide not to allow sales from second certificates or to limit sales from second certificates to certain products or times of the year.

Some farmers’ markets appreciate that the second certificate program can allow their farmers’ markets to offer products for sale that would otherwise not be available in their market. Other farmers’ markets feel that the second certificate program runs counter to the general goal of farmers markets to connect consumers with those who grew their crops, and do not allow second certificate sales at all. You must decide what will work best for your farmers’ market.

Defining “Local” — or Not

Some farmers’ markets limit those who can sell within the farmers’ market to those who are farming in a certain region, such as the Salinas Valley, or farming within a certain radius of the market, for example within 100 miles of the farmers’ market. This decision is solely up to those who are operating the farmers’ market. There is no law or regulation that mandates such limits as long as all of the fresh produce is grown in California.

Setting such a restriction can be an effective way to establish and promote your values if, for example, part of your mission is strengthening the local food system or supporting local farmers. The drawback of such a restriction is that it also restricts the products that are available to be sold in the farmers’ market. California’s diverse regional climates make it possible to grow almost any type of produce within the state. But not all types of produce grow in all areas. A farmers’ market in the Bay Area with very restrictive rules may find themselves unable to bring in farmers to sell citrus which is primarily grown in Southern California, apples which are abundant in the foothills of the Sierras, or vegetables that rely upon hot weather to reach their peak, such as peppers, which are predominantly grown in California’s Central Valley.
Seasonality and Availability

Because all of the fruits and vegetables sold in a certified farmers’ market are grown in California, they are limited by their seasonal availability. Certain products, like sweet corn and stone fruit, flourish only during warm weather. Others are only ripe and ready to harvest during cooler months of the year, such as pears and acorn squash.

This is one of the amazing benefits of shopping at a farmers’ market. The products available are constantly shifting with the seasons and are always at their peak of ripeness. But seasonality can also be a challenge for farmers’ markets, especially when trying to serve a population not familiar with the seasonal availability of products or who have become accustomed to the year-round availability of certain products at supermarkets which sell produce imported from South American countries whose growing seasons are the reverse of our seasons.

Outreach and education about seasonality is important to serve this customer base and engage them as farmers’ market shoppers. There are a number of California fresh produce seasonality guides available that can be used as educational tools.

You can find links to several seasonality charts in Appendix D or in the electronic version of this guide at www.foodwithinreach.org.

Price Point

Every farmer in a farmers’ market is operating his or her own small business. The role of the farmers’ market is more akin to that of a shopping center, providing space for multiple small businesses to operate, than to a grocery store where the operator is selling food.

Each of the farmers in a market has the right to set his or her own prices. Your ability as a market manager to control pricing is very limited. While it may not have been tested in the courts, the opinion of many in the farmers’ market industry is that any attempt to limit prices that farmers can sell at would likely be considered “price fixing” and would therefore be illegal under state law.

The University of California Small Farm Program offered this advice concerning prices in its 2005 publication, “Growing Your Farmers Market”:

> While it may seem unlikely that anyone would enact Sherman Antitrust laws against a market or vendor, the potential does exist. In one case, a complaint was made against a market because of a clause in its rules that stated that “vendors cannot price their goods more than 25 percent lower than the going rate for that item.” The intention of this rule was to limit “dumping” of produce at the market, but it had unintended effects. You can avoid similar controversies at your market by letting vendors set their prices independently. It is better to protect your vendors by maintaining a carefully balanced market mix that meets customer demand without too much oversupply than to try to regulate prices arbitrarily.
While you don’t have the ability to set or control prices, there are steps that you can take to influence prices:

- As you invite farmers to sell at your market be upfront with them about the community that you want to serve. Let them know if you are targeting a lower income community that is likely to be cost-sensitive.

- Do price comparisons at local grocery stores or corner stores and provide that information to your farmers so they understand the prevailing prices for food in the community and are better able to set competitive prices.

- Do everything you can to keep your costs of operating the market low so you can keep the amounts that you charge farmers to participate low as well. This demonstrates to the farmers that you are committed to their success and are doing what you can to support their efforts to charge affordable prices.

Nonagricultural Products

While a farmers’ market must have agricultural products sold within it, the market does not need to have nonagricultural products. The decision to include or exclude nonagricultural products is yours to make.

The broad category of nonagricultural products includes both food items other than fresh produce grown by a California farmer and nonfood items. Because certified farmers’ markets allow only the sale of fresh produce by the farmers who grew the crops, these nonagricultural products are technically not within the certified farmers’ market. They are within “an area adjacent to the certified farmers’ market.”

If you choose to allow space for the sale of nonagricultural food items, be aware that those items must be produced in an approved manner — either in a certified kitchen in accordance with the California Retail Food Code or in a home kitchen in accordance with the California Cottage Food Act.

The Cottage Food Act went into effect on January 1, 2013. A discussion of how to work within the Cottage Food Act to develop a home-based food business is

One tactic that is occasionally used by a certified farmers’ market to get a specific type of fresh produce into a market is to bring it in as a nonagricultural product.

As described above, fresh produce in a farmers’ market is sold by farmers who grew the crops and within the farmers’ market, these products are sold within the certified farmers’ market section. The farmers are not allowed to purchase products to resell at the market.

If a certified farmers’ market has permission from the county health department to operate “an area adjacent to the certified farmers’ market” it is possible for someone to purchase and resell fresh produce in that section of the market without violating the rules which govern the certified section of the market.

If you choose to allow this practice, keep in mind that certain produce items must be packed and transported according to the state’s standard pack rules. Also, you do not want to create competition between producers in the certified and non-certified sections of the market that could prevent either from being successful. As your health permit is dependent upon having a certified farmers’ market permit, if you were to no longer have any certified farmers participating, you would no longer be able to operate the market.

This practice is very controversial within the farmers’ market industry as it runs counter to the purpose of a certified farmers’ market. There have been discussions of creating regulations to ban the practice so it may not be a sustainable practice.
beyond the scope of this document, but links to additional information is included in Appendix D.

If you decide to have nonagricultural food items as a part of your market, you will need to provide documentation of how these food items are being produced to the county environmental health department as a part of your application for a health permit for the market.

The city of San Jose allows only one nonagricultural producer to sell in the area adjacent to the certified farmers’ market for every five agricultural producers selling in the certified section of the market, if the market is operating as “small certified farmers’ market” under city zoning rules. If you have less than five agricultural producers, you would either have to exclude nonagricultural producers or complete the paperwork to act as a “general farmers’ market” instead of a small farmers’ market if you wish to bring in a nonagricultural producer. As the city’s definition of a small certified farmers’ market does not allow more than 15 agricultural producers, you would not be able to have any more than three nonagricultural producers in your market.

Some farmers’ markets allow the sale of nonfood items as well. Some restrict the eligible products to local hand-crafted items while others are broader. Many nonfood items are subject to sales tax. Be sure to make it clear to your vendors that they are solely responsible for applying for a Sellers’ Permit, collecting sales tax, and making payment to the California State Board of Equalization.

The decision about which nonfood items, if any, to allow into your farmers’ market should be based upon what is best for your market and your community. If your goal is food access and the space you have available for your farmers’ market is limited, you may decide that these products are not a high enough priority to occupy the limited space. If the market’s goal is local economic development and you have a larger space available, then the inclusion of nonfood items could be much higher priority.

The city of San Jose’s certified farmers’ market ordinance does not specifically speak to the sale of nonfood items but they would likely be considered as nonagricultural producers or vendors and subject to the limits in small farmers’ markets as noted above.

### Legal Definitions of Product Types

In order to maintain regulatory compliance with the state laws, it is important to understand how these types of products are defined within the laws and regulations.

3 CCR § 1392.2

(k) Agricultural Products. Agricultural products include all certified and noncertifiable agricultural products as defined in section 1392.2(1) and section 1392.2(m).

(l) Certified Agricultural Products. Agricultural products, which are certified under the jurisdiction of the county agricultural commissioner relative to inspection and verification of compliance with the provisions of this article, include fresh fruits, nuts, vegetables, shell eggs, honey, flowers, and nursery stock.

(m) Noncertifiable Agricultural Products. Noncertifiable agricultural products
include all certified agricultural products that have been processed, those products other
than certified agricultural products noted in (I) above from any tree, vine or plant and
their flowers (including processed products), livestock (including rabbits) and livestock
products, and fish and shellfish produced under controlled conditions in waters or
ponds located in California.

In addition to fitting within these definitions, there are additional requirements for
those who grow and sell certain products. Farmers who sell nursery stock must be
licensed by the California Department of Food and Agriculture (CDFA) to do so.
Farmers who sell avocados must be certified by the CDFA Avocado Inspection
Program. And those who sell eggs must be registered with CDFA. (See Chapter 5
for more information on rules specific to the sale of eggs in a farmers’ market.)

Noncertifiable agricultural products also includes certified agricultural products
that have been lightly processed, such as nuts that have had flavorings or seasonings
added without altering the original agricultural product’s consistency. A processing
method that does change the consistency, such as making nut butter from fresh nuts,
results in a product that does not meet the definition of noncertifiable agriculture.

Finding and Recruiting Producers and Vendors

Once you have decided the types of farmers and vendors that you would like to
have in your farmers’ market you can begin the process of recruiting farmers’
market participants.

As you get ready to begin your farmers’ market recruitment, prepare a simple one-
page description of your farmers’ market. Include the day of the week, operating
times and dates of the farmers’ market season, as well as the location of the
market. If you have information that you think makes your market special, such as
a high likelihood of success, include that information as well. If you have settled
on application fees and stall fees, you may also want to include that information.
Be sure to give them a contact name and phone number or email so they can get
in touch with you. It may be helpful to create this sheet in languages other than
English as some farm operators and their employees may not speak English as their
first language. The two most common languages other than English tend to be
Spanish, and Hmong, especially among the growers in the Central Valley.

Some good places to start your recruitment efforts include local farmers’ markets,
local farms, groups that represent farms, your local cooperative extension office, and
community groups that work with backyard growers and community gardens.

Recruiting at local farmers’ markets makes sense as you know that the farmers
selling there will already have certified producers certificates and will be accustomed
to selling directly to consumers through farmers’ markets. If you decide to recruit
for farmers and vendors at another farmers’ market be sure to do so in a way that is
respectful of the other farmers’ market and the farmers and vendors. The way that
you approach this task will create the first impression of your farmers’ market for
potential farmers and vendors.

If you can, call the farmers’ market operator or manager in advance to alert them
that you are planning to visit the market for the purpose of recruiting farmers
and vendors. If there is an on-site market manager, introduce yourself to him or
her when you arrive at the farmers’ market and before you begin interacting with
farmers. If you have information about your farmers’ market that you have brought
to give to farmers and vendors, offer a copy to the market manager.

Time your visit to the farmers’ market so that the farmers and vendors will have time to interact with you. Don’t ask them to spend time talking with you if they have customers waiting to make purchases. The best time to talk to the farmers and vendors will depend on the dynamics of the individual market. Some are very busy as the market opens while others get an end-of-the-day rush. You may need to make several trips to the farmers’ market to find a convenient time to talk to all of the farmers you wish to connect with.

Take notes with every farmer you speak to. Be sure to record the farm name, location, and name of the person you spoke to. Ask if the person you are speaking to is the farmer or a farm employee so you know if they will be making the decision about selling in your farmers’ market themselves, or referring your information to someone else who will make the decision. If the person you are speaking to is not the decision-maker, ask if they would be willing to give you the name and telephone number of the person at the farm who will make the decision so you can follow-up with them directly.

And it never hurts to buy something from each farm you are recruiting to show your commitment to their success!

You can also try recruiting at local farms. Many farms will operate farm stands on their property. Visiting a farm stand during its operating hours gives you access to a farm representative, much like visiting a farm at a farmers’ market. There are also lists of local farms that are produced by local farm trail organizations such as Harvest Time in Brentwood and PlacerGROWN in Placer County. The University of California maintains the California Agricultural Tourism Directory which can put you in contact with farm trail organizations (http://www.calagtour.org/California_Farm_Trail_Links/).

In addition, there are other groups which represent farmers that may be able to provide you with a list of local farms or promote your farmers’ market to their member farms for a small fee. The California Farm Bureau Federation is a statewide organization with local or regional chapters of member farms. They may be able to put you into direct contact with their farms or help you to promote your market opportunity to them. If you are particularly interested in recruiting farmers who are certified organic, you should reach out to the organic certifying agencies such as California Certified Organic Farmers (CCOF) or Oregon Tilth which each make directories of their member farms available.

The Cooperative Extension is a program of the University of California that, among other services, provides training to farmers to improve their production, marketing and business operations. Cooperative Extension staff often have very deep connections within the local farm community and can help to connect you with farmers who may be interested in new marketing opportunities.

If you are interested in recruiting community gardens and backyard growers to sell in your farmers’ market, your own knowledge of your community is your best source for finding growers to sell in your farmers’ market. Some cities, such as San Jose and Oakland, maintain lists of community gardens and the American Community Garden Association may be able to provide links to community gardening groups in your community. To reach backyard growers, you may want to reach out through neighborhood associations and your local master gardeners.
Food Within Reach

You may also be able to reach backyard growers through hyperlocal news and social media sites such as the Patch electronic newspapers and the Nextdoor online application, if they are used in your community.

**Important Operational Decisions**

There are a number of important decisions that must be made before you seek a permit to operate a farmers’ market. These decisions will be reflected in the information that you provide to the county agriculture and environmental health departments when completing your applications.

**Day of the Week**

One of the first decisions is what day of the week you wish your farmers’ market to operate. Choosing the day of the week should be a balance between the availability of your consumers and the availability of your producers. Monday has become the nearly the universal day off for farmers’ markets; there are very few markets that operate on Mondays but that does not mean you cannot operate on Mondays if it works best for your community.

When are your customers most likely to be available to shop? If your targeted customer base is working families, they may not be available on weekdays to shop. If Sunday religious services are a priority for your target customers, you may want to plan your market for another day. If your goal is to align your farmers’ market with other services in your community, it might be a good idea to plan it for a time when traffic is heavy at your site to capture those who are already there for other services. Knowing your community or knowing who to ask in your community for insights can be essential to choosing a day that will work for your customers.

It is equally important to identify a day that will work for the producers you wish to sell within your farmers’ market. If involving local businesses or backyard growers is important to your strategy, you may want to start with them to assess their availability and then narrow your choices based upon the availability of other producers and vendors.

Generally, the busiest days of the week for farmers already selling in markets are Saturdays and then Sundays. It could be a challenge to attract farmers on those days if they are already committed to other markets. Sometimes planning a market on the same day as one that is within the area can be an attractive option for farmers who travel a great distance to a market. They may be willing to drop off an employee and products at one farmers’ market before proceeding to another. On the other hand, farmers who have limited bandwidth on a given day will likely prioritize commitment to the most lucrative markets, and thus may decide to drop a slower market that competes with a busier one on the same day. Visiting nearby farmers’ markets to talk to farmers can be a good strategy to gauge potential availability of farmers and understand their needs for participation.

The City of San Jose’s Certified Farmers’ Market ordinance does not allow a small certified farmers’ market to operate more than two days per week. If you have a very successful farmers’ market that you would like to operate on three or more days per week, you must complete the City of San Jose’s requirements for a general farmers’ market even if you have only 15 or fewer agricultural producers in your market.
Hours of Operation

Like choosing the day of the week, choosing the hours during the day when your farmers’ market will be open is a decision that requires a balance between the hours when farmers are available to sell in the market and the hours that your target customers are available to shop.

The most common length of time for a farmers’ market is four hours. You can choose a longer or shorter duration of operating hours based upon what is best for your community. However, if you choose to operate for too short of a time, your farmers may not consider it worth their travel, especially if they are traveling a long distance to get to a market. If the hours are too long, farmers could perceive that participating in the market could prevent them from selling in another market that day or create a day that is too long — when time for picking, packing the truck, and transportation are included — to make participating in the market cost-effective.

Remember that in addition to the published operating hours you will also need to plan for time before the market opens for farmers to arrive and set up and after the market closes for farmers to pack up. Most markets plan for two hours before the market opens for setup and one hour after the market closes for packing up.

Once you have selected your operating hours you will need to decide how strictly you wish to enforce them. Some markets do not allow any sales outside of the published operating hours while others allow sales at any time, as long as it is safe for customers to be moving within the market area. If you choose to allow farmers to make sales before or after the published operating hours, it is important to monitor the situation to ensure that early or late shoppers do not become such a distraction or safety hazard that the farmers’ cannot complete their setups or teardowns within the appointed time. Also, it is respectful to your customers to make sure that the selling timeframe does not misalign with the hours published so much that people who come well before the market closes are met with sold out farmers — they may not want to come back after having this experience!

The City of San Jose’s Certified Farmers’ Market ordinance does not allow a small certified farmers’ market to operate more than six hours per day and limits the operating hours, including the time for farmers to set up and tear down, to between 7:00am and 9:00pm. If you would like to operate your farmers’ market for more than six hours in a day, or to start so early that farmers would need to arrive before 7:00am, you must complete the City of San Jose’s requirements for a general farmers’ market even if you have only 15 or fewer agricultural producers in your market.

Location and Site of the Farmers’ Market

Carefully identifying the space for your farmers’ market to occupy is important to crafting a farmers’ market that is accessible for your farmers and vendors while convenient and welcoming for your customers.

These decisions get made at two levels: selecting the best location within the broader community for your farmers’ market, and then choosing the specific site in that area which will provide the best opportunities for your farmers’ market to be successful.

If you are opening a farmers’ market in the City of San Jose, there are very clear guidelines in the city’s zoning laws which will impact your decisions concerning location. To make these decisions you will need to know how land in your...
Community is zoned. You can find zoning maps online from the City of San Jose’s Department of Planning, Building and Code Enforcement (www.sanjoseca.gov/index.aspx?NID=2037). The maps are part of the City of San Jose’s General Plan and define the type of activity that is allowed in each section of the city. These are referred to as “zoning districts” and they include residential, commercial, industrial and downtown districts. Within each district, there may be sub-types in which specific rules or restrictions apply.

Generally, certified farmers’ markets are allowed in all zoning districts of the city, but the rules may be different depending upon the specific type of zoning district. For instance, farmers’ markets located in residential zoning districts are allowed to operate only at schools, libraries, community centers, or church/religious assembly sites. The process that you must follow to secure permission from the City of San Jose prior to opening your farmers’ market will vary depending upon the zoning district and the planned size and characteristics of your farmers’ market. This process is discussed in more detail in “New Food Rules for San Jose” in Section 4 of the guide.

Once you have identified a potential location that complies with zoning restrictions, the next step is to determine how a farmers’ market can spatially fit there. Like any retail operation, visibility is very important. While you will do outreach and promotions to make the community aware of the farmers’ market, a highly visible farmers’ market also benefits from happen-by traffic. If you had a choice between siting your farmers’ market at the entrance to your facility or at the rear of your facility, putting it in front where it is more visible could help the market to be more successful. You will want to consider where you can place the farmers such that they will be serving both the clients the site is already serving as well as the broader community — often times, a market tucked into the back of a space doesn’t feel like it’s open to the public.

“Designing the Physical Space of your Farmers’ Market,” later in this section of the guide, contains advice on issues such as producer loading and unloading, fire lanes, parking, and customer aisle ways. You will want to review that section to have those recommendations in mind when considering potential farmers’ market sites.

Season

As farmers’ markets depend on California farmers selling products they have grown themselves, the mix of products available is directly linked to California’s seasons. That means there is considerably less variety of fruits and vegetables in farmers’ markets in the fall and winter than during the spring and summer. Many farmers’ markets only operate in the spring and summer when produce is more plentiful and when the outdoor shopping experience at farmers’ markets is more pleasant. In the San Francisco Bay Area, it is most common for markets to operate in the months of May through October.

You can choose to operate your farmers’ market year-round if you are confident that you will be able to recruit a sufficient number of farmers who have product to sell in the winter months and that your customer base is dedicated enough to shop at a farmers’ market even when the weather is cool, windy, or rainy. This can be a challenge for new markets that have not yet had the time to develop a strong customer base.

Blueberries are only available for a short time each year, often starting around April.
If you choose to operate your farmers’ market seasonally, you can switch to a longer season or to year-round operation if market conditions suggest that fall and winter operations have a likelihood of success. Generally, it is easier to market an extended season — “Good news! Four more weeks to shop!” — than a shortened season — “Thanks for your loyalty but we will now be closing the market in September instead of October.”

**Nonagricultural Products**

Your certified farmers’ market must have the participation of one or more farmers, also known as certified producers, in order to operate. Your health permit and perhaps your city permit depend upon their participation in and presence at the market.

The participation of nonagricultural producers or vendors is optional. You must choose whether or not you want food products other than farm products in your market and whether or not you want nonfood products.

**Product Restrictions**

There are a number of decisions concerning potential product restrictions that you should consider while planning your farmers’ market:

**Agricultural Products:**

- Do you wish to limit the participation of farmers/certified producers to those growing within a certain region or within a certain radius from the farmers’ market?
- Alternatively, do you wish to be open to the participation of all California farmers but give preference to those who meet certain conditions?
- Do you wish to limit the products for sale within the farmers’ market to only those that are organically grown? (“Sales of Organic Products” in Section 5 of the guide includes information on organic production and rules specific to sales of organic products.)

**Nonagricultural Food Products:**

- Do you wish to have nonagricultural food products within your farmers’ market?
- If so, do they need to be crafted by the vendor selling them or can they be bought from another producer and resold?
- Are all food vendors welcome or do they need to be from within the local area?
- Are you willing to accept food items created under the California Cottage Food Act or only those created in a certified kitchen?
- Do you want to allow hot foods, prepared in the farmers’ market?
- Are there any foods that you do not want? For example, if your market has a focus on health you may want to restrict the sales of foods with high sugar or high fat contents.

Breads and baked goods are nonagricultural products that are often found at farmers’ markets.
Nonfood Products:

- Do you wish to have nonfood products within the market?
- If so, do they need to be crafted by the vendor selling them or can they be bought and resold?
- Are all vendors welcome or do you wish to admit only those from the local area?

Making these decisions early in your planning process allows you to be more focused and fair as you are recruiting producers and vendors to sell in your farmers’ market.

Seniority System for Farmers — or Not

Among the decisions you should make before you begin to recruit farmers and vendors for your farmers’ market is whether or not you wish to have a seniority system in place for your farmers and vendors. Under a seniority system, farmers and vendors who have previously participated in your farmers’ market are guaranteed the opportunity to return to the farmers’ market in future years. When there is a vacancy in the farmers’ market, those who have been on the waiting list for the farmers’ market the longest are the first to be asked to join the market. There is no consensus among California’s farmers’ market operators about whether or not seniority systems are beneficial.

Some advantages of having a seniority system in place are that it can encourage consistency of participation among your farmers which is important for maintaining connections between farmers and customers. Seniority systems also provide a system of deciding potential issues between farmers such as who gets invited to join the farmers’ market or which farmer is given a space in the farmers’ market that might be larger, more prominent or have other perceived competitive advantages.

Farmers’ market operators without seniority systems argue that while seniority systems provide a clear process for making decisions, they ultimately limit the ability of the farmers’ market manager to make decisions that might be in the best interest of the farmers’ market. For example, a farmers’ market with a seniority system in place might find it difficult to add a producer to a farmers’ market whose products would add diversity to the farmers’ market and be in high demand if there are other farmers on the wait list whose product selections would not add a similar level of diversity to the market.

Regardless of your decision, you should document that decision in the rules and regulations for your farmers’ market that are provided to your farmers and vendors. If you decide that you wish to have a seniority system in place you should define your system clearly and document the system for the future. For example, is seniority counted from the day, month, or year that someone first requests permission to sell in your farmers’ market? If a farmer or vendor is absent from your farmers’ market for a period of time and then returns, do they retain the seniority they had previously attained or do they begin as though they were a new farmer or vendor? Thinking through some of these issues early in the process and documenting your decisions can save significant time later.
Stall Fees

Farmers’ markets are unique among nonprofit activities as they have the potential to generate revenue. There is no requirement that you charge stall fees to farmers and vendors for their participation. Fees collected from farmers and vendors to participate in the farmers’ market can help to cover operational costs. While it may be tempting to look at a farmers’ market as a source of revenue that can support other activities of your nonprofit, the reality is that this is not likely to occur with a small farmers’ market. Generation of excess revenue is much more likely to occur when farmers’ markets are larger, with more farmers and vendors paying fees, and when the farmers’ market has consistently strong customer visits that would make the farmers and vendors more comfortable paying higher fees.

Stall fees are typically calculated as either a flat rate or as a percent of sales.

Flat rate systems determine a value for each 10 foot by 10 foot space occupied by a farmer or vendor in a farmers’ market and assesses that fee for the amount of space the farmer or vendor occupies. Farmers who use a space that is 10 foot by 15 foot will pay 1.5 times the base rate, those who use a 10 foot by 20 foot space pay twice the base amount, etc. The 10 foot by 10 food measurement is based upon the most common size of pop-up shade canopies used at farmers’ markets.

Some farmers’ markets set different rates for each category of farmer or vendor with agricultural producers paying a different rate than nonagricultural producers.

The common alternative to stall fee systems that are based on a flat fee are those that collect based upon a percent of sales. In this method, each farmer or vendor calculates the total dollar amount sold within the farmers’ market that day, and pays the market operator a set percentage of that amount. For example, if stall fees are set at 5% and a vendor sells $800, he or she would pay $40 as their stall fee.

Some farmers’ markets also use a hybrid in which farmers and vendors are charged a percentage of their sales, but a flat rate is the minimum that a farmer or vendor will pay. For example, farmers could be asked to pay $20 or 5% of sales, whichever is greater. In this example, a farmer selling $400 or less would pay $20. Any farmer selling over $400 would pay a higher amount.

There are advantages and disadvantages to each system. Flat rate systems are easier to administer and can provide a more steady revenue stream that is not impacted by fluctuations in farmers’ market sales from week to week. Percent of sales systems are more responsive to farmers’ market conditions. While the revenue is harder to

Smoking Bans

There is nothing in California state law that prevents farmers’ market patrons from smoking while shopping at a farmers’ market, though a number of cities including Los Angeles have passed smoking bans for their farmers’ markets. In cities where there are no laws specific to smoking at a farmers’ market there may be crossover with other smoking bans affecting parks, entrances to buildings, public events, etc. which would prevent smoking in the farmers’ market.

As the farmers’ market operator you have the right to establish rules for your own event which can include a ban on smoking within the boundaries of the farmers’ market. This action is highly recommended by veteran farmers’ market operators as it creates a more comfortable shopping experience and eliminates a source of litter that might collect at the farmers’ market site. A smoking ban also reinforces the farmers’ market as a center of healthy activity.

If you decide to institute a smoking ban in your farmers’ market, simple signage at farmers’ market entrances can alert customers to the rule.
predict, it allows the farmers’ market to share in the burdens if a market is not doing well and to share in the success when market sales improve.

All certified farmers’ markets are required to pay a quarterly fee to the California Department of Food and Agriculture to support the state’s role in overseeing the statewide farmers’ market program. This fee is calculated as $0.60 for each farmer who sold within the farmers’ market for each day within the quarter that the farmers’ market was operating. If a farmer has more than one certified producers’ certificate, the fee is $0.60 per certificate from which the farmer had products for sale, for each day the market was operating. All farmers’ markets pass this fee along to their farmers in some manner. While some farmers’ markets may list the fee separate from the stall fees they charge, others simply incorporate it into their overall stall fee structure and do not make it evident to the farmer that the fee is being collected. Be sure to plan and budget for this fee when deciding how you wish to charge stall fees.

**General Liability Insurance for Farmers and Vendors**

The very important topic of general liability insurance for you as the farmers’ market operator is covered in “Acquiring General Liability Insurance” in Section 4.

In addition to protecting your own operations by having insurance in place, you must decide if you will require that every farmer and vendor who sells in your market has their own liability insurance policy in place. Requiring that farmers and vendors have liability insurance helps to protect your farmers’ market and your organization so that an accident involving a single farmer or vendor does not threaten the market as a whole. Farmers and vendors that participate in other markets should already have this in place. Backyard growers and small food artisans may not have this coverage in place but may be able to add it to their homeowners’ insurance policy or purchase it as an added policy.

If you decide to require general liability insurance, you must also decide on the issues of coverage limits and additional insureds. Your insurance agent will likely be a great resource to help you understand these issues and make decisions about how best to protect your farmers’ market and your organization from risk.

Coverage limits are standard within all general liability insurance policies. They are typically listed as “Each Occurrence” and as “General Aggregate.” They define the maximum amount the insurer is required to pay per incident and per the policy as a whole. Many farmers’ markets require minimum coverage limits of $500,000 or $1,000,000.

Some farmers’ market operators have begun to require that their farmers’ market or organization be listed as an “additional insured” on the farmers’ and vendors’ general liability insurance policies. This adds an additional level of protection for the farmers’ market by ensuring that if there is action against a farmer or vendor due to an incident that occurs in your farmers’ market, that the insurance has a duty to defend the farmers’ market as a whole in addition to protecting the farmer.

Regardless of your decision on coverage limits and additional insureds, if you have decided to require proof of general liability insurance from your farmers and vendors, you should decide what you will accept as proof of coverage. There are standard forms used within the insurance industry that are brief and easy to read. Examples are included as Appendix E.
Market Management

Before getting too far into launching your farmers’ market it is important to define how you plan to manage your market on a day-to-day basis. Organizations that operate larger farmers’ markets typically have a paid farmers’ market manager present at the market from the time the first farmer arrives until the last farmer leaves. Some organizations give this market manager the responsibility for planning the market, communicating with farmers and customers, filing reports, and completing financial documents. Others centralize the planning and reporting functions in an office-based position and then have others, either paid staff or volunteers, who implement the plans in the farmers’ market on market days.

Some small markets operate with volunteer market managers instead of paid managers. Others don’t have an onsite presence but may appoint one of the farmers to serve as the on-site authority.

Your decision about how to manage your farmers’ market on an ongoing basis will depend on a number of factors including your staff capacity, the role or presence you wish to have in the market on a regular basis, and the size and complexity of your farmers’ market.

It is important that your farmers and vendors, as well as the general public, have clear lines of communication for instructions about the farmers’ market or when they have questions about the market. Having a point person for your farmers’ market whose contact information is publicly available, regardless of whether or not that person is a visible presence in the farmers’ market on market days, is important.

Creating Farmers’ Market Rules and Regulations

One of the requirements of operating a certified farmers’ market is that the market operator has rules and regulations in place. You may be required to submit a copy of these rules and regulations when applying for a permit to open a certified farmers’ market.

The legal requirements can be found in the California Food and Agriculture Code in Section 47004(c) and 47004.1(a)

The governing body of any certified farmers’ market operating with more than one participating certified producer shall adopt written rules and procedures pertaining to the operation of the market. The rules shall include a requirement that the governing body and its designated agents establish, implement, and enforce all rules and procedures pertaining to the operation of the certified farmers’ market in a fair, nondiscriminatory, and equitable manner.

Any certified producer aggrieved by a rule or procedure of a certified farmers’ market may submit a written request to the department for an advisory opinion as to whether, as a question of law, the rule or procedure in dispute is consistent with this chapter and the regulations implementing this chapter.

Additional requirements and guidance can be found in the California Code of Regulations, which are put into place by the California Department of Food and Agriculture (CDFA).

- Market rules are defined as “A set of written rules or regulations approved by
each certified farmers’ market. The rules and regulations may be more stringent than established state regulations, provided they do not violate or conflict with any state law or regulation governing their activities.” 1392.1(p)

- If a farmers’ market operator wishes to allow farmers to use the “second certificate” rules to sell for another farmer, and the conditions under which those sales may take place, must be detailed in the market’s rules and regulations.

- Procedures for the following items are required by the California Code of Regulations to be included in farmers’ market rules and regulations. More information on each of these four items is included in this section.
  - Admission of any producer to the market(s).
  - Admission of any agricultural products to the market(s).
  - Removal of any producer from the market(s).
  - Allowing a farmer to sell on behalf of another farmer.

- The California Code of Regulations authorizes farmers’ market operators to include the following items in farmers’ market rules and regulations, but they are not required.
  - Type and number of producers and certified producers admitted.
  - Type and number of certified and noncertifiable products admitted.
  - Methods of selling certified and noncertifiable agricultural products.

- The rules and regulations must contain a clause, which states that the governing body and its designated agents shall implement and enforce all rules and regulations pertaining to the operation of a certified farmers’ market in a fair and equitable manner.

- A current copy of the rules and regulations shall be sent to the Department of Food and Agriculture, and to the agricultural commissioner of the county in which the certified farmers’ market is located.

In addition to this law, there are best practices developed by farmers’ market operators throughout the state concerning what should be included within the rules and regulations for a market.

You may find it useful to review the published rules and regulations for other farmers’ markets as you develop them for your own market. Some farmers’ markets that have published their rules and regulations on their websites include Agricultural Institute of Marin, Crescent City Farmers’ Market, Davis Farmers’ Market, Pacific Coast Farmers’ Market Association, and Santa Monica Farmers’ Markets.

Reviewing the rules that these organizations have created can help you think about the rules that you would like to put into place to help shape your farmers’ markets. The website URLs for each of these documents can be found in Appendix D. Links to these rules and regulations can be found in the electronic version of the guide at www.foodwithinreach.org.
Your rules and regulations can be as extensive or as simple as you like, as long as they meet the minimum legal requirements. There are some topics that experienced farmers’ market managers recommend be included in your rules:

**Stall Fees**

State how much farmers and other vendors will be charged for participating in the market and if applicable, how the fees are calculated. See “Stall Fees” under “Important Operational Decisions” in this section for more information about stall fees. State also how fees are to be paid. Many markets accept cash from farmers on the day of the market while others require farmers to pay by check in advance or mail them an invoice at the end of the month.

**Market Operating Season, Days, and Hours**

State clearly when the farmers’ market is scheduled to operate so farmers can plan their season. Some organizations that operate multiple farmers’ markets now include this as an appendix to their rules and regulations as the market schedule changes annually but other rules change much less often.

**Admission of Producers**

Define the process all farmers and vendors must follow to get permission to sell within your farmers’ market. What are the forms they are required to complete and what paperwork do you require them to submit to you before you allow them to begin selling in your farmers’ market (certified producers’ certificate, organic registration, general liability insurance, etc)? If you have chosen to give preference to farmers who grow within a certain region or within a certain radius of the farmers’ market, this would be a good place to include that information.

Some farmers’ market operators require an inspection of agricultural producers before they can be admitted to the farmers’ market. This could be an inspection of the farm, of the farm’s sales space in another farmers’ market or both. These inspections can give you added confidence about the quality of the farms that you are admitting to your farmers’ market, but they do add time and expense to your process of designing your market. You will need to decide how to balance the potential benefits with the costs for your farmers’ market.

**Admission of Products**

You may want to limit what farmers and vendors are allowed to sell in your market. Without including this in your rules and regulations, farmers would be allowed to sell any item on their certified producers’ certificate. Product restrictions can be useful for farmers’ markets that are just getting started to ensure that a glut of a certain product does not make it difficult for farmers to be successful. For example, if you have a local farmer who grows and sells only strawberries and another farmer who grows strawberries and other fruits and vegetables, you may want to tell the second farmer that s/he cannot sell strawberries in your market but can sell the other products. If you have chosen to put restrictions or guides in place concerning the healthfulness of products, those should be listed here as well.

If you are admitting nonagricultural producers to your farmers’ market you may want to consider requiring that they provide samples of their product for you to
inspect before deciding if you wish to allow the product into your farmers’ market. This allows you the opportunity to see the quality of the product, its price point, and its packaging to determine if it is likely to have appeal to the shoppers at your farmers’ market.

**Second Certificates**

State regulations allow farmers to sell products for up to two additional farmers in farmers’ markets through the process known as “second certificates.” But the regulations also require that each farmers' market that wishes to allow second certificate sales address in their market rules and regulations the conditions under which those sales may take place.

You may decide that you wish to simply abide by the state regulations and note that in your rules and regulations or you may decide that you will not allow any sales through second certificates.

You may also wish to create rules which are more restrictive than the state regulations, which is your right. For example, your rules could allow farmers to sell for only one other farmer through a second certificate, require that farmers request permission in advance before selling a product through a second certificate, or charge an additional fee to farmers who are selling through second certificates.

**Agreement**

The rules and regulations form the basis of your agreement with the farmers and vendors. It is important to have a statement in your rules and regulations or another document to the effect of: “I have read, understand, and will comply with the published rule and regulations.” If you find yourself in the unfortunate situation of a farmer who is not following the rules but instead taking actions that are detrimental to the success of the farmers’ market as a whole, a statement such as this gives you the authority to enforce the rules, including any penalties for not complying with the rule and regulations.

**Responsibilities of Producers**

There may be specific rules that you wish all farmers and vendors to comply with, in addition to the state regulations and those specifically pertaining to specific market operations listed elsewhere in the rule and regulations. For example, some farmers’ markets have specific penalties for farmers or vendors who are late to a farmers’ market or who fail to show up at a market with no advance notice.

**Assignment of Stall Space**

It is important that you state in your rules and regulations that decisions of who sells in which space within the farmers’ market are made exclusively by the market operator. Every farmer and vendor will have opinions (often very strong opinions) about what space in the market would be best for them based upon traffic flow, angle of the sun, parking and numerous other factors. While it is important to listen to the experiences of your farmers and vendors and take their suggestions into consideration, the final decision should be made by the farmers’ market operator to minimize conflicts between individual farmers and vendors.
Grievances and Complaints

In any system there are often disagreements about how to interpret and enforce sets of rules. Creating a clear system to allow farmers and vendors to air grievances and complaints is important to maintaining open communication and a cooperative spirit within the farmers’ market. Your grievance policy should state to whom grievances should be addressed. While this is typically the farmers’ market manager or other individual who is the designated point person on farmers’ market activities, you should also state to whom grievances will go if the complaint involves actions of the market manager. You should also state how high within your organization it can go. Are they reviewed by your Board of Directors or do they stop at a Board Committee or staff level? You will need to decide what works best within your organizational structure.

Enforcement and Penalties for Noncompliance

Equally important to having rules in place is to have in place a system that allows for enforcement of those rules. It is important to define in your rule and regulations who is responsible for enforcement and what penalties may be assessed for violations of the rules. You may decide you wish to have financial penalties, such as fines, in place for rule infractions. It is highly recommended that you include in your rules and regulations the right to suspend a farmer or vendor from the farmers’ market for rule violations and remove a farmer or vendor from the farmers’ market permanently in cases of severe or repeat violations.

Professional Conduct

The actions of all who are selling within a farmers’ market are a reflection on the farmers’ market as a whole. You should establish the level of professionalism that you expect from farmers and vendors in your dealings with them and in their dealings with the general public. As you don’t want the actions of a single producer (or their employees) to diminish the reputation of the market, it is a best practice to include a statement of standards of professional conduct. This gives you the right to take action against those whose actions may be detrimental to the success of the farmers’ market.

Seniority

Your rules and regulations should state if you have a seniority system in place for farmers and vendors, and if so, the rules which define the seniority system. If you do not have a seniority system you may want to state that in your rules and regulations so it is clear to all of your farmers and vendors.

Compliance with Local Rules and Ordinances

As the farmers’ market operator you are responsible for everything that occurs within the farmers’ market, including actions of the farmers and vendors within your market. It is a best practice to include within your rules and regulations the requirement that all farmers and vendors agree to comply with all local rules and ordinances. Some market operators also require that farmers and vendors agree to reimburse the market operator for any fines or penalties levied against the farmers’ market for infractions by their farm. For example, if a farmer is selling at a farmers’ market without an embossed copy of their certified producers’ certificate at the market, both the farmer and the farmers’ market could be cited and fined. Since
the violation was due to the actions of a single farmer, you may want that farmer to reimburse you for the cost of the fine so you do not need to pay it from market funds contributed by all farmers.

**General Liability Insurance**

The decisions that you have made concerning general liability insurance by your farmers and producers should be reflected here. It is a best practice to include language stating that the insurance must be “current” (unexpired) and meets your required minimum coverage limits (such as at least $500,000). If you require that your farmers’ market or your organization is included as an additional insured, state that as well. Be sure to include information concerning the proof of insurance that will be required.

**Signage**

Some farmers’ markets include language in their rules and regulations stating that all signage within a farmers’ market is subject to review and approval by the farmers’ market operator. The goal is to ensure the market has a neat appearance and that there is no signage by one farmer disparaging of another.

**Designing the Physical Space for Your Farmers’ Market**

The location of your farmers’ market, discussed in “Location and Site of the Farmers’ Market” under “Designing Your Farmers’ Market” in this section, is one of the important decisions that you must make early in the market development process. As opening day approaches, it is important to develop a detailed layout that clearly defines how the space within that location will be used.

**Space for Producer Loading and Unloading**

One goal when designing your farmers’ market should be to minimize the time and effort that farmers and vendors must spend unloading their equipment at the beginning of the day and reloading at day’s end. Farmers and vendors may feel that a difficult or time-consuming set up process is not worth the investment of their time and effort if sales in a farmers’ market are not strong. Remember that they are looking at the totality of their day: time spent picking fruit or baking bread, packing the truck, driving to the market, setting up, selling, packing up, and heading home. Of those, you can only impact the time spent setting and packing up, and the time spent selling. The more that you can help to make those times productive for your farmers and vendors, the more committed to your market they will be.

The equipment that farmers’ need to set up their displays in a farmers’ market can be quite bulky — tents, tables, table coverings, boxes — plus they must bring all of the fresh fruits and vegetables that they wish to sell. If your farmers’ market is set up in such a way that farmers can park and then set up their stalls directly adjacent to their vehicles, then the producer loading and unloading process is simple. If farmers must drop off their equipment and park elsewhere, then the process is more complicated.
Plan the flow of traffic within the farmers’ market area or to a designated loading zone. If farmers are able to drive within the market area and space within the market area is tight you may want to enforce one-way traffic to reduce bottlenecks.

If farmers cannot drive within the market area and space in the loading zone is limited it is important to enforce rules in which farmers unload their vehicles and move their vehicles from the loading zone before beginning to set up their stalls. If you have the capacity to provide large carts or dollies for the farmers and vendors to use — or volunteers to help them move their equipment — it can speed up the process and help make the market a better investment of time for the farmer.

**Stall Space for Farmers to Sell**

The most common size of a farmers’ market stall is 10 foot by 10 foot square, the standard size of the pop up tents that farmers and vendors typically use. When planning the stall space for your farmers it is helpful to think of it as a collection of 10x10 blocks that all face a common customer walkway. Depending upon the space you have available to you, this aisle could be a straight line or circuitous path.

To create the most attractive farmers’ market possible, it is important to think about defining the stall space so the customer side is visible and the back side, where farmers will store excess product and prepare samples, is less visible to customers. Farmers also appreciate this type of set up as it minimizes customer traffic on back side of their tents, lessening opportunities for any of their equipment to be stolen. While thefts in farmers’ markets are rare, they are not unheard of. Farmers and vendors have been victims of crimes of opportunity when the items that are visible in the space where they are working — their cell phone, the cash box or the knife used to cut sampling — have disappeared. If stalls are set up so customers do not have easy access to the backs of the tents, it is much easier for farmers and vendors to monitor the space and look out for each other.

It is important to consider the weather conditions in the area around your farmers’ market and the wind patterns created by surrounding buildings and structures. If your area tends to get windy, you want to be sure that farmers and vendors will have a way to anchor their tents to ensure they don’t lift up and injure someone on the way down. If farmers are allowed to set up next to their vehicles, then anchoring their tents to their vehicles is the best option. If they are parking elsewhere, sturdy items bolted to the ground or cemented in — benches, signs, flag poles, etc. — can be convenient anchor points. If none of these items are available, then it is important to design the stall space for farmers in such a way as to align the tents so each can be lashed to the next tent in line. This mass of tents, with weights on the legs, should be sufficient except in heavy winds. To see examples of good tent securing, see Appendix C.

**Customer Access and Aisle Ways**

As you design your farmers’ market it is essential to try to imagine it from the perspective of a first-time customer. Think about where your customers will likely be coming from — biking in from the neighborhood, parking in a nearby lot or walking in from a public transportation stop — and plan for a farmers’ market entrance that is visible, open, and welcoming to them.

Once your customers are within the farmers’ market, you want to make it as easy as possible for them to see the products available to them and to move between the
stalls easily. Most food customers have been trained by the layout of traditional retail stores to expect long straight lines with products for sale on either side. Designing your customer aisle ways in this manner can be beneficial as it allows customers to easily see all of the options available. But if a straight line does not fit your space you can still make it work by providing a clear, if winding, path between various farmers’ stalls.

When selecting a site it is important to also think about making it as easy as possible for those using wheelchairs or pushing strollers. While a farmers’ market in a park can be very attractive, remember that customers in wheelchairs or with strollers often find it difficult to navigate unpaved surfaces.

Fire Lanes and Emergency Access

It is important to plan for potential emergencies when designing your farmers’ market. If your market occupies a street or a parking lot, you will likely be required to maintain a fire lane at least 16 feet wide that an emergency vehicle could use to get into the market area. You will also need to ensure that the market does not impede upon access to fire hydrants on the street.

If your farmers’ market occupies a plaza area where vehicles don’t typically drive, identify the closest spot to the farmers’ market to which an emergency vehicle could pull up, and the furthest spot within the farmers’ market that emergency personnel might have to go. Ensure that you are planning for a clear, unobstructed path between these two points.

If your farmers’ market is adjacent to a building, it is also important to ensure that the farmers’ market will not impede emergency access to the building. While having a farmers’ market set up at the entrance to a building is great visibility, you want to ensure that market will not impede access into the building by emergency personnel if needed.

Parking for Farmers, Vendors, and Customers

If your farmers cannot park adjacent to their sales space in the farmers’ market, it is important to designate parking for them close to the market. Remember that these farmers may be using longer and taller vehicles than you typically see at your location, so plan for larger spaces for them and be cautious of potential impediments such as low-hanging signs or branches. Some farmers may have excess product on their trucks that they are planning to sell at a farmers’ market later in the day so for them, it is important that their vehicles be parked in a secure location or close enough that they can keep an eye on them throughout the day. Think too about the potential impact of your farmers’ market on the surrounding community if you cannot provide sufficient parking for farmers, vendors, and customers. To prevent the farmers’ market from taking up parking for other services that might be taking place at that location, it could be a good idea to designate areas with clear signage stating “No Farmers’ Market Parking” or “Farmers’ Market Parking OK.”

If you expect parking in the vicinity to be tight, be sure to include discussions about how to accommodate all relevant stakeholders in your planning process. There needs to be parking available for the farmers, the customers, and the pre-existing surrounding establishments.
Restrooms and Hand Washing

State law requires that a restroom with hand washing facilities be within 200 feet of the certified farmers’ market, or as allowed by the certifying agency, in this case the county environmental health department. This is the restroom that your farmers, as well as your customers, will use throughout the day.

If your farmers’ market is operating at a site that has restrooms, you may want to consider allowing the farmers and farmers’ market customers to use them. To meet the requirements of the law they will need to be available to farmers during the entire time of the market, including the setup and teardown times, and will need to be available to customers during the posted operating hours of the farmers’ market. Before committing to providing the restrooms for the farmers’ market, be sure that you are comfortable with having restrooms that are open to the general public as they will require more maintenance and that you don’t have concerns with security or the distractions of strangers entering the building over a period of several hours.

If you don’t have a restroom available, you will need to rent a portable unit and place it within 200 feet of the farmers’ market. If your market is large enough, the county environmental health department may require more than one unit. These portable units are the plastic chemical toilets, “porta-johns,” that you have likely seen at worksites and street fairs. They are not attractive, but they get the job done. If you are renting only a single unit, you may want to consider renting an ADA (Americans with Disabilities Act) compatible unit that is large enough to accommodate a customer in a wheelchair. In addition to the chemical toilet, you will need a hand washing station with running water, soap, hand towels, and garbage collection. Some ADA units may have hand washing inside of the unit. If not, then a separate sink unit may be needed.

The most cost-effective strategy is to rent a unit, have it placed on your site and remain throughout the farmers’ market season, and then have it serviced weekly. This avoids weekly delivery and pick-up charges which can be half or more of the total charges. If you are able to leave the unit throughout the season you can secure it with a combination lock and share the combination with the servicing company. This allows you to have the unit available during market hours and locked when the market is closed to help prevent vandalism.

Regardless of whether you use a restroom or a portable unit, you should be prepared to correct messes or vandalism that might occur during the market day. An emergency cleaning pack that includes rubber gloves, disposable towels, antibacterial cleaner, and trash bags can allow you to remediate a problem that occurs during the market day.
Launching Your Farmers’ Market

Once you are confident that you have weighed the important decisions concerning where, when, and how you would like your farmers’ market to operate, it is time to begin the steps of making the farmers’ market a reality. The first step in that process is paperwork.

The Role of the State of California

The State of California, through the California Department of Food and Agriculture (CDFA), creates the statewide structure in which farmers’ markets operate. The state maintains the statewide listing of certified farmers’ markets, collects quarterly fees from each farmers’ market, and assists county inspectors with cross-county inspections of farmers and farmers’ markets. While CDFA has the right to inspect all farmers’ markets, you are more likely to see inspectors from your county department of agriculture instead.

To launch a farmers’ market you do not need to file any paperwork directly with CDFA. Instead you will work with your local county.

The Role of Your Local County

Two county agencies have jurisdiction over farmers’ markets and applications must be filed with each before your farmers’ market can operate. You will complete an “Application for Certified Farmers’ Market Certificate” and submit it to your county’s department of agriculture.

A number of California counties, including Santa Clara County, have partnered with CDFA to accept online applications for a Certified Farmers’ Market Certificate. If your county is one of those accepting the online application, you can access it at through the CDFA website.

On the application you will be asked for information about your organization, for the name of the individual who will serve as the farmers’ market manager, and for information about the farmers’ market including a location, the months, days, and times that it will operate as well as an estimate of the average number of farmers’ stalls that you will have within the farmers’ market each quarter.

If you are launching your farmers’ market in Santa Clara County you can contact the Agriculture Department at:

Santa Clara County Division of Agriculture
1553 Berger Drive
San Jose, CA 95112
Phone: (408) 918 - 4600 Main Phone Line
http://www.sccgov.org/sites/ag/markets/Pages/fm.aspx

You will also need to file an application with your county’s department of environmental health. Even if your market will have only farmers selling their products and will not have nonagricultural producers or vendors, you must still complete this step. The California Conference of Directors of Environmental Health (CCDEH) can help to connect you with the proper department in your county (http://www.ccdeh.com/members-rosters/phonefax).
Other agencies may ask for a copy of your Certified Farmers’ Market Certificate as a part of their application processes so it is important to submit this application as soon as you can in your market planning process so it does not delay other applications needed for your market to operate successfully.

If you are launching your farmers’ market in an unincorporated part of a county there may be county rules concerning land use that you should be aware of. Contact the county government directly to inquire about those.

The Role of Your Local City
City governments have the right and responsibility to make land use decisions. These matters are typically handled by a planning, zoning, or economic development department. While this oversight authority typically involves decisions such as what type of building can be built in a particular area of town or what type of business can occupy a specific building, the authority can also extend to temporary events that don’t have permanent structures, such as farmers’ markets.

While some cities will have established procedures for farmers’ markets to submit an application for a permit to operate, others are silent on the matter. Some smaller cities and towns that don’t have established rules for farmers’ markets in their zoning or planning processes may require an ordinance to be passed by the city council to authorize a farmers’ market. It can take some time for city staff to prepare language for the council to consider and for the item to be scheduled on an upcoming city council agenda, so plan to begin this process early.

You should begin your investigation of your city’s processes early in your farmers’ market planning process so you do not face unanticipated delays as your target opening day approaches. If you are not sure where to start, contact your local city councilmember’s office for assistance. Veteran farmers’ market operators strongly suggest you start this application process early, even if you don’t have all of the details of your farmers’ market worked out, so you will have a place in the queue for reviewing applications and can build a relationship with someone within the city who may be able to help advise and shepherd your application through the process.

New Food Rules for San Jose
If you are launching your farmers’ market in the City of San Jose, there is now a very clear process for you to follow to gain city permission for your farmers’ market to operate. This process was developed in 2012 through a community engagement process led by The Health Trust and captured in the *New Food Rules* publications developed by ChangeLab Solutions. “New Food Rules for San Jose Farmers’ Markets” explains how to navigate the City of San Jose’s laws concerning farmers’ markets through quick reference charts and a list of easy questions and answers. For example:

**We are just planning to start a small market. Do we really need all of those permits?**

*To make it easier to start a farmers’ market, the city has waived the need for a zoning permit for certified markets with 15 or fewer agricultural vendors. All markets will still need to have permits from the Santa Clara County Division of Agriculture and Environmental Health Department. If you’re starting a certified farmers’ market*
and you’re not planning to close down a street, locate downtown or in a planned development, or have tents or prepared foods, you won’t need any additional permits to start your market.

The City of San Jose requires all farmers’ markets to have a business license. If you are a nonprofit organization operating in the City of San Jose, you likely have this license already. If not, you can obtain one through the City of San Jose Department of Finance. The city’s farmers’ market-specific rules are based upon the size, composition and operational characteristics of your farmers’ market. These determine if you would be qualified as a “small certified farmers’ market” or a “general certified farmers’ market.”

First, answer these five yes/no questions about your farmers’ market:

• Will you have 15 or fewer agricultural producers in your farmers’ market?
• Will you have no nonagricultural producers or no more than one agricultural producer for every five agricultural producers in your farmers’ market?
• Will you only operate one or two days per week at the same location?
• Will your total operating hours, including any setup or breakdown activities, be a total of six or fewer hours per day?
• Will your total operating hours, including any setup or breakdown activities, begin at or after 7:00am and fully conclude by 9:00pm each day?

If the answers to all of these questions is “yes,” then you meet the conditions of the City of San Jose to be classified as a small certified farmers’ market. If the answers to any of the questions is “no,” then you would be classified as a general farmers’ market.

Next, learn the zoning district of the site at which you would like to operate your farmers’ market and determine if your preferred site is on public or private property.

• If your farmers’ market meets the conditions of a small certified farmers’ market and you are in a residential zoning district, you can operate as a small certified farmers’ market only “on school sites, library sites, community center sites, or church/religious assembly sites.”

• If your farmers’ market meets the conditions of a small certified farmers’ market and you are in a commercial zoning district, you can operate as a small certified farmers’ market on any public or private property where you have permission of the property owner.

• If your farmers’ market meets the conditions of a small certified farmers’ market and you are in an industrial zoning district, you can operate as a small certified farmers’ market only if your zoning district’s sub-designation is “IP.” Farmers’ markets are not allowed to operate within industrial zoning districts that have any other sub-designation.

• If your farmers’ market meets the conditions of a small certified farmers’ market and you are in the downtown zoning district, you can operate as a small certified farmers’ market if your zoning district’s sub-designation is “DC” or “DC-NT1.”
If through the above steps you have established that your farmers’ market can operate as a small certified farmers’ market, then congratulations! No event permit or development permit is required as long as you continue to meet the definition of a small farmers’ market and the restrictions placed upon them through the City of San Jose ordinance. More information about that is below.

There are a few situations in which even as a small certified farmers’ market, you would need to complete an additional permit application with the City of San Jose:

- If your farmers and vendors will be outside, they will need to use tents, so you will need a Fire Safety Special Event Permit from the Fire Department.

- If you want to operate your farmers’ market in a city park or on the property of a community center, one of the permitted sites in residential zoning districts, you will need a PRNS Special Permit from the Parks, Recreation and Neighborhood Services Department (PRNS).

- If you have a nonagricultural producer who is cooking in your farmers’ market, you will need a Fire Safety Special Event Permit from the Fire Department.

- If you want to reserve spaces on the street as parking spaces for your event, you will need a Tow Away Permit from the Department of Transportation.

- If you want to close a street for your farmers’ market, you will need a Special Event Street Closure Permit from the Police Department.

- If you are locating anywhere in the downtown area, you will need to complete an event application with the Office of Cultural Affairs.

Even if no further paperwork is required, it is a best practice to let city officials know that you are planning a farmers’ market. Send an email to your city councilmember and drop by your local fire station to let them know the market is opening.

If your farmers’ market will be classified as a general farmers’ market, you will be required to obtain a Special Use Permit from the City of San Jose Department of Planning, Building and Code Enforcement (PBCE). The process of applying for a special use permit is the same for those wanting to open a general farmers’ market as it is for those wanting to do dozens of other activities that are under the jurisdiction of the PBCE. The best course of action is to download the application and complete as much of it as possible: location description, purpose, contact information and property owner permission. Then, make an appointment to present your application and receive guidance from a planner concerning the other items requested on the application, such as landscaping plans and building elevations, that are not appropriate to an application for a farmers’ market.

The other conditions listed above for small certified farmers’ markets, such as permits needed to close streets or operate in the downtown area, apply to general certified farmers’ markets as well.
Additional Rules for San Jose’s Small Farmers’ Markets

The right to operate a small certified farmers’ market in the City of San Jose brings with it certain responsibilities and obligations. You should familiarize yourself with those obligations and work to maintain compliance of your farmers’ market with those rules.

• Small farmers’ markets can have no more than 15 farmers/certified producers.

• Small farmers’ markets can have no more than three nonagricultural producers and no more than one nonagricultural producer for every five agricultural producer in the farmers’ market.
  
  o If you have fewer than five agricultural producers, you cannot have any nonagricultural producers.
  
  o If you have five to nine agricultural producers, you can have one nonagricultural producer.
  
  o If you have 10 to 14 agricultural producers, you can have two nonagricultural producers.
  
  o If you have 15 agricultural producers, you have three nonagricultural producers.

• The total area occupied by a small certified farmers’ market must be less than 10,000 square feet.

• Small farmers’ markets must accept CalFresh and the WIC Farmers’ Market Nutrition Program vouchers. If the small farmers’ market does not directly accept CalFresh, it must allow a third party access to the farmers’ market to provide that service for the market.

• Small farmers’ markets cannot operate more than two days per week at the same site.

• Small farmers’ markets cannot operate except between the hours of 7:00am and 9:00pm, including both posted operating hours for customers and the setup and teardown time needed by farmers and vendors.

• Small farmers’ markets cannot operate for more than six hours in a day including both posted operating hours for customers and the setup and teardown time needed by farmers and vendors.

• Small farmers’ markets shall operate only on paved surfaces and not on landscaped areas and can’t harm any landscaping or landscaped areas.

• Small farmers’ markets cannot offer for sale or otherwise distribute any alcoholic beverages.

• Small farmers’ markets cannot use amplified sound for music or any other purpose.

San Jose defines a “small farmers’ market” as having no more than 15 agricultural producers.
• Small farmers’ markets must operate as a “physically cohesive collection of vendors on a site,” in which all farmers and vendors are clustered into a single area with “limited physical separations” such as a visible gap between agricultural and nonagricultural producers.

• Small farmers’ markets cannot obstruct or impede the safe flow of vehicular or pedestrian traffic on or around the site where the farmers’ market operates.

• Small farmers’ markets must have the permission of the property owner of the site on which the market plans to operate before the market begins operation. This permission must include plans for maintaining the site:
  o Refuse disposal and sufficient trash and recycling receptacles within the area of the farmers’ market.
  o Litter removal on site and within 300 feet of the boundaries of the farmers’ market.
  o Access to adequate sanitary facilities, including restrooms and/or portable sinks and toilets within 200 feet of the farmers’ market.

• Small farmers’ markets cannot operate on a vacant parcel or lot but only on a parcel at which there is an active and legally permitted activity with which the farmers’ market can share support facilities such as parking, restrooms or garbage collection. If your plans for your farmers’ market include items on the above list that are not allowed in a small farmers’ market, such as higher ratio of nonagricultural producers to agricultural producers or the desire to have amplified music to feature local performers, you should consider the City of San Jose’s rules not as an impediment, but as a road map. You can begin operations of your small farmers’ market and begin to build your customer base while going through the permitting process with the City of San Jose to convert your small certified farmers’ market into a general certified farmers’ market once the permitting process has been completed.

Accepting Public Benefits

If one of the goals of your farmers’ market is to increase access to fresh and healthy food for low income customers, it will be a high priority for you to be able to accept public benefit food assistance programs in your farmers’ market.

There are three primary public benefit programs that operate within farmers’ markets — the WIC Farmers’ Market Nutrition Program which operates within farmers’ markets only, and the CalFresh and WIC Fruit and Vegetable Check programs which operate primarily within supermarkets but have been adapted to also work within farmers’ markets.

These programs have very different processes for applying to accept benefits, working with participants within the farmers’ markets, and working with farmers who accept the benefits. One common element is that they all will require that you have a Certified Farmers’ Market Certificate in hand when applying to accept benefits. If participating in any of these programs is a priority for your market it is important to apply with your county’s Department of Agriculture well in advance of the target opening date of your farmers’ market so you have time to complete the program applications and get a response before your opening day.
WIC Farmers’ Market Nutrition Program

WIC Farmers’ Market Nutrition Program vouchers (WIC FMNP) are part of a federal-state partnership that is designed to provide low income families and seniors with access to fresh fruits and vegetables by providing them with coupon vouchers that they can spend only at farmers’ markets.

In California, the WIC FMNP program for families is managed by the California Department of Public Health and the WIC FMNP program for seniors is managed by the California Department of Food and Agriculture. Both programs provide recipients with one $20 book of WIC FMNP vouchers per farmers’ market season. The vouchers can be spent in farmers’ markets between May 1 and November 30 and must be deposited by December 31.

Of all public benefit food assistance programs, the WIC FMNP is easiest for farmers’ markets to launch and manage. Your farmers’ market must be authorized by the California Department of Public Health before accepting WIC FMNP vouchers or allowing your farmers to accept those vouchers within your market. A single registration process authorizes your market to accept WIC FMNP for both families and seniors.

To request authorization for your farmers’ market you must complete the application form (available online at http://www.cdph.ca.gov/programs/wicworks/Documents/FarmersMarket/Application-FarmersMarket-Manager.pdf). When submitting the form you must include a current Certified Farmers’ Market Certificate so you must complete the application with your local county before beginning this process. In addition to the form, the farmers’ market manager must attend a training given by state or local WIC agency staff or participate in an online FMNP training webinar.

In addition, each farmer who sells in our farmers’ market must be individually authorized by the state to accept WIC FMNP and have a valid six-digit WIC number. If your farmers are already selling in other farmers’ markets they may already be trained and authorized and have WIC numbers. If they aren’t registered, you can refer them to the signup and training resources available from the California Department of Public Health (http://www.cdph.ca.gov/programs/wicworks/Pages/FarmersMarket-Farmers-and-MarketManagers.aspx).

The WIC FMNP regulations specifically allow farmers to use the WIC FMNP vouchers they receive from customers to pay their stall fees. You must decide if you wish to accept the vouchers from farmers or require them to deposit the vouchers themselves. Accepting the vouchers from farmers can encourage small farmers who may not have bank accounts to participate in the program but it does add a potentially time-consuming activity to your list of duties as before depositing each voucher you must ensure that it has a six-digit WIC number on the front and is properly endorsed on the back.

Some farmers’ markets make it a requirement of the farmers who sell within their farmers’ markets to be authorized and to accept WIC FMNP vouchers within their farmers’ market. If you do not have such a rule in place, it is important to work with your farmers so those who do accept the WIC FMNP vouchers have prominent signage in the market, making it easy for customers with vouchers in-hand to know where they can spend them.
If you are opening a “small certified farmers’ market” in the City of San Jose, it is a requirement that your farmers’ market be certified to accept WIC FMNP vouchers.

**CalFresh-EBT**

The largest public benefit program is CalFresh. This is the modern iteration of the former federal food stamp program. It is funded through the federal Supplemental Nutrition Assistance Program (SNAP). Compared to WIC FMNP, the program is more complicated to set up and manage, but unlike WIC FMNP which provides customers a single $20 disbursement per year, CalFresh provides ongoing monthly benefits, averaging around $130 per family per month, for as long as customers qualify.

CalFresh benefits are delivered through an Electronic Benefits Transfer (EBT) system to a debit card, called the Golden State Advantage Card, issued to recipients. For CalFresh customers who shop at grocery stores or other brick and mortar stores, they are able to use their EBT cards in the same way that they might use a credit or debit card. Accepting CalFresh in a farmers’ market requires the ability to process these EBT transactions.

While both farmers and farmers’ markets can be authorized to accept CalFresh benefits, it is much more common in California for farmers’ markets to be authorized to accept CalFresh benefits and provide that as a service to its farmers. To help promote CalFresh usage at farmers’ markets the state of California passed AB 537 in 2010 that requires that a certified farmers’ market either accept CalFresh benefits or facilitate the participation of an outside group that will provide CalFresh processing on behalf of the farmers’ market.

The Ecology Center, the Berkeley, California-based nonprofit, maintains a program dedicated to helping farmers’ markets successfully launch CalFresh programs, and can provide additional assistance (http://ecologycenter.org/ebt/).

The process of acquiring authorization to accept CalFresh begins with an application to the USDA Food and Nutrition Service (FNS). The USDA requires a social security number for a person who is authorized to sign the application on behalf of the applicant. Before beginning the process be sure to identify who that person will be and that they are comfortable with their personal information being used in the application. You will also need to submit a copy of that person’s social security card and drivers’ license as part of the application process.

The easiest and quickest way to apply is through the USDA’s online system (http://www.fns.usda.gov/ebt/learn-about-snap-benefits-farmers-markets).

- Apply for a USDA eAuthentication account using the valid email address at which you would like to be contacted concerning your CalFresh account. You will receive a confirmation email, usually within 30 minutes, which allows you to login to the USDA’s secure server to complete the application form.

- Complete the form, answering all questions to the best of your ability. “The Simple Guide for Market Managers,” published by the Ecology Center, provides helpful hints on how to complete the FNS application.

- Once you have completed the application online, it generates form FNS-252E as a PDF document. Save a copy of this document for your records. Print a copy for signature by the authorized representative and mail it along with copies...
of the social security card and drivers’ license for the authorized representative, and a copy of your farmers’ market permit or health permit to the address provided.

- You should hear back from USDA within 30 to 45 days concerning the status of your application.

Once you have a valid FNS number, you should contact the California Department of Social Services (CDSS) to request equipment that will allow you to process CalFresh transactions in a farmers’ market environment. CDSS may be able to provide your farmers’ market with a free wireless Point of Sale (POS) terminal to process CalFresh EBT transactions. If a wireless POS terminal is not available from CDSS, they will be able to provide you with manual vouchers that can be completed in the farmers’ market and verified through a cell phone call to an automated system. The manual voucher system is also an effective backup in case the wireless POS terminal is not functioning so your CalFresh customers will still have access to their benefits despite any technical challenges.

CalFresh programs at farmers’ markets are done through scrip programs in which the farmers’ market processes the customers’ CalFresh transaction and issues the customer scrip in equal value to the amount the customer charges on his/her CalFresh EBT card. This scrip can be paper coupons, or plastic, wooden or metal tokens. Customers use this scrip to purchase CalFresh eligible products from farmers and other food vendors in the farmers’ market. The farmers’ market then reimburses its farmers and vendors for the scrip they have received.

If you are opening a “small certified farmers’ market” in the City of San Jose, it is a requirement that your farmers’ market either accept CalFresh or allow the participation of a third-party processor who will coordinate the processing of CalFresh transactions for your customers, farmers, and vendors.

**WIC Fruit and Vegetable Coupons**

WIC Fruit and Vegetable Coupons (WIC FVC) are relatively new addition to the federal Women, Infants and Children (WIC) program. As the name implies, the program is designed to help women who are caring for infants or small children to purchase healthy food. In 2009, fresh fruits and vegetables were added to the list of items that WIC recipients could purchase with their benefits, in addition to the traditional items such as milk, cheese, peanut butter, cereal, and baby formula.

Unlike the WIC FMNP program, the WIC FVC program distributes benefits throughout the year. In 2013, the average family’s WIC benefit in California was around $46 monthly.

Statewide, California has a moratorium on accepting applications from new WIC vendors who wish to begin sales of those products. However, the California Department of Public Health is still willing to consider applications from farmers’ markets that wish to accept the WIC FVC.

To get more information about applying to be WIC FVC farmers’ market, contact the California Department of Public Health at WICFVC@cdph.ca.gov or 916-928-8865. Even if the farmers within your farmers’ market are authorized to accept WIC
FVC in other farmers’ markets in which they sell, your farmers’ market must be authorized as a WIC FVC farmers’ market before they can accept the benefit in your market.

Unlike the WIC FMNP program, farmers cannot use the WIC FVC vouchers they accept from customers to pay market stall fees. They must deposit the checks themselves. For farmers, the process of accepting and redeeming WIC FVC vouchers is more complicated than accepting WIC FMNP vouchers, involving eight steps:

- The WIC Participant gives the farmer the items to purchase and a WIC FVC check.
- The farmer ensures that day’s date is between the “first day to use” and “last day to use” printed on the check.
- The farmer notes the maximum value of the check, ensures that the check is for fruits and vegetables and not a different product, and then writes in the exact purchase price up to, but not over the maximum amount of the check.
- The farmer gives the check back to the participant to sign.
- The farmer compares the participant’s signature on the check with the one on the front of the participant’s WIC ID Folder to ensure they are the same.
- The farmer retains the check and gives the participant the items purchased and returns the WIC ID Folder.
- After the market, the farmer pre-clears the WIC FVC check through an online or automated telephone system.
- The farmer waits 24 hours before depositing the check and ensures that s/he is depositing the check within 45 days of the “first day to use” written on the check.

The complexity of this process, which has led to some errors and acceptance of checks by farmers whose banks later refused to honor them, has led some farmers to decide that they are not willing to participate in the WIC FVC program. If you wish for your farmers’ market to have a successful WIC FVC program, be sure to budget time and resources to train your farmers on the best way to handle the WIC FVC checks so they see the program as a benefit to their farm business.

**Market Match and Other Innovative Food Access Programs**

Over the past several years, a number of innovative programs have developed throughout the nation to help support public benefit programs at farmers’ markets. One of the most popular programs provides incentives to customers who use their public benefits in farmers’ markets. It is known by different names in different parts of the country: Connecticut-based Wholesome Wave Foundation calls it the Double Value Coupon Program, Fair Food Network calls it Double-up Bucks and in California, it is known as Market Match.

The California Market Match Consortium, which is coordinated by the Berkeley, California-based Ecology Center, has over a dozen organizational partners who collectively offer the Market Match program at over 100 farmers’ markets statewide.
The concept is that private fund raising supports financial incentives for customers so they are able to purchase more food — and because it is a farmers’ market, fresher and healthier food — by using benefits in their local farmers’ market instead of with a different retailer. A CalFresh customer, for example, when purchasing scrip at a farmers’ market will receive more scrip than the value of their transaction — some farmers’ markets may double the amount of their transaction up to a certain level while others may provide a set amount as a bonus.

The scrip for these bonus dollars are often different for easy tracking and sometimes to limit consumers’ purchases. For example, one of the primary sources of funding for the Market Match program has been the Specialty Crop Block Grant program managed by the California Department of Food and Agriculture so the incentive scrip can only be used to purchase specialty crops: “fruits and vegetables, tree nuts, dried fruits, horticulture, and nursery crops (including floriculture)” per the USDA definition. Of this list, only fruits, vegetables, tree nuts and dried fruits can be purchased with CalFresh benefits. The restriction to specialty crops also means that other common farmers’ market products that can be purchased with CalFresh benefits — such as bread, cheese and meat — cannot be purchased with the Market Match scrip.

To learn more about the Market Match program in California, visit www.MarketMatch.org.

**Acquiring General Liability Insurance**

General liability insurance is essential to protect your farmers’ market and your organization. Farmers’ markets present some potential hazards: food served to the general public, crowds shopping for food, bulky equipment for displaying food, etc. A well-run farmers’ market in which the farmers’ market manager and the farmers and vendors are all committed to safety is important to help prevent accidents and injuries. But even the best run farmers’ market can still face accidents and other incidents in which someone may be injured or become ill. General liability insurance helps to protect your operations in the event someone chooses to take legal action against your farmers’ market.

If you are an incorporated nonprofit organization, you likely have general liability insurance in place. A phone call or meeting with your insurance broker can start the process of ensuring your current insurance provides adequate coverage or adding additional coverage that might be necessary to fully protect your operations. Because insurance carriers have a vested interest in ensuring your operations are safe and you have no claims that they must pay, they may have safety resources that can help you to audit your farmers’ market setup for potential hazards.

If you need to start shopping for general liability insurance you may want to reach out to farmers’ markets in your area to learn who they are insured with. Working with an insurance broker who already understands how farmers’ markets operate can save you time and help you to purchase the most cost-effective policy possible.

The University of California Small Farm Program has a publication available online that provides an excellent overview of farmers’ market safety and liability insurance needs: “A Guide to Managing Risks and Liability at California Certified Farmers Markets” (http://sfp.ucdavis.edu/files/144002.pdf). The guide was first published...
in 2005 so the contact information on the resource list may be out of date but the overall discussion of risk management, the safety checklist and the sample accident report are still very useful resources.

Workers Compensation Insurance

While you are working on general liability insurance, you should also reach out to your workers compensation broker or insurer to inform them of your plans to launch a farmers’ market. If you have staff members who will work on-site at a farmers’ market, your workers compensation carrier may insist on changing their classification to one commonly used for farmers’ market managers. This may result in higher premiums for those employees, but the increased costs are preferable to risking your workers’ compensation insurance coverage should you have a claim for an employee accident in a farmers’ market.

The risk management guide from the University of California Small Farm Program also contains useful information about workers compensation insurance.

Application Processes for Farmers and Vendors

Once you have identified the types of farmers and vendors that you would like to include in your farmers’ market and are ready to begin recruiting farmers and vendors, you will need to have a system in place to bring them into your market.

Your application form should include spaces for the farmers and vendors to provide you with all of the information that you will need to keep in touch with them: contact name, business name, mailing address, and phone numbers, email address, etc. Think about what additional paperwork you would like to maintain for each farmer or vendor and include that list with the application.

• For farmers, you may want copies of their certified producers’ certificate and their organic registration or certification if they are selling organic products.

• For nonagricultural vendors, you may want a description of their products, copies of health permits for their production site, or copies of a sellers’ permit if the vendor will be selling taxable goods.

• For both farmers and vendors, if you have requirements that they have general liability insurance that meets certain requirements, you may want to request copies of proof of insurance.

Some farmers’ market operators charge an application fee to cover the costs of collecting and processing this information each year. The decision about whether or not to collect a fee is yours. If you choose to collect a fee, be sure the amount of fee is clearly indicated on the application and that it is clear if there are penalties for not paying the fee. For example, some farmers’ market operators will not process an application until a fee is paid and some may cause their farmers to lose seniority in their farmers’ market if a fee is not paid in a timely manner each year.

You can look at the applications used by other farmers’ market operators for additional ideas about how to create your application process. Markets with applications online include Center for Urban Education about Sustainable Agriculture/Ferry Plaza Farmers’ Market, Old Monterey Marketplace, Pacific Coast Farmers’ Market Association, Sustainable Economic Enterprises of Los Angeles,
and Urban Village. The website URLs for each of these application forms can be found in Appendix D. Links to these applications can be found in the electronic version of the guide at www.foodwithinreach.org.

Organizing a Grand Opening Celebration

As the opening day for your farmers’ market approaches, it is time to start making plans for your grand opening celebration. This is your opportunity to make a great first impression upon your customers and potential customers. When planning your grand opening, you will want to focus on the farmers and vendors, on the market site, on the customers, and on special events to mark the day.

Farmers and Vendors at the Grand Opening

This is the day when your plan for the farmers’ market will be put to the test for the first time. When designing your farmers’ market you identified where farmers and other vendors would set up and park. Create a diagram showing this information and relevant landmarks at the site that help orient your team and the farmers and vendors to where they should set up. Have copies for all of your staff and volunteers who are present to help facilitate the market setup.

It is a best practice to make reminder calls to your farmers and vendors a few days before the grand opening to remind them of the market day and the time they need to arrive. You may want to fax or mail them a map to your location to help them make it on time.

The Market Site on Opening Day

Dressing up the farmers’ market site on grand opening day is a great way to let the community know that something special is happening. Common additions on opening day include colorful helium balloons and streamers hung from each of the tents in the farmers’ market. These help to create a sense of motion and excitement in the market.

On the day of your grand opening every customer will be there for the first time so it is important to give them information that encourages them to become repeat customers. Hang posters throughout the farmers’ market that include all of the essential information about the farmers’ market: opening and closing times, the frequency of the farmers’ market such as whether it operates weekly or every other week, and the seasonal dates of the market. You may also want to print postcard-sized versions of the poster that customers can take with them.

Recognizing Customers on Opening Day

You may also want to think about ways to show your appreciation to your customers for coming out to the market. Promotions such as free reusable shopping bags can engender goodwill among customers and serve as ongoing reminders of the farmers’ market. To control costs you can offer them to the first 25 customers or whatever number your budget will support.

You can also use special offers to encourage your customers to try products from more than one farmer or producer. For example, you could offer free strawberries...
to customers who spend $10 or more on vegetables, or a free bouquet of flowers to customers who buy five or more pounds of fruit.

**Special Events on Opening Day**

On grand opening day you could follow a traditional route, like that typically used by chambers of commerce and have a ribbon cutting, mimic sports teams by throwing out the first pitch (or peach), or create a unique celebration that reflects your community, perhaps incorporating music or dance celebrating the local culture.

If you choose to do a ribbon cutting ceremony you don’t need a pair of giant scissors. You can simply bring multiple pairs of common scissors and put them in the hands of special guests, farmers, or ordinary customers. You can find wide ribbons at arts and crafts stores. The advantage of a ribbon cutting ceremony is its tradition and easy visuals which are instantly recognizable as marking the beginning of something new.

Regardless of what special event you use to generate excitement and mark the grand opening, you should look at the grand opening as an opportunity to form the market in the minds of your customers, recognize special guests and local leaders who helped make the market possible, and to generate publicity. Short speeches that thank those who worked to create the market and that encourage shoppers to return throughout the season are appropriate for the occasion. Encourage speakers to keep their comments brief so the ceremony does not impede upon opportunities for customers to shop.

Remember to respect local rules and ordinances concerning amplified sound for the speeches or music or dance performances. You don’t want to start off the season with a citation.

Hopefully opening day will be a huge success with lots of customers and lots of happy farmers and vendors who the leave the farmers’ market optimistic that the market will be a good outlet for their products.
Operating a Farmers’ Market

Once the farmers’ market moves from the planning and launch phase into its ongoing operational phase, your role will shift to the more routine activities related to tracking farmers’ market activities and finances. Included in this is the very important responsibility of tracking everything required to complete quarterly reports to the California Department of Food and Agriculture. These reports are required for your farmers’ market’s ongoing legal operation.

Tracking Farmers’ Market Activity

During the planning phase for your farmers’ market, you created a plan for farmers’ market operations. Once the farmers’ market is up and running, you will want to track market activity to assess how effectively you are implementing your plan. This information also provides you with the data to make future planning decisions about how to grow or improve the farmers’ market so it can more effectively accomplish your goals.

The data that you track for each day of your farmers’ market season should include the following:

- **Did the farmers’ market operate that day?** Farmers’ markets may have days that they do not operate for a number of reasons: the market day falls on a holiday, the farmers’ market site is unavailable due to another event, there is a competing event in the community that distracts customers or vendors from the farmers’ market, or inclement weather made it unsafe to operate the market. Keep records of days during the planned farmers’ market season on which the farmers’ market did not operate and whether or not this closure was pre-planned.

- **Which farmers and vendors sold in the farmers’ market that day?** It is important to track which farmers and vendors attended the farmers’ market. If a farmer or vendor misses a market, record that fact as well as why the farmer or vendor did not attend and whether or not they provided you with sufficient advance notice. Customers will notice if certain farmers or vendors are regularly absent, especially if they are selling products that no other farmer or vendor offers. If you see that a farmer or vendor is not consistently attending the farmers’ market, you may wish to implement a process, one that is identified in the written rules and regulations for your farmers’ market, to remove them from the market. To meet customer demand, you may want to look for another farmer or vendor to add to the market who will sell a similar product but promise to attend more regularly.

- **Which certified producers’ certificates did farmers sell from that day?** You will be responsible for reporting to the California Department of Food and Agriculture quarterly on which farmers attended your market, how often they attended, and which certified producers’ certificates they used as proof of production for the products they offered for sale. While most farmers’ have only one certified producers’ certificate (CPC), some will sell products for another farmer through the “second certificate” program and some will have plots of land in more than one county which means they will have a separate CPC from each county. Tracking this information accurately each week is important so you can complete the quarterly reports to CDFA accurately and so
you can accurately calculate and pay the required fee of $0.60 per CPC per week it was at the market.

• How well did farmers and vendors do that day? If you have chosen to collect stall fees based on a percentage of your farmers’ and vendors’ sales, then you have a built-in mechanism for assessing the level of sales in your farmers’ market. If you charge stall fees on a flat rate basis, you may want to develop another method of assessing sales levels. You could still ask or require farmers and vendors to give specific sales data, ask them to give a dollar range (less than $250, $250 to $500, etc.) for their sales, or make a qualitative judgment (below average, average for this farmers’ market, well above average, etc.). This information may help you to identify patterns of spending, such as the first week of each month or weeks when you have market entertainment tend to show the strongest sales. This information can also help you to decide when sales are strong enough that you can add an additional farmer or vendor to the farmers’ market without negatively impacting sales for your current roster of farmers and vendors.

• What stall fee payments were charged and/or collected and from whom? If you have chosen to charge fees to farmers and other vendors to participate in your farmers’ market, then you should record each week who attended the market and how much they paid. Some farmers’ markets use a weekly log to record this information. A sample log is included in Appendix E and a sample log in Microsoft Excel format is available online at foodwithinreach.org/tools.

• Was the farmers’ market inspected by any of its permitting agencies? You should expect that your farmers’ market will be inspected at least once during each season by your county’s department of agriculture and department of environmental health. Note the weeks that they were present in the farmers’ market and maintain copies of all inspection reports that they provide. These reports may contain notices of violations that a particular farmer or vendor or that you as the farmers’ market operator must comply with. If you have several inspections during the season and certain issues reoccur, you may want to take action to educate a farmer or vendor about how to bring their operations into compliance with the regulations or to remove that farmer or vendor from the farmers’ market so their actions do not threaten the farmers’ market as a whole.

• How much public benefit activity, such as CalFresh purchases or WIC Farmers’ Market Nutrition Program spending, was there at the market? If your farmers’ market has been approved to accept public benefit programs such as CalFresh or WIC Farmers’ Market Nutrition Program vouchers, maintaining a record of that program activity is very important. When you accept CalFresh, you are initiating an electronic payment from USDA to your organization. Tracking CalFresh transactions is important to ensure you are paid all that you are due.

• How many customers shopped at the farmers’ market? Tracking the number of customers who attend your farmers’ market each week is one of the most effective ways you have of monitoring the health of your market. You do not need to have an exact count, an estimate will do as long as you use the same method of estimating each week. One method of estimating crowd counts is to count the total number of persons in the market at one time and then multiply that number by a figure which converts that count to a daily estimate. For example, if you count 50 shoppers and your experience is that the
average shopper spends 15 minutes in the farmers’ market you would multiply the 50 shoppers by four to estimate the market is serving 200 persons per hour. You could then repeat that process each hour of the market or multiply by the number of hours the market is open to generate a daily estimate. If you use this method your estimates will be more accurate if you do several counts during the day instead of just one. Every farmers’ market tends to have busier times and slower times so doing the count just once will likely create an inflated or deflated estimate.

- **What special events were going on at the market and what impact did they have?** The ability of farmers’ markets to bring together crowds of people in a family-friendly environment makes them an ideal site for complementary activities like health fairs, kids’ days, and musical performances. If there is a special event at your farmers’ market, either one that you have been directly involved in organizing or one that is separate from the market but held in close proximity to the market, make a note of that activity. When you look back at other market data, such as crowd counts and producer sales, you will be able to assess if these events helped the market or distracted customers from attending the market. If the event helped to make the market more successful, you may want to consider a closer partnership with the event organizer or a repeat of the event. If the event reduced farmers’ market attendance or sales, you may want to consider ways to mitigate that negative impact in the future.

- **Were there any outside forces that impacted the farmers’ market that day, either positively or negatively?** There are many factors outside of our control that impact the success of farmers’ markets. Weather is one of the biggest: cold, rainy, or windy weather can keep shoppers at home while abundant sunshine can encourage them to come out to the market. Farmers and vendors may also have issues which impact the market as a whole, such as missing a day due to a truck breakdown or bringing a first-of-the-season item that can get customers excited. Making notes of these can help you later to recall those factors that shaped your market’s success from week to week.

You will find that at the end of the year the information that you have collected about each week of your farmers’ market activity tells a story about the market, its development, and its relationship to the community. This information can be vital as you report on your farmers’ market to leaders in your organization, farmers’ market funders, local leaders, and the general community.

**Farmers’ Market Finances**

Farmers’ market finances are not that different from finances for any other project: you create a budget, track income, track expenses, compare to your budget, and use the information to make financial decisions that are in the best interest of your farmers’ market and your organization.

**Funding and Income**

If you have grant funding that is helping you to launch your farmers’ market you may want to track that activity parallel to income and expenses from the fees generated by the farmers’ market. Doing so will help you to more easily see what your farmers’ market finances might have looked like if the grant funding had not been available. This can be very helpful in predicting whether or not your farmers’
market will be able to be self-sustaining financially once the grant funding has ended.

For most farmers’ markets, stall fees collected from farmers and other vendors are the primary source of income. When crafting your budget for the year you can take the number of farmers and vendors you expect to have in your farmers’ market throughout the year, times the number of times each farmer or vendor will be present, times the amount that you charge for stall fees. This provides a good starting point to budget your income for the year. If you are budgeting more conservatively, you may want to reduce that figure by 5% to 10% in anticipation of farmers or vendors who skip a week due to illness, lack of crops or equipment breakdown. If you are budgeting aggressively, you may want to increase that figure in anticipation that one or more new farmers or vendors whom you have not yet contacted, will agree to sell in the farmers’ market during the year.

**Market Expenses**

When budgeting for expenses, be sure to include staff time for farmers’ market planning, correspondence, promotions, and reporting as well as staff time to be present in the farmers’ market on market days. Once a farmers’ market is up and running it is not unusual for a market manager to spend each week, 10 to 15 minutes in office work for each hour that the farmers’ market is operating.

While some farmers’ market expenses may be easy to budget, others are dependent on outside forces. Your farmers’ market will be subject to inspections by your county’s department of agriculture and department of environmental health. Your farmers’ market will be billed for the time that the inspectors spend in your farmers’ market conducting the inspections. You may want to check with these county offices when crafting your budget to generate an estimate of the potential inspection costs during the year.

The inspection processes, frequency of inspections, and rates will vary from county to county. If an inspector finds problems you may face citations which include financial penalties and have to pay for follow-up inspections to prove that the problems have been solved. Operating your farmers’ market in compliance with state and local regulations is the most cost-effective solution.

When tracking farmers’ market expenses it can often be useful to track separately purchases that have usefulness for a year or more from those that have only a single use. For example, a tent, table or promotional sandwich board can last several farmers’ market seasons. You may want to budget and track these expenses as “equipment.” Other purchases such as paper signs or promotional shopping bags that have a single use or that will be exhausted by the end of the farmers’ market season could be track separately as “supplies.” This division is especially important in the first season of your farmers’ market operation as it allows you to more easily identify your startup costs, which will not need to be repeated the following year, from ongoing operational costs.

**Tracking Liabilities**

One of the most complicated elements of farmers’ market budgeting and finances can be the tracking of financial liabilities. As you will be operating a retail establishment, you may find that from time to time you are issuing a scrip of some kind to your customers that has a financial value.
For example, if you are operating the CalFresh processing for your farmers’ market, CalFresh customers will swipe their EBT cards with your staff or volunteers who will then issue them scrip, usually paper coupons or plastic or wooden tokens, that the customers will then spend with the farmers and vendors to purchase food. If your customers purchase $100 in scrip during the day but only spend $75 of the scrip that day, choosing to hold on to the remaining $25 to make purchases at a future market, you have created a $25 liability for your farmers’ market.

Similarly, if you are using coupon vouchers to attract customers or incentivize farmers’ market purchases (see Section 6, “Promoting Your Farmers’ Market” for more information on coupons), you are creating a liability as each coupon voucher represents a promise to pay the bearer in goods or services at a future date. From a financial perspective it is a best practice to put expiration dates on coupons that you create, even if the expiration date is the last date the farmers’ market is scheduled to operate for the year, so you have the ability to cancel these outstanding liabilities.

The need to track these types of liabilities is something that you should discuss with your accounting team. In part, the decision depends on the scale of the liabilities relative to your total farmers’ market budget and your total organizational budget. If the liabilities are small relative to the overall budget, your accounting team may decide that it is not cost effective to invest the additional time into tracking them. If the liabilities are a significant enough percentage of your budget, it may be decided that tracking those liabilities is important in order to assess the long term financial viability of the farmers’ market.

**Keep Seasonality in Mind**

As was discussed elsewhere in this guide, farmers’ markets are dependent upon the produce that is harvested seasonally. This means that the presence of farmers is not a constant throughout the year but will instead shift with the season as farmers who begin to harvest crops enter the farmers’ market and those whose harvest has ended leave the market. This shifting supply of farmers has a direct impact on your budget and overall farmers’ market finances. It is not unusual for farmers’ market expenses to exceed income at the beginning and end of the season when there are fewer farmers available to sell in the market. The goal is to make up those losses in the peak months of the farmers’ market when there are more farmers available and income exceeds expenses.

Randii MacNear, the manager of the Davis Farmers’ Market, wrote about this pattern in “Starting a New Farmers’ Market,” published by the University of California Small Farm Program.

> When evaluating and reviewing the budget during the course of the year, keep in mind that most year-round markets do not begin to operate in the black until midway through the budget year. For example, a market that uses a calendar-year budget (January to December) will most likely be in the red on financial statements until June or July. […]

> After July, the market should begin to see the financial picture shift into the black. Typically markets do not begin to see adequate income-to-expense ratios until the spring and summer sales volumes occur; however, expenses such as salaries, office rent, and health benefits remain constant on a monthly basis all year long. To evaluate how the market is doing, the market manager can compare year-to-year financials
Farmers’ Market Record-keeping

In addition to financial records, you should also maintain records of load sheets and certified producers’ certificates.

Load sheets are a tool that the county agricultural department uses to determine if farmers selling in certified farmers’ markets are complying with the law which requires that they only sell items of their own production. The law requires that all certified producers complete a load sheet for each day they are in a farmers’ market and the market manager maintain the load sheets and make them available to inspectors upon request. A sample load sheet is included in Appendix E.

Certified producers’ certificates (CPCs) were discussed elsewhere in the guide. Every farmer who sells fruits or vegetables in a farmers’ market is required to possess and post at the market their certified producers’ certificate. This certificate is issued by the agriculture department in the county in which the farmer is growing his or her crops. It lists the items that the agriculture department has determined the farmer is growing, either by self-reporting from the farmers or by an on-site inspection, depending upon the local procedures. The farmer may only sell those items in a certified farmers’ market. See Appendix E for a sample CPC.

While it is not required in the law, it is a best practice to maintain a copy of the current certified producers’ certificate for each farmer in your farmers’ market. Farmers’ are also required to have an embossed copy of the certificate visibly posted at the point of sale in each farmers’ market. Failure to do so can result in penalties against the farmer as well as the market manager.

Maintaining Regulatory Compliance

As your farmers’ market operates, you should expect that it will be inspected by any or all of the agencies that have regulatory responsibilities for the market. While inspections can seem stressful, they don’t need to be. The inspectors have the same goal as you: to ensure your farmers’ market is successful and sustainable by ensuring your farmers’ market is operating in compliance with local and state laws and regulations.

Understanding some of the common things that inspectors look for when they visit farmers’ markets can help you to partner with them to help ensure your farmers’ market is in compliance.

• Inspections by the Department of Agriculture. The county department of agriculture has jurisdiction over the certified farmers’ market portion of the farmers’ market and the farmers selling there.
  
  o All certified producers have valid, embossed copies of their certified producers’ certificates on display.

  o All items on farmers’ table appear on their current certified producers’ certificate.
o The farmers’ market has a current Certified Farmers’ Market certificate and the certificate is prominently displayed at the farmers’ market.

o The farmers’ market is issuing and collecting load sheets.

o The agricultural and nonagricultural sections of the farmers’ market are clearly distinct and separated.

o All items sold with a sealed container are properly marked with in accordance with IRQ standards – identifying the contents, listing the responsible party that produced the contents, and showing the quantity of the contents.

• **Inspections by the Department of Environmental Health.** The county department of environmental health has jurisdiction over any and all food sales, including those in the certified farmers’ market by farmers/certified producers and those in the area adjacent to the certified farmers’ market sold by nonagricultural producers.

  o All produce at least six inches off the ground.

  o Proper produce washing and food sampling procedures are being followed.

  o PH strips are available to test the level of bleach in water for sanitizing utensils.

  o All high hazard foods are kept at safe temperatures.

  o Eggs are properly labeled with dates and instructions to keep refrigerated.

  o Restroom facilities with hand washing are available within 200 feet of the farmers’ market.

  o No animals except service animals are in the farmers’ market.

  o Surfaces beneath tents where samples are being prepared or served are easily cleanable. When on a surface that is not easily cleanable, such as grass or asphalt, a temporary barrier such as a tarp is used.

• **Inspections by the Fire Marshal.** The Fire Marshal or Fire Department has responsibility for public safety and ensuring that public events are setup to accommodate emergency responses as needed.

  o Any required emergency access lanes are maintained at or above the minimum safe width.

  o The safety of any tents including their fire rating.

  o Tents are properly weighted or secured.

  o The presence of required and currently rated fire extinguishers.
The proper setups of any vendors preparing food in the farmers’ market, especially those using open flame, including the presence of the proper type of currently rated fire extinguishers.

- **Weights and Measures Inspections.** The department of weights and measures ensures that scales are properly calibrated to provide accurate measurements for fair pricing and that items sold by weight or measure are packed in compliance with the law.
  - All scales used by farmers and vendors have been inspected and sealed to ensure proper operation.
  - Any items packed by weight or measure are packed within the tolerance allowed by law.
  - Any pre-packed items contain proper identification of the items within, listing of the party responsible for the items and the quantity of the items.

- **Inspections by California Department of Food and Agriculture (CDFA).**
  The responsibilities of the California Department of Food and Agriculture are the same as those of the county agricultural departments. Inspections by CDFA are rare as they are responsible for all farmers’ markets throughout the state. CDFA is most likely to be involved when an inspection crosses county lines, such as when it involves the actions of an agricultural producer who was growing crops in one county and selling them in another.

- **Inspections by United States Department of Agriculture (USDA).**
  Inspections by the USDA are extremely rare. The laws that govern certified farmers’ markets are state laws so the USDA typically is not involved. Inspections by the USDA are most common when concerns over an invasive pest have put quarantine measures into place. USDA inspectors take an active role in establishing and enforcing quarantine zones to help reduce the potential impact of invasive pests which have the capacity to destroy significant amounts of California crops.

- **Quarterly fees to the California Department of Food and Agriculture (CDFA).** At the end of each calendar quarter, each certified farmers’ market must pay the California Department of Food and Agriculture (CDFA) $0.60 for each certified producer who was present and selling in the farmers’ market for each day of the previous quarter. If a farmer has more than one certified producer’s certificate, the market must pay the $0.60 fee for each certificate.
  - This fee is due within 30 days after the end of each quarter. CDFA should send you a form (Certified Farmers’ Market Remittance Form: 51-064) for you to complete and return with your payment. If you do not receive a form, contact CDFA as soon as possible to ensure you are not liable for any penalties for late filings. CDFA charges interest (1.5% compounded monthly) on fees not paid 30 days after their due date. CDFA also charges a late penalty of $100.00 on fees not paid within 60 days of the quarter’s end and every 30 days thereafter.
Be sure the form includes correct information about your farmers’ market:

- Market information
- Name of market operator
- Market certificate number
- Market’s name and mailing address
- Market day(s) and hours of operation
- Name of market manager
- Market telephone number and fax number

Double check that the reporting period is correct.

Provide a complete list of all agricultural producers who sold in your farmers’ market for at least one market day in the previous quarter:

- List of certified producers and total market days for each
- List of certificate numbers
- List of producers selling noncertifiable agricultural products in the CFM and total market days for each
- List of noncertifiable agricultural products

Provide a total for the number of certified producer certificates and other agricultural producers who participated in your farmers’ market during the quarter.

Calculate a total of all of the fees submitted with the form.

Be sure to sign and date the form.

Preparing and Planning for Emergencies

In the design of your farmers’ market you planned for emergency access by the fire department, ambulance, or other first responder. As you operate your farmers’ market it is important to maintain this emergency access. It can be tempting to fill the empty space with market activity, a musician, or a table and chairs for customers to sit but a best practice is to not put anything into that space that can’t be removed in under a minute or that can’t be run over by an emergency response vehicle: a sandwich board sign could be OK but a pop-up tent or table and chairs would be an impediment.

In addition, it is important to have an emergency response plan in place and to train your market staff and volunteers in that plan.

- Talk to your local police and fire departments to learn if there are local emergency response telephone numbers that can supplement the 911
emergency response system. Depending upon your local system, a call to 911 from a cell phone may not give the 911 operator information on your location or may be routed to a regional call center.

- Be sure that all of your on-site staff and volunteers have 911 and any supplemental emergency numbers programmed into their cell phones.

- Think about how to direct emergency responders to the farmers’ market. If your market is in a parking lot, giving the main street address may not get them to where they are needed as quickly as giving a description of where the parking lot entrance is located.

- Invite staff from your local fire station to visit the farmers’ market as shoppers (perhaps by providing coupons or other vouchers to help underwrite the cost of their purchases) so they can see the farmers’ market layout and are familiar with it in case they need to return in an emergency.

- Consider providing CPR and first aid training for staff and volunteers at no cost to them.

- Have a first aid kit available and visible in the farmers’ market.

- Have a fire extinguisher available and visible in the farmers’ market. Remember that certain types of cooking in your farmers’ market, such as deep frying or wood grilling, require different types of extinguishers in case of fire. You should require the vendors who are cooking to provide the appropriate type of fire extinguisher and post the fire extinguisher prominently so your staff or volunteer can access them if needed.

Ensuring Farmers’ Market Integrity

Within California’s farmers’ market industry there is often discussions of how “protect the integrity” of the state’s certified farmers’ markets. This phrasing refers to the implicit promise that certified farmers’ markets make to their customers — that all of the fruits and vegetables within the farmers’ market will be California grown and sold to them by the farmers who grew, nurtured and harvested the crops.

As discussed elsewhere in the guide, farmers’ markets are at a competitive disadvantage compared to other food retailers that may be open 24 hours per day, seven days per week. The competitive advantage that farmers’ markets have is the ability to offer just-picked, seasonal products direct from local farms. This is a requirement of state law for certified farmers’ markets, and, perhaps more importantly, it is part of what makes farmers’ markets special for many of their customers.

For customers who value the ability to support local farmers and who wish to know where, and from whom, their food comes from, it is a high priority for farmers’ markets to live up to their promise. Farmers’ markets which are not committed to maintaining the integrity of their markets and fulfilling their promise to customers, may find that their customers are no longer as committed to supporting the market.

As in any industry, the actions of a few within the farmers’ market industry can impact the impressions of consumers regarding all farmers’ markets. That is why it is a priority for many of the leading farmers’ market operators in the state that all farmers’ markets focus on maintaining the integrity of their own markets.
Tools for Ensuring Integrity of Your Farmers’ Market

The most important thing that you can do to protect the integrity of your farmers’ market is to get to know the farms which are selling within your farmers’ market. Talk to the farmers and their sales staff at the farmers’ market to learn how their growing season is going. Engage with them about what they are currently harvesting, which crops are under cultivation and when they expect those crops to be ready for harvest.

The certified producers certificate (CPC) that each farm is required to possess and post at the point of sale can be a very useful tool. Review the document regularly to get to know what products each farmer is growing and the period of time when those items are likely to be harvested and available in your farmers’ market. You can also periodically make a copy of the CPC and use it as a checklist, asking the farmers within your farmers’ market to point out where each item on their table appears on their CPC. This is also a great way to learn many different types of fruits and vegetables that you may not be familiar with yourself.

If possible, you should also visit your farmers in other farmers’ markets to see if their product mix is the same or different and plan a trip out to their farm to see what their farming operation looks like. Seeing the size of a farm’s operations can help you to judge if the amount of product that a farmer brings to market regularly is reasonable or if you should have reason to suspect that the farmer may be supplementing his or her own harvest with products purchased from another farm or from commercial distributors.

The county department of agriculture and the California Department of Food and Agriculture are charged under state law with enforcing farmers’ market regulations, including the requirement that farms only sell products of their own production. While their inspections can be stressful, you should consider these regulators as your partners in helping to sustain integrity within the farmers’ market system and support their efforts. Working with them you can also learn how best to monitor the products for sale within your farmers’ market, making your own inspections of your farmers more effective.

A Selection of Rules Farmers’ Markets Must Enforce

Listed below are a number of rules, regulations and best practices recommended by veteran farmers’ market managers. This list is in no way intended to be comprehensive. Instead, it represents a list of topics that veteran farmers’ market managers suggested that they wished they would have been aware of when they first began managing farmers’ markets.

No Animals

Under California law, animals are not allowed in food establishments and that includes within farmers’ markets. Not only are animals not allowed within farmers’ markets, the California Retail Food Code states that animals must be kept 20 feet from a certified farmers’ market.

The exception is for services animals, which are defined in the California Retail Food Code: “Service animal” means an animal such as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.” This exception is also included in federal law. The Americans with
Disabilities Act (ADA) allows service animals in places from which other animals have been banned. While many service animals wear vests identifying them as service animals or service animals in training, the use of such identifying items is not required by law.

Unfortunately, the ADA intersects with another federal law known as HIPAA which contains measures to keep everyone’s medical information private. This means that if you suspect that an animal in your farmers’ market is not a service animal, you are restricted in what you can do. The US Department of Justice, Civil Rights Division provides this guidance about what you can ask:

_When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person’s disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task._

Another thing to keep in mind is how your farmers’ market interacts with the surrounding community and the ability of pet owners to walk with their animals near the farmers’ market. For example, one common site for a farmers’ market is to operate on a street that is closed to cars during the market hours, with farmers set up along the curb with stalls facing inward and the customer aisle along the middle of the street. In this situation, the sidewalks are likely well within 20 feet of the farmers’ market. The retail food code suggests that animals should not be within that area but such a restriction is impossible for a farmers’ market to enforce. The sidewalks are likely outside of the area included in any city-issued permit that allows the farmers’ market to operate. In such a situation, the wisest course of action may be to identify a path that allows pet owners to move their animals through the farmers’ market, under the control of their owners, in a designated path that is as far as possible from the farmers and vendors. That may be the center of the street instead of the sidewalk.

Another best practice, from farmers’ markets at which there are large numbers of pet owners as customers, is to designate a “barking lot” or “hitching post” at which pet owners can leave their animals while they shop. If you decide to offer such a service, you may want to have water bowls and fresh water available for the animals as a courtesy, and prominent signage that states that owners are leaving their animals at their own risk so that a disagreement between two animals does not create liability for your farmers’ market.

**IRQ: Identity, Responsibility, Quantity**

State law requires that any items in a sealed container must clearly contain three items of information on the labeling affixed to the container. These items are referred to by the initials of IRQ: Identity, Responsibility, and Quantity. Identity refers to a description of the product within the container, such as oranges, roasted almonds, or honey. Responsibility refers to the entity that is legally responsible for the product, in a farmers’ market this is typically the farm. The label must contain the name, address, and zip code of the farm or business that is responsible for the product. Quantity refers to the amount within the package. It can be a piece count, weight or volume. Items sold in unsealed packages, such as pre-bagged salad mix, are exempt from the IRQ regulations.
All Produce Six Inches Off the Ground

To help protect produce from potential contamination at the point of sale, all produce must be kept six inches off the ground. A violation of this rule can result in penalties for both the farmer and the farmers’ market. The slight exception that is commonly allowed by health inspectors is during the period when the farmers are unloading their vehicles before the market opens or reloading their vehicles after the market has ended. In the hours before the market opens it is most common for a farmer to unload his/her truck, then set up tent and tables and then begin to stock the tables. Empty boxes are returned to the ground and boxes with produce in them are stacked on top to allow the unsold produce to be at least six inches off the ground. In either case, farmers should have their product in this “unsafe zone” for as little time as is possible.

All Certified Producers’ Certificates on Display

State law requires that all farmers/certified producers post an embossed copy of their certified producers’ certificates (CPC) at the point of sale. Some farmers place them in a banner while others will clip them to the cross brace of their tent. When your market is inspected by the county department of agriculture, the inspector may cite any farmer who does not have the CPC on display. The farmers’ market can also be cited for each farmer violating this rule.

Sale of Shell Eggs

Shell eggs are considered to be “certifiable agriculture” and thus are specifically allowed to be sold in certified farmers’ markets. In addition to the general rule that the farmer must have a valid certified producers certificate on display, these additional rules apply to the sales of eggs in farmers’ markets:

- The egg farmer must be registered with the California Department of Food and Agriculture and have a registration number.
- Eggs must be kept out of direct sunlight.
- Eggs offered for sale must be cleaned and sanitized and must not be cracked or broken.
- The farmer must inform the consumer that eggs must be refrigerated after purchase either through labels on the egg containers or a sign at the point of purchase.
- Any closed pack of eggs, including commonly used cartons, must be marked with the date that it was packed. Open containers such as flats do not need to have the date affixed.
- Farmers must refrigerate, pasteurize or destroy eggs that have been stored or displayed for four days at temperatures of 90 degrees or below.
- Farmers must pasteurize or destroy eggs that have been stored or displayed for four days at temperatures over 90 degrees.

Shelly’s Garden is one of many Bay Area egg producers.
Safe Sampling

Free samples are one of customers’ favorite things about farmers’ markets. They are also one of the most effective ways for farmers to promote their products and convince customers to buy something they have never tried before. But if not done properly, these samples can be potentially hazardous, possibly spreading illness from one customer to another. Improper sampling can also result in penalties by health inspectors for both the farmer serving the samples and market manager. In extreme cases or in cases of repeat offenses, the health inspector has the right to revoke the health permit for the farmers’ market, forcing the market to cease operations.

- **Wash station for produce.** All produce that is offered for sample in a farmers’ market should be rinsed in clean water before being offered for sample or cut into portions for sampling. The bin and water for rinsing produce must be separate from the bins and water used for cleaning any sampling utensils.

- **Proper wash stations for sampling.** Any sampling requires either that sample be prepared in a certified kitchen and transported to the market in a manner that ensures their safety, or they may be prepared in the market if proper rules are followed to minimize the chance of contamination. Generally, this requires the use of three containers, each of which is large enough to fully submerge the largest item used to prepare the sample, such as the cutting board or knife. One of the containers must contain soapy water for washing, one must contain clean water for rinsing, and the third must contain water with bleach or other disinfectant for disinfecting. There is a scientific standard for how much bleach must be in the water but that can be a challenge to measure in a farmers’ market environment. Generally a splash of bleach is adequate. In addition, there must be hand washing equipment available. This consists of a water dispenser that can run continuously hands-free, hand soap, and a dispenser to catch the waste water.

- **Requirement to wear disposable gloves.** On January 1, 2014, a new requirement of the California Retail Food Code went into effect, prohibiting contact between bare hands and foods that are ready to eat: “Food employees shall not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.” As the rules are new, county health departments have not yet issued any guidance about how best to comply with the requirement. It is expected that through June, health departments will likely be educating and issuing warnings though citations and fines for violations could occur. The application of this rule suggests a farmer wishing to prepare samples should wash the fruit in potable water. Gloves do not need to be worn while washing the fruit. The farmer must then don new, clean, single-use gloves or use utensils while handling the fruit if cutting it to prepare samples. Once cut, the fruit should not be touched again by bare skin until touched by the person who consumes the sample.

- **No self-serve sampling.** If farmers and other food vendors are following the proper rules for preparing their samples, the biggest risk for contamination is from customers. A general rule to remember is that any piece of food is only as clean as the hands of the last person that touched it. If the last person who touched it is the farmer who had used new clean gloves while preparing the sample, then it is very likely safe. If the last person who touched the food is a customer without access to hand washing in the market, then it is more likely...
that the sample could have been exposed to contamination. To help ensure that samples remain safe, they should remain under control of the farmer or vendor. A best practice is keep prepared samples in a clean container with a lid and to serve samples using tongs so once the samples are prepared, they are not touched again with bare hands until eaten by a customer. Toothpicks can also be provided for customers to pick up samples. When using toothpicks it is a best practice for the person preparing the sample to place a toothpick into each piece versus allowing a customer to take a toothpick and then skewer a sample. This reduces contamination of the clean toothpicks by customers and reduces the urge for customers to reuse a toothpick to select a second sample, potentially contaminating other samples.

- **Waste containers for sampling.** Maintaining a clean market is one of the best ways to keep your market welcoming to new customers. A market that looks dirty may cause potential customers to question whether or not they trust that the food they buy there will be safe to eat. One of the most common types of waste generated in farmers’ markets is from sampling, including cherry stems and pits, orange rinds, etc., as well as toothpicks used to pick up samples. To help keep the farmers’ market looking clean, you should require that every producer who wants to sample in the market must provide their own waste container at their stall so they become responsible for any sampling waste they generate. So that you do not become responsible for all of the trash that farmers generate, you should also require that farmers pack out any trash that they generate, including scraps from sampling.

**Freedom of Speech Area**

One of the unfortunate impacts of the popularity of farmers’ markets is that others are looking for opportunities to reach the crowds that you attract. This may include businesses wishing to offer their goods or services, or citizens interested in gaining support for community issues or ballot measures. As the farmers’ market is open to the public, it must provide opportunities for free expression of multiple points of view. While that expression cannot be prevented, it is commonly accepted that you are able to control the time, place, and manner of that expression.

- **Time.** You can limit the free speech to just the operating hours of the farmers’ market, not allowing it during the setup or tear down time to ensure that it does not impede the efficient operations of the market. As this is the time that those using the free speech area are most likely to be able to interact with customers, this should be a relatively easy restriction to enforce.

- **Place.** Within the farmers’ market you can limit where the free speech activities take place so that it does not occupy spaces that would otherwise be taken up with farmers or other vendors and does not impede customer access to the market. You may also be able to require that those using the free speech area stay at a table or stand only in a designated section of the market and not engage customers who are shopping within farmers’ stalls. If your market is at a larger site that is open to the public, such as a shopping center, the right to free speech is general to the entire property, not just to the farmers’ market. Limiting the space in which the free speech takes place could mean designating another location on the property as long as that location is also open to the public, even if that location is not near the farmers’ market.
• **Manner.** The manner of speech generally refers to whether or not those using the free speech area are able to use props or voice amplification. While you would likely not be able to ban all signage, you may be able to request that large signs or those with graphic images not suitable for a public space not be used. You may also be able to prevent those using the free speech area from using megaphones or other devices to amplify their voices.

Please note that this guidance is based upon the experience of farmers’ market managers. Every site and situation is different and is often open to interpretation. This section is not and is not intended to be legal advice. You are encouraged to check with your own legal counsel to ensure that you and they have confidence that whatever policies you develop will comply with the law.

Remember too that there is no authority that is charged with ensuring that free speech activities do not interfere with farmers’ markets. If someone is being threatening, the police may intervene. Otherwise, the most common experience of managers is that the police will not forcibly eject someone from a farmers’ market for expressing their views. The best practice is to try to work with those who want to use the free speech area to find a compromise that allows them access to farmers’ market customers without impeding the opportunities for the market to be successful. After all, if the market should fail or free speech activities should drive away customers, they would lose the outlet for their ideas and the potential audience base that led them to the farmers’ market originally.

**Sandwich Board Ordinance**

One common way that farmers’ markets promote themselves to happen-by traffic is by using sandwich boards, also called A-frame signs, on busy streets to provide directions to the market. Before making an investment into this equipment it is important to learn whether or not they can be legally be used in the area around your farmers’ market. The restrictions of sandwich board signs can vary from city to city, from neighborhood to neighborhood within a city, and depend upon the street that the signs are intended for. If a street is maintained by the State of California, such as Highway 237 which runs through the center of Milpitas where it is called East Calaveras Boulevard, different rules may apply.

**No Parking Signs up 48 Hours in Advance**

If your farmers’ market will occupy a space that is otherwise used for public parking, most cities require that no parking signs be posted 48 hours in advance of when the parking will be unavailable. When posting signs, it is a good practice to note on the back of the sign the date and time that it was posted. Failing to post no parking signs early enough could prevent a city from having the right to ticket or tow a car that is parked within the space you would use for your farmers’ market. A best practice that can help to build community goodwill and promote your market is to prepare postcard-sized flyers about the market and the no parking rules and put them on the windshields of cars on your chosen market day for two weeks before the market opens for the season. This will warn drivers that if they are regular patrons of businesses on that street on that day of the week, that they will need to find alternative parking. It also lets them know that your farmers’ market will soon be opening so that can make plans to shop at the market.
Handicapped Parking

Maintaining or providing handicapped parking convenient to your farmers’ market is a great way to demonstrate that your market is open and welcoming to everyone. If your market displaces a handicapped spot, try to identify another spot nearby that can be used as an alternative handicapped spot. You can put up a temporary sign at that parking space during the market that indicates it is for handicapped parking only (you can find images of the blue sign with white wheelchair symbol online). While the temporary sign may not be enforceable by police or parking enforcement, hopefully it will deter those who do not have a handicapped parking permit from parking there, leaving it available for those who do need it.

Sales of Certified Organic Products

Farmers who wish to sell organically-grown products at farmers’ markets, marketing them as “organic,” must have in their possession at the point of sale, three items: a certified producers’ certificate from the county in which they are growing their crops, an organic registration from the California Department of Food and Agriculture, and, if the total sales of organically grown products exceeds $1,500 annually, the farmer must also have organic certification from an approved third-party certifier.

There is often misinformation among consumers about what it means to be “organic.” If you are planning to have certified organic farmers or vendors in your farmers’ market, it is important to understand what organic is and isn’t so you can help to educate your customers.

The USDA National Organic Program defines organic as “a labeling term that indicates that the food or other agricultural product has been produced through approved methods that integrate cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity. Synthetic fertilizers, sewage sludge, irradiation, and genetic engineering may not be used.”

Many consumers assume that a “certified farmers’ market” means all of the produce is certified organic. You know from this guide that is not the case. Many consumers also assume that organic means farming means there is no use of fertilizers or pesticides. That is also incorrect. Organic certification covers the entire process of food production from farm to plate and forbids the use of synthetic fertilizers and pesticides while allowing the use of products that have been specifically authorized for use in organic systems. The USDA maintains the National List of Allowed and Prohibited Substances that provides a guide to farmers undertaking organic production methods.

Because organic production is a process, it can take several years and thousands of dollars for a farmer to have his or her land and production methods certified as organic. Some small farmers may adopt organic growing methods but not go through the time and expense of having their operations certified as organic. Under federal law, these farmers cannot describe their farms or their products as organic. Some farms may use term such as “natural” or indicate “no sprays” to imply that their products are organic. These terms don’t have legal definitions and many farmers’ market operators consider it a best practice to not allow that type
of potentially misleading promotion with their farmers’ markets. You will need to decide how strictly you wish to regulate these types of promotions within your farmers’ market.

All California farmers who market their products as organic at a certified farmers’ market must be registered with the California Department of Food and Agriculture (CDFA). This certification must be posted at the point of sale, along with their certified producers certificate. Farmers who sell more than $5,000 of organic products in a year must also be certified organic by a certifying agency that has been authorized by the USDA to conduct inspections in compliance with the USDA’s organic regulations.
Promoting Your Farmers’ Market

In addition to designing and managing your farmers’ market, you will need to have a plan in place to promote the market and attract customers. A promotional plan is essential as you are preparing for your grand opening day to let customers know that there is now a farmers’ market in the community. It is also an ongoing responsibility.

The Pacific Coast Farmers’ Market Association is the largest operator of certified farmers’ markets in the state of California and has been developing and operating farmers’ markets for over 25 years. Some of their farmers’ markets have been in continuous operation for more than 20 years. When they conduct surveys of customers in their farmers’ markets, it is not unusual to have a high percentage of shoppers, up to 20%, report that they are shopping at that farmers’ market for the first time. Farmers’ markets that are sustainable over the long term require ongoing promotions to continually attract new customers and educate the community about the resources the farmers’ market provides in the community.

Defining Your Target Audience

The first step in developing your promotional plan is to identify your target audience. While the farmers’ market is a public event that will be open to everyone, you will need to think about who is the most likely to respond positively to your promotional message, which populations you can reach easily through existing channels, and which other populations are a priority for you to reach. These priority populations should be a reflection of the goals and community needs you identified early on.

When considering who is the most likely to respond to your message, it is important to think both in terms of “who” and “where.”

Who Are You Serving?

The “who” likely will include those who are already familiar with farmers’ markets, perhaps shopping at farmers’ markets that are outside of the community and less convenient for them. It may also include those for whom access to fresh fruits and vegetables is already a high priority but who are not currently farmers’ market shoppers, perhaps traveling outside of the community to shop at large grocery stores.

The “who” will often also include those who are actively engaged in their community through neighborhood or local business or community groups. They see the value of investing in their local community and supporting local community events, even if fresh fruits and vegetables are not a personal priority. Your promotional message to these groups can be simple and informational, giving them the day, time and location of the farmers’ market, highlighting the fresh produce available, and appealing to their sense of community pride.

When considering who to target, be sure to include those who may be easy to reach because they are already visiting the site of your farmers’ market to take advantage of other services. Don’t assume that just because someone is onsite the day of a farmers’ market that they will see it and give it a try. Using signage to promote the farmers’ market and asking those providing other services onsite to encourage farmers’ market shopping will help those potential shoppers to feel more welcome.
Often, even if someone is a “regular” at that site for other services, they may be uncertain that the farmers’ market is open to the public.

Defining who you include within your target audience must include those groups that you initially identified when assessing community needs. While the success of a farmers’ market from an economic viewpoint may be measured in dollars, the success of a farmers’ market from a programmatic viewpoint depends upon its ability to meet the community needs that you identified. Think about the groups that are reflected in your community needs statement — perhaps low-income residents, or particular racial or ethnic groups that have been underserved — and identify those groups as part of your target audience.

Where is Your Audience?

Defining the “where” of those who are likely to respond to your promotional message requires knowledge of your community, its transportation routes, existing gathering spaces, and other food sources in the community.

Customers are more likely to consider accessibility in terms of how long it takes to travel to a farmers’ market instead of the distance to a farmers’ market. The length of time that customers are willing to travel is relative to community dynamics and how accustomed they are to traveling to access goods and services. While someone living in a dense urban environment may expect to find most goods and services within 10 minutes of their home, someone in a suburban environment may be OK with traveling 15 minutes and someone living in a rural environment may typically travel up to 30 minutes.

The mode of travel comes into play here: if your target population will likely walk to your farmers’ market, the geographic area that you are targeting will be much smaller than if your target population is likely to drive to the market. If your target population is relying on public transportation, your target area will be dependent upon local bus routes and which communities they connect to your farmers’ market.

There are a number of online mapping tools that can help you visualize your target area by driving or walking distance. Links to these resources can be found in Appendix D.

When considering where your target customers are, it is important to think about competing food sources and perceived neighborhood boundaries as both have the potential to impact how your target customers perceive the accessibility of your farmers’ market. When looking at competing food sources — supermarkets, other farmers’ markets, etc. — you can apply the same drive time analysis that you applied to your farmers’ market. The areas where there is crossover between the two drive times may represent a community that will be harder for you to attract if they perceive your farmers’ market to be no more convenient than the alternative food source. Neighborhood boundaries, such as major streets with limited crosswalks, freeways or elevated bridges, may create psychological barriers for potential customers. If they perceive that areas on the other side of that boundary are outside of their community, they may feel less inclined to cross the boundary to shop.

Your knowledge of your community will help you to understand where these neighborhood boundaries may exist so you can develop specific strategies that help those from other neighborhoods to feel welcome in your farmers’ market.
Developing Your Message

Crafting an effective message is one of the most challenging aspects of any promotional plan. One of the most important rules to remember when developing a promotional message is to create separate messages to motivate and to educate.

It can be tempting to put too much information into a promotional message: “10 reasons to shop a farmers’ market,” a list of every product available, health benefits of eating more fruits and vegetables, etc. Most consumers will spend mere seconds looking at an advertisement. An effective motivational message needs to get the most important points across as quickly and clearly as possible: a farmers’ market is open at this location on this day at this time.

Once potential customers are interested, the more in-depth educational messages that share health messages and draw on community spirit can help to draw them in. Your community’s unique makeup should be on your mind when developing any messaging, so that it can be linguistically and culturally appropriate.

The amount of room that you have for your message will also depend upon the media you use. You have much less room to get your message across on a postcard than you do in a brochure. If you are paying for advertising in a newspaper or online, you are likely paying for the amount of space that you occupy. As in all advertising, you want to be sure that your most important message, and the message most likely to be received and acted upon by your audience, is included.

Incentivizing Participation

When starting a new farmers’ market, attracting new customers is one of the biggest challenges, especially when opening a farmers’ market in a community where local residents may not be accustomed to shopping at a farmers’ market. In those communities customers may have misconceptions about what products are available at a farmers’ market, how affordable the food will be, and their ability to use their public benefits such as CalFresh. Many of these misconceptions can be most effectively countered by getting customers into a farmers’ market to experience it for themselves.

Coupons

In communities where price and affordability are primary concerns, incentivizing shopping trips to farmers’ markets can be an effective strategy for encouraging trips to the market. The incentives can be either coupons which offer free or discounted purchases or items that might interest your shoppers such as free reusable shopping bags. Coupons can also be used to encourage shoppers to try products they might not otherwise try or to make purchases from a farmer whose sales are lagging. For example you might offer free strawberries to shoppers who purchase $5 or more in vegetables or a free head of broccoli to customers who purchase $5 or more in peaches. You can opt to foot the cost of these coupons as a marketing expense or you can plan the promotion in partnership with those farmers and ask them to share in the costs of the coupons.

Economically successful and sustainable farmers’ markets depend upon multiple repeat visits by farmers’ market customers. This means encouraging customers to develop new habits of purchasing more fruits and vegetables, purchasing fruits and vegetables primarily at the farmers’ market, and planning their weekly meals
around when the farmers’ market is open and they have access to fresh fruits and vegetables. Developing these habits among shoppers can take a long time.

**Frequent Shopper Programs**

Some farmers’ markets have experimented with frequent shopper cards to encourage repeat visits to the market. The concept is that each week the shopper has his or her card punched to show that they made a purchase that week. When they have accumulated enough punches on their card, they receive a prize of nominal value or are entered into a drawing for a larger prize. This larger prize might be market-related or might be donated by a nearby business also interested in promoting itself to your customers.

**Customer Education**

Educating consumers can also help them to develop repeat shopping habits. Teaching customers how to properly store their purchases so they stay fresh can help them to avoid waste and can encourage them to purchase more products. Providing recipes can also help customers to see the potential of using more farmers’ market products and using them in different ways. For example, fresh beets at the farmers’ market often have the stems and leaves still attached. These beet greens and stems are edible (and delicious) if cooked within a day or so of the harvest date. The root portion will last for several days in the refrigerator before it needs to be cooked. The single beet purchase has then supplied food for two meals, and you have taught a customer a new way of preparing this vegetable.

**Identifying Your Outlets**

Knowledge of who comprises your target audience and where they are is essential to identifying the outlets that you can use to reach them and selecting the outlets that are most likely to be cost effective in communicating your promotional message.

Knowing your target audience well also means knowing something of their media consumption and communications habits. Do they tend to subscribe to cable television? Are they more likely to consume English-language media or media in another language? Do they use social media like Facebook or Twitter? Do they tend to have cellphones and communicate through text messaging? Answering questions like these about your target audience can help you to dedicate your promotional resources to the outlets that align most closely to those used by your potential customers.

If you are considering paid advertising, the media outlets will have a great deal of data about their audience that they can share with you as part of their sales presentation. Take advantage of the information they offer you but consider it carefully. Their sales goal is to convince you that their outlet will fit your needs. You need to weigh their claims about who they can reach with your own knowledge of the community.

Free media can also be very effective in getting the word out. Develop a strategy of press outreach concerning the farmers’ market, with multiple press releases, each highlighting a different farmers’ market benchmark. For example, you might distribute a press release when the permits are in place to announce a farmers’ market will be opening in a month, then a press release announcing the grand
opening celebration and then one which reports on the successful first month of operation for the farmers’ market.

If you have identified where your target audience resides, direct mail or door-to-door outreach can be an effective tool to reach them. There are a number of companies that will sell or rent you mailing addresses within the geographical boundaries that you define. If you have a corps of eager volunteers, you may find it more effective to hand deliver promotional flyers to homes instead of paying postage to mail them. If you choose to hand deliver flyers, be sure your team is aware that only US Postal Service employees are allowed to put anything into mailboxes. If your team places flyers into a mailbox, it could result in financial penalties for your organization. Flyers should be left in other places such as on doorsteps or hanging from doorknobs.

Once your market is operating, you may find it advantageous to have separate promotional outlets for current customers and potential customers. Many farmers’ markets have found success with inexpensive media such as email newsletters and social media to remain in communication those who are already shopping at their markets. Through these outlets they are able to share farmers’ market updates about new farmers or new products entering the market, promote recipes and special events that encourage shoppers to return to the market, and stay at the top of their customers’ minds.

Leveraging Existing Resources

If you are launching a farmers’ market as an added service in a community in which you are already providing services, then you already have communications channels in place to reach potential customers. You may be able to leverage those resources to help promote your farmers’ market.

If you have a site which regularly draws in community members, you can promote your farmers’ market there. The nature of the promotional outreach could range from flyers in the lobby to posters in the elevator to a looping video commercial in a waiting room depending upon your site, your audience and your capacity.

If you regularly send mail to current clients, consider adding a flyer that promotes the market to all of your recipients or adding a sticker to the outside of the envelope bringing their attention to the farmers’ market.

These types of communications resources may also exist within partner organizations that work with the same population and which share your goals. Approach them to ask for their help in using their communications network to help promote the farmers’ market. Because farmers’ markets are often viewed as community hubs, local businesses and organizations may be interested in helping you promote the market in exchange for your help promoting their work. You might offer to display their information at your information booth, allow them to set up a “community booth” at the market, or find another mutually beneficial exchange of promotion.
Tools to Assess Community Needs

Sample Questions for Assessing Community Interest

These questions have been used successfully by other farmers’ market operators to assess community needs and interest in farmers’ markets. Some of these questions may not be appropriate for your community. This list is not exhaustive; there may be additional information that you wish to collect which would require asking questions not included here.

• How many times a month does your household go grocery shopping?
  o 2 – 3
  o 3 – 4
  o 4 – 5
  o 5 or more times

• How do you get around most of the time?
  o Walk
  o Bus
  o Own car
  o Borrow or share a car
  o Other:

• What are some activities you or your family likes to do? (Hobbies, interests, etc.)

• What would you like to learn about cooking, nutrition, or agriculture?

• On a scale of 1 to 5, (1 is Not at all Important; 5 is Very Important), please rate how important the following factors are in determining what fruits and vegetables you purchase to eat:
  o If it is a good price
  o If it is good quality
  o If I know my family likes it
  o If it is easy to prepare
  o If it is healthy
• If it is grown organically
• If it is grown locally

• Do you and your family members eat fresh fruits and vegetables? Why or why not?
• Have you been to a farmers’ market before? (A farmers’ market is a market, usually held outdoors, where farmers sell their produce. Certified farmers’ markets only sell produce grown in California.)
  • Yes
  • No
• If yes, what was the farmers’ market called?
• Why did you go to the farmers’ market?
• What did you like or dislike about the experience?
• In addition to fruit and vegetables, what other activities or items would bring you to the farmers’ market?
  • Herbs and Spices
  • Flowers
  • Bread
  • Hot food
  • Live Music
  • Cooking Demonstrations
  • Nutrition Classes
  • Activities for Kids
  • Blood pressure monitoring
  • Bicycle flat repair
  • Information about local businesses
  • Dance Performances
  • Contests I can participate in
  • Giveaways (bags, water bottles)
  • Other Ideas:
• Where do you usually find out about local events? (check all that apply)
  • Family or Friends
  • Community Center / Family Resource Center
o Mail
o Church
o Online
o Facebook, Twitter
o Newspaper
o Radio (Stations: ________________)
o Posters
o Billboards
o Other Places:

• Do you receive any of the following Nutrition Benefits? (check all that apply)
o Cal Fresh/SNAP/EBT
o Senior WIC Farmers’ Market Nutrition Program (FMNP)
o WIC FMNP

• How likely would you be to shop at a farmers’ market during each of the following timeframes?
o Day of the Week, from Starting Time to Ending Time
  • Very Likely
  • Somewhat likely
  • Not sure
  • Unlikely
  • Very Unlikely

• What other day and time would you suggest?

• Do you have any other ideas that you think would make a good farmers’ market?

• Are there particular products you think the farmers’ market needs to add to be successful?

• In a typical week, how many meals do you or your family prepare at home, instead of eating at a restaurant, or getting fast food or take out?
o Nearly all of our meals are prepared at home.
o More than half of our meals are prepared at home.
o Less than half of our meals are prepared at home.
We rarely prepare meals at home.

We never prepare meals at home.

- If you do not prepare very many meals at home, please tell us a little about why you do not:
  - Do not have a kitchen at home
  - Do not feel comfortable cooking
  - Do not like cooking
  - Do not have enough time to cook
  - Other:

- In a typical day, how many servings of fruits and vegetables do you eat? A serving is usually around a half cup in size.
  - 5 or more servings
  - 4 servings
  - 3 servings
  - 2 servings
  - 1 serving
  - I don’t usually eat fruits and vegetables

- How easy or difficult is it to find quality fresh fruits and vegetables in your neighborhood?
  - Very Easy
  - Easy
  - Neither Easy nor Difficult
  - Difficult
  - Very Difficult

- How easy or difficult is it to afford quality fresh fruits and vegetables in your neighborhood?
  - Very Easy
  - Easy
  - Neither Easy nor Difficult
  - Difficult
  - Very Difficult
• Do you have a budget or a set amount you spend on food each month/week?
  	- Yes
  	- No

• How much do you spend on food in a usual month?

Tools for Mapping Community Demographics and Resources

There are a number of free resources available online that can help you to collect data about your community. These data sources are especially helpful when preparing business plans or funding proposals. They are not, however, a substitute for direct knowledge of your community.

• Community Commons: free online tool for generating maps visualizing food resources, grocery stores, demographics, and many other data sets. http://www.communitycommons.org

• US Census: Statistical data for the entire United States for political jurisdictions (states, counties, cities, etc.) with some data available down to the neighborhood level. http://www.census.gov/main/www/access.html

• Free Map Tools: A program built onto Google Maps that creates a visual representation of the areas around an address that are within a travel time that you specify. http://www.freemaptools.com/how-far-can-i-travel.htm
Recommended Equipment List

While every farmers’ market is unique and you will want to develop your own list of essential equipment to have on hand, this list provides a sampling of items that veteran farmers’ market managers have found useful to have on hand.

- **10 foot by 10 foot pop-up tent.** You should have a tent available to set up your own informational booth, or to lend to a farmer or vendor who might forgotten their own. Overhead canopies are required by county environmental health departments for all food sales. In addition, the California Occupational Safety and Health Administration (Cal-OSHA) recommends access to shade for employees to cool down for at least five minutes for every hour they are working outside.

- **Folding table.** 6-foot rectangular tables with folding legs tend to work better than card tables. Some will double fold to be around three foot by three foot square when fully folded which can help with storage. Other tables will have legs that can be adjusted to three different heights. Low-height tables can be good for children's activity while high-height tables are easier on your back when standing at the table for long periods.

- **Table cloth.** Select a table cloth which is big enough to cover the top and front legs of your table. This will allow you to store boxes or equipment under your table without them being visible to the general public. While some prefer plastic table cloths as they can be wiped down easily, the plastic tends to dry and crack after extended use. Others prefer fabric tablecloths that are machine washable as a more practical alternative.

- **Clear packing tape.** This type of tape is very useful for hanging signs in and around the farmers’ market. Do not use duct tape or another type of tape that can leave a sticky residue behind. Over time that resident attracts dirt and destroys the look of your equipment. If you are affixing signs to the metal legs of pop-up tents, the residue can also build up on the tent legs making it much more difficult to open and close the tents.

- **Bungee cords.** Bungee cords are essential tools for securing tents and hanging banners. Many home supply stores will sell packs with bungees in multiple lengths which can be helpful to ensure you have the right one for your needs.

- **Clips.** Heavy duty clips can help to clamp signs to tables or tent legs. These can be found at home supply stores.

- **Weights or displays for papers displayed on tables.** Some farmers’ market managers use painted rocks to hold papers on their tables which others prefer to purchase display stands from office supply stores. Binder clips can be helpful to keep stacks of papers together, too.

- **Clipboard.** A simple clipboard is helpful to keep all your important documentation together and provide a hard writing surface as you move throughout the farmers’ market.

- **Garbage cans and garbage bags.** If you need something portable, pop-up hampers work well. But be careful, garbage bags don't always fit the pop-up hampers well so you may want to add clips to hold the bag in place.
• **Sandwich-board style signage.** You can make your own signage with boards, plywood and hinges, or purchase professionally made signs that are wood or plastic. Some sandwich board signs are available with chalkboard or whiteboard surfaces so you can change your message as needed. If local laws allow it, these signs can be displayed outside the market to attract customers. Or you can use them inside the market to provide information to customers.

• **Fire Extinguisher.** A fire extinguisher is a must-have safety item. Be sure that your fire extinguisher is inspected annually and that the current inspection tag is attached. Be sure to put the fire extinguisher in a prominent place so it is easily accessible in case of an emergency.

• **First Aid Kit.** First aid kits range from simple ones with bandages and over the counter pain medicine to highly complicated kits that include a CPR barrier mask. Whichever one you choose, you need to be sure that it is restocked as items are used, that your onsite staff and volunteers are trained in how to use it, and that is it prominently displayed in the farmers’ market so it easy to access when needed.

• **Traffic cones.** The ubiquitous orange cone is a very useful tool. It can be used to mark off a loading zone, to indicate a no parking or no through traffic area or to flag potential hazards. You can find these at construction supply companies.

• **Sunscreen.** Even on cloudy days it is possible to get too much sun. The best long-term way to protect your health is to wear sunscreen whenever you will be outside for an extended period.

• **Water.** The California Occupational Health and Safety Administration (Cal-OSHA) recommends enough fresh water so that each employee can drink at least one quart per hour when working outside in the heat.

• **Emergency cleaning kit.** Have an emergency cleaning pack that includes rubber gloves, disposable towels, anti-bacterial cleaner and trash bags in case you need to clean the restrooms or clean up something unsavory in the farmers’ market.
Farmers’ Market Safety

The safety of your staff, volunteers, farmers, vendors and customers should always be a top concern for you. Many of the safety requirements for farmers’ markets are common sense and not unlike any workplace safety rules: look out for trip hazards and low hanging obstructions, keep electrical cords away from walkways and wet areas, etc.

One of the more unique safety requirements for farmers’ markets is the presence of pop-up tents. Your local fire marshal or fire department may have requirements for the fire resistance of the fabric canopies that can be uses, as well as restrictions on how many tents can be adjacent to one another before there must be a break. Talk to your local fire inspectors to learn how they interpret state laws concerning tent structures.

Secure Your Tents

It is very important to secure your tents well. Be prepared for the wind to pick up the tents in your market. It is extremely important to attach weights to your tents such that they will not lift up, or flip over.

Here are some ways of doing so; if you are able, employing one of these techniques on each side of the tent will be most safe.

Figure A. A cinder block and bungees create a sturdy weight.

Figure B. Vehicles parked behind tents provide great shelter and foundation to bungee to.
**Figure C.** Fill bags with sand for an inexpensive weight.

**Figure D.** Once you line up your tents, you can bungee the adjacent legs together for added stability.

---

**Additional safety tips:**

- **Double check your tables.** As farmers’ markets are “pop-ups”, most people tend to use portable tables. Be aware that most tables have some sort of locking mechanism that should be employed so that the table won’t buckle. Regardless of the lock being used, use your common sense about how much weight a table should hold—no one enjoys the aftermath of a table full of fruit buckling and pushing its contents onto the asphalt.

- **Watch your hands and fingers.** It can be easy to hurt yourself putting up a tent, table, or moving bevy boxes of produce, especially why you’re in a hurry. Be careful and always have a first aid kit nearby.

- **Watch your valuables.** Regardless of the character of the neighborhood, you’ll want to encourage producers and customers alike to pay attention to where they set down money or keys.

- **Check for tripping hazards.** Pay attention to the flow of pedestrians, particularly if there are curbs, sprinklers, or other impediments that might not be noticed by someone excited to pick out their produce. You can work with farmers to reconfigure how their tables are set up to lessen these accidents, and/or place cones to warn shoppers.

- **Maintain high vehicle safety standards.** Provide firm rules about vehicles entering and exiting the market to your producers, and create an obvious demarcation to prevent customers from accidentally driving into the market. Monitor shopper safety as vehicles are entering and exiting the market well, and work with your producers so that they learn to be your extra eyes in the
market, too. Enforce very slow speed limits as producers move vehicles in and around the farmers’ market to help ensure they don’t accidentally clip someone or something in the market.

- **Be aware of potentially hazardous produce.** While whole, uncut fruits and vegetables are generally safe products, be aware that there are products that can be potentially hazardous, for example:
  
  1. Some plants may have certain parts that are poisonous, while other parts of them are not. (e.g. rhubarb leaves are poisonous, while the stems are edible)
  2. Produce that contains a lot of water is potentially hazardous once cut open. This means that, while a customer may prefer to buy a half watermelon or kabocha squash, it is a risk to allow this practice to occur. While you may see this happen at other outdoor markets, note that an inspector will likely issue you and the farmer citations up for participating in this practice.
Additional Resources Cited in Guide

Farmers’ Market Alternatives (from Section 1)

• Community Gardens
  o City of San Jose Community Garden Plots: http://www.sanjoseca.gov/index.aspx?NID=599
  o City of Oakland Community Gardening Program: http://www2.oaklandnet.com/Government/o/opr/s/cgardening/index.htm
  o Community Gardens: Lessons Learned From California Healthy Cities and Communities: http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1447988/
  o Garden to Table: http://www.garden2table.org/
  o Veggielution Community Farm: http://www.veggielution.org/
  o Valley Verde: http://www.valleyverde.org/

• Urban Farm Stands
  o Alchemist CDC: Urban Farm Stand – Bringing Fresh Produce to the Neighborhood: http://www.cpehn.org/pdfs/Urban%20Farm%20Stands%20-%20Wendy%20Carter%20(Sac)%20-09.pdf

• Food Boxes
  o Agricultural Marketing Resource Center: Community Supported Agriculture: http://www.agmrc.org/business_development/operating_a_business/direct_marketing/community-supported-agriculture-csa/

• Partnerships with Existing Farmers’ Markets
  o California Federation of Certified Farmers’ Markets: http://www.cafarmersmarkets.com/
California Cottage Food Law (from Section 2)


Fruit and Vegetable Seasonality Charts (from Section 2)

- CUESA (Center for Urban Education about Sustainable Agriculture) Vegetable Seasonality Chart: http://www.cuesa.org/sites/default/files/vegetable_seasonality_chart.pdf

- CUESA (Center for Urban Education about Sustainable Agriculture) Fruit and Nut Seasonality Chart: http://www.cuesa.org/sites/default/files/vegetable_seasonality_chart.pdf


Rules and Regulations of Other Farmers’ Market Operators (from Section 2)


- Davis Farmers’ Market: http://www.davisfarmersmarket.org/info/DFM_Rules.pdf


- Santa Monica Farmers’ Markets: http://www.smgov.net/uploadedFiles/LandingPages/Farmers_Market/Santa%20Monica%20Farmers%20Market%20Rules,%20Regulations%202010.pdf
Application Form Examples from other Farmers’ Market Operators (from Section 4)


• Center for Urban Education about Sustainable Agriculture/Ferry Plaza Farmers’ Market: http://www.cuesa.org/sites/default/files/Farmer_Rancher_prospective_2010.pdf

• Urban Village: http://www.urbanvillageonline.com/vendors/


1. **Applicant.** Check the box which describes which of the three terms – Certified producer(s), local government agency, or nonprofit organization – best describes you as the applicant.

   - If you are applying under the category of certified producer(s), you will likely be required to provide a copy of a valid certified producers certificate (CPC) which matches the applicant information on this form.

   - If you are applying under the category of nonprofit organization, you will be required to produce a letter of exemption from the California Franchise Tax Board, articles of incorporation certified by the California Secretary of State, or a certified producer association constitution, as noted at the bottom of the form. You
will also be required to provide a copy of your organizational bylaws.

2. **Name of Applicant.** Fill in contact information for the organization that is applying for permission to operate a certified farmers’ market. Fill in as much information as possible. Remember that this is a public document so all of the information is available to the general public upon request. You may prefer to provide a business number instead of residence number to help protect your privacy. If you are working with a consultant or partner organization that will manage the farmers’ market on a day-to-day basis, their information can be listed in the section below.

3. **Market Name.** Provide the name of your farmers’ market. This should be distinct from other farmers’ market names already used in your city or county to prevent confusion in the application and when communicating about the farmers’ market to potential farmers, vendors and customers. If the day-to-day operator of the farmers’ market will be different than the applicant, provide contact information here for that person or organization.

4. **Market Manager Name.** Enter the name of the person responsible for the day-to-day operations of the farmers’ market. This is the person to whom written correspondence about the farmers’ market, including quarterly bills from the California Department of Food and Agriculture (CDFA), will be addressed. This is also the person that will be contacted by CDFA or the county agriculture department with questions, concerns or updates about farmers’ market issues.

5. **Market Location.** Enter the nearest intersection to the farmers’ market location, as well as the city, county and zip code. The goal of this information is to make it easier for inspectors to find the farmers’ market and to aid in mapping when counties or the state wishes to create a promotional map showing farmers’ market locations.

6. **Months.** Enter the opening and closing dates if they are known. Otherwise, enter the first month in the calendar year that you expect the farmers’ market to operate and the last month in the calendar year that you expect the farmers’ market to operate. If you put in months instead of exact dates, it is a best practice to call the county agriculture department to provide exact dates as soon as you know them. Similarly, if you need to make changes to any of the information on the application during the course of the farmers’ market season, you should call the county department of agriculture and the county department of environmental health to provide those updates.

7. **Days.** Fill in the day or days of the week that this farmers’ market will operate. The assumption is that the farmers’ market will operate weekly. If the farmers’ market will operate on a different schedule, such as every other week or once per month, indicate that here as well.

8. **Hours.** Provide the posted operating hours of the farmers’ market. You will likely be planning additional time before the market opens each day for farmers and vendors to arrive and set up, as well as additional time at the end of the market day for farmers and vendors to pack up and depart. Do not include those hours in what you provide here, but be sure you are taking the need for that time in account when selecting your operating hours.
9. **Est. # of Producer Stalls** Per Quarter. You are asked to provide an estimate of the number of producer stalls that will likely be in your farmers’ market throughout each calendar quarter. The easiest way to estimate this number is to look at the number of farmers and vendors who have committed to sell in your farmers’ market or that you hope to have in your farmers’ market, and multiply that times the number of days your farmers’ market will be open during the quarter. This is an estimate only. There are no penalties for not estimating accurately.

10. **Signature.** Sign the application and be sure the signer prints his or her name on the line above the signature. Fill in the date the application was signed.

11. **Check one.** If the person signing the application is an authorized representative of the organization you included in #2, then check “Applicant.” If the person signing the application is an authorized representative of the farmers’ market operator listed in #3, check “Applicant Representative.”

12. **For Official Use Only.** Do not complete anything in this space. If your application is accepted you will receive a copy of this application that is checked as “Approved” and which includes the issued date, expiration date, certificate number and a signature. Make a copy of the certificate to take to the farmers’ market and file the original in a safe place in case the copy is lost or damaged. If the application is not accepted, you will see a statement as to the reasons it was rejected.

**Sample General Liability Insurance Form**

1. **Producer.** The name and contact information of the insurance agency that has sold the policy to the farmer or vendor.

2. **Insured.** The name of the farm, farmer or vendor to whom this policy has been issued.

3. **Insurer.** The name of the insurance carrier that has issued the policy to the farmer or vendor.

4. **INSR LTR.** The letter listed here refers to the carrier providing this insurance coverage (#3). An insurance agent may arrange for separate policies for general liability, automobile, workers compensation, etc. but they may all be listed on the same form.

5. **Type of Insurance.** The boxes checked indicate which type of insurance is included on this policy certificate.

6. **ADDL INSR.** An “X” in this column indicates that one or more entities have been named as an additional insured. You need to check elsewhere on the document to ensure that your organization or farmers’ market is included as an additional insured.

7. **Policy EFF.** The first date that this policy is in effect. If this farmer or vendor is in your farmers’ market before this date, you do not have proof that they have insurance in place for their activities on that date.

8. **Policy EXP.** The last date that this policy is in effect. If this farmer or vendor
is in your farmers’ market after this date, you do not have proof that they have insurance in place for their activities on that date.

9. **Limits.** If you have set minimal coverage limits that you will accept, you will need to confirm that the coverage limits listed here are equal to or greater than your accepted limits.

10. **Description of Operations.** This space is commonly used to list information about additional insured. If you require your farmer or vendor to list your farmers’ market or organization as an additional insured, check to see that your information is listed properly here. It may also be listed on an attachment page.

11. **Certificate Holder.** If your farmers’ market or organization is listed as an additional insured on the policy, this section may contain your mailing address. This ensures that you will be notified of a change in policy, such as a cancellation or a change in coverage limits.
Sample Certified Producer's Certificate

STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
CERTIFIED FARMERS' MARKET INSPECTION PROGRAM
51-045M (REV 05/01)

CERTIFIED PRODUCER'S CERTIFICATE
ISSUING COUNTY:  

<table>
<thead>
<tr>
<th>NAME</th>
<th>FOR OFFICIAL USE ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>DBA</td>
<td>CERTIFICATE NUMBER</td>
</tr>
<tr>
<td>ADDR</td>
<td>COUNTY FEE</td>
</tr>
<tr>
<td>CITY AND ZIP</td>
<td>ISSUING DATE</td>
</tr>
<tr>
<td>PHONE (RES)</td>
<td>EXPIRATION DATE</td>
</tr>
<tr>
<td>PHONE (BUS)</td>
<td>AMENDED DATE</td>
</tr>
<tr>
<td></td>
<td>COPIES ISSUED</td>
</tr>
</tbody>
</table>

Only those products listed below, and grown at the following production site(s) by the certified producer may be sold at a certified farmers' market.

<table>
<thead>
<tr>
<th>PRODUCTION SITE(S)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STORAGE LOCATION (A)</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>MONTHS IN STORAGE</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SITE #</th>
<th>COMMODITY</th>
<th>VARIETY/TYPE</th>
<th>AMOUNT GROWN</th>
<th>HARVEST SEASON</th>
<th>BST. PRODUCTION (LB, CTN)</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
<td>12</td>
</tr>
</tbody>
</table>

| AUTHORIZED COUNTY(IES) - transporting products into another county for the purpose of selling at a certified farmers' market within that county is permitted only in the authorized counties listed on this certificate. |

<table>
<thead>
<tr>
<th>Name(s) of the Producer(s) that the Certificate Holder May Sell FOR:</th>
<th>Certificate Number</th>
<th>Date Declared</th>
<th>Name(s) of the Producer(s) Authorized to SELL the Certificate Holder's Product:</th>
<th>Certificate Number</th>
<th>Date Declared</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I, have reviewed this certificate and certify that the information provided is true and correct. I further certify that persons representing me are family members, or employees as defined by the regulations cited herein, or a certified producer I have authorized to sell on my behalf. I understand that violations of these regulations may subject me to criminal and civil penalties, including fines up to $1,000,000 per violation, and/or suspension or revocation of this Certificate and/or my privilege to participate in certified farmers' markets. This certificate is valid within the county of the issuing county.

**THIS CERTIFICATE MUST BE CONSPICUOUSLY POSTED AT POINTS OF SALE**

Page 1 of 16

1. **Issuing county.** Name of the California county which issued the certificate producers certificate (CPC).

2. **Certified producer.** Name and contact information of the certified producer/farmer to whom the certificate is issued.

3. **Certificate number.** This should be a unique number for this certificate for this producer. Some, but not all, counties change certificate numbers annually.

4. **Expiration date.** After this date, the CPC is no longer valid.

5. **Production site(s).** Addresses, intersections or other descriptions of each of the growing areas in the county that were inspected or reported for the certificate.
6. **Storage Location.** Location of cold storage and months that the storage location is in operation for products that are not sold immediately upon harvest.

7. **Site #.** This refers to the site description in #5 where this particular product is under cultivation. Multiple site numbers may be included here if the product is under cultivation on multiple plots of land.

8. **Commodity.** The general, common name of the produce under cultivation.

9. **Variety/Type.** The specific variety of the produce under cultivation. For example, “peach” might be listed as the commodity on multiple lines and the particular varieties such as “Arctic Snow” or “O’Henry” would be listed individually here.

10. **Amount/Unit Grown.** The amount of the product observed or reported to be under cultivation. This could be listed as acres, rows, trees, or another description depending upon the commodity.

11. **Harvest Season.** The months in which harvest is to be expected in a typical year. Sales of this product outside of this listed harvest season should raise concerns the farmer may not be abiding by the regulations which govern certified farmers’ markets. However, this is not a hard and fast rule. In years with warm winters or some crops may be ready for harvest earlier than in a typical year and in years with mild autumns, crops may stay in production longer than in a typical year.

12. **Est. Production.** An estimate of the amount likely to be harvested based upon the amount of this commodity grown. If sales of this product far exceed the amount estimated, it should raise concerns that the farmer may not be abiding by the regulations which govern farmers’ markets.

13. **Authorized Counties.** Counties in which this CPC is approved for use. If the county of your farmers’ market is not included here then this CPC is not valid for use at your farmers’ market. The farmer will need to request an amended CPC from the issuing county.

14. **Name of the Producer(s) that the Certificate Holder May Sell FOR.** This section and the next outline rules for “second certificates.” The name and CPC number of each certified producer that has authorized this farmer to sell his/her product must be listed here. The CPC listed must be on display along with this CPC any day that the farmer is selling items from the second certificate at a certified farmers’ market.

15. **Name of the Producer(s) Authorized to SELL the Certificate Holder’s Product.** The name of the producer and the certificate number held by that producer which is cross-referenced with this certificate. The producer listed is authorized to sell products listed on this CPC in compliance with the “second certificate” rules.

16. **Page.** If you are requesting that your farmers provide you with a copy of their CPCs, be sure you have all pages of the document on file.
Sample Market Logs

Sample 1. This information can be found on the “About Your Farmers Market” tab within the sample farmers’ market log available as a Microsoft Excel file from www.FoodWithinReach.org.

<table>
<thead>
<tr>
<th>Name of Your Organization:</th>
<th>Nonprofit Name</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Your Farmers’ Market:</td>
<td>Our Community Farmers’ Market</td>
<td>2</td>
</tr>
<tr>
<td>Stall Fee Structure:</td>
<td>Hybrid</td>
<td>3</td>
</tr>
<tr>
<td>Fee per 10x10 Space</td>
<td>% of Daily Sales Charged</td>
<td>4</td>
</tr>
<tr>
<td>Farmers (Agricultural Producers)</td>
<td>$25.00</td>
<td>3.00%</td>
</tr>
<tr>
<td>Vendors (Nonagricultural Producers)</td>
<td>$35.00</td>
<td>5.00%</td>
</tr>
<tr>
<td>First Date the Market is Open</td>
<td>5/1/2014</td>
<td>5</td>
</tr>
<tr>
<td>Last Date the Market is Open</td>
<td>9/25/2014</td>
<td>6</td>
</tr>
<tr>
<td>Frequency of the Market</td>
<td>Weekly</td>
<td>7</td>
</tr>
<tr>
<td>Market Dates This Year</td>
<td>1 5/1/2014</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>2 5/8/2014</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 5/15/2014</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4 5/22/2014</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5 5/29/2014</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6 6/5/2014</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7 6/12/2014</td>
<td></td>
</tr>
</tbody>
</table>

1. **Name of Your Organization.** Enter your organization name here and it will be repeated elsewhere in the log.

2. **Name of Your Farmers’ Market.** Enter the name of your farmers’ market here and it will be repeated elsewhere in the log.

3. **Stall Fee Structure.** Choose from the dropdown list which of the three options best matches the way in which stall fees are calculated for your farmers’ market.

   - Flat Fee. All farmers and vendors are charged a flat fee for the amount of space they occupy in the farmers’ market, regardless of how much they sell that day.

   - Percent of Sales. All farmers and vendors are charged a percentage of their gross sales, regardless of how much space they occupy in the farmers’ market.

   - Hybrid. All farmers and vendors are charged the greater of either the flat rate, based upon the amount of space they occupied in the farmers’ market, or the percentage of their gross sales for the day.

4. **Stall Fees.** Details of the stall fees charged. If you have chosen the “Flat Fee” stall fee structure you can leave the “% of Daily Sales Charged” column blank. If you have chosen the “Percent of Sales” stall fee structure you can leave the “Fee per 10x10 Space” column blank. Otherwise, you must fill in amounts in all four cells for the log to function properly. You can set different rates for farmers vs. vendors or duplicate the same information for each based upon the policies for your farmers’ market.
5. **First Date the Market is Open.** Enter the first date of the calendar year that the farmers’ market will be open for business.

6. **Last Date the Market is Open.** Enter the last date of the calendar year that the farmers’ market will be open for business. The log will verify the first and the last dates fall on the same day of the week.

7. **Frequency of the Market.** Choose either “Weekly” or “Every Other Week” from the dropdown list based upon the schedule for your farmers’ market. This will trigger the log to create a list of the dates that your farmers’ market will be open during the calendar year.

8. **Market Dates This Year.** The list of dates for your farmers’ market will appear here, based upon the information you entered in numbers 5, 6 and 7.

**Sample 2.** This information can be found on the “List of Farmers” tab within the sample farmers’ market log available as a Microsoft Excel file from [www.FoodWithinReach.org](http://www.FoodWithinReach.org).

<table>
<thead>
<tr>
<th>Our Community Farmers’ Market</th>
<th>Farmers/Certified Producers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Farm Name</strong></td>
<td><strong>Contact Name</strong></td>
</tr>
<tr>
<td>1. Farmer 1</td>
<td>Jane Farmer</td>
</tr>
<tr>
<td>2. Farmer 2</td>
<td>Mark Farmer</td>
</tr>
<tr>
<td>5. Farmer 5</td>
<td>Chang Farmer</td>
</tr>
</tbody>
</table>

1. **Name of Your Farmers’ Market.** If you entered this information on the “About Your Farmers Market” page of the log, it will automatically appear here.

2. **Farm Name.** Enter the name of each farm that you have given permission to attend your farmers’ market.

3. **Contact Name.** Enter the name of either the certificate holder at the farm or the primary contact at the farm that you communicate with concerning farmers’ market issues.

4. **Phone Number.** Enter the best phone number to reach the person listed in #3.

5. **Mailing Address.** Enter the mailing address for the farm. The log provides a space to record street number and street name, city and zip code. It does not provide a space for state as it assumes that all farmers in your farmers’ market are based in California.

6. **CPC County.** Enter the county that has issued the certified producers certificate (CPC) to the farmer. The log provides a space for only one CPC. If a farmer has multiple certificates, either because the farmer is growing in
additional counties or because the farmer's CPC has been cross referenced with that of another farmer through the second certificate rules, you may need to add additional columns to the right to record that information.

7. **CPC Number.** Enter the certificate number from the CPC. This will be a unique number that identifies that certificate as being from that county.

8. **CPC Expiration Date.** Record the expiration date of the CPC. Remember that after this date the CPC is no longer valid for the farmer to participate in your farmers’ market. As the expiration date approaches, it is a best practice to reach out to the farmer to request a copy of an updated CPC.

Sample 3. This information can be found on the “List of Vendors” tab within the sample farmers' market log available as a Microsoft Excel file from [www.FoodWithinReach.org](http://www.FoodWithinReach.org).

<table>
<thead>
<tr>
<th>Business Name</th>
<th>Contact Name</th>
<th>Identification Number</th>
<th>Mailing Address Line 1</th>
<th>Mailing Address Line 2</th>
<th>Mailing Address City</th>
<th>Mailing Address State</th>
<th>Description of Product</th>
<th>Health Permit Required</th>
<th>Health Permit Expiration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vendor 1</td>
<td>Jane Vender</td>
<td>555-555-5555</td>
<td>123 Main Street</td>
<td>Concord</td>
<td>CA</td>
<td>Yes</td>
<td>No</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>Vendor 2</td>
<td>Joe Vender</td>
<td>555-555-5555</td>
<td>246 Second Street</td>
<td>Concord</td>
<td>CA</td>
<td>Yes</td>
<td>Yes</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>Vendor 3</td>
<td>Mike Vendor</td>
<td>555-555-5555</td>
<td>345 Third Street</td>
<td>San Jose</td>
<td>CA</td>
<td>No</td>
<td>No</td>
<td>7</td>
<td>8</td>
</tr>
</tbody>
</table>

1. **Name of Your Farmers’ Market.** If you entered this information on the “About Your Farmers Market” page of the log, it will automatically appear here.

2. **Business Name.** Enter the name of each nonagricultural vendor that you have given permission to attend your farmers’ market.

3. **Contact Name.** Enter the name of either the business owner or the primary contact at the business that you communicate with concerning farmers’ market issues.

4. **Phone Number.** Enter the best phone number to reach the person listed in #3.

5. **Mailing Address.** Enter the mailing address for the business. The log provides a space to record street number and street name, city and zip code. It does not provide a space for state as it assumes that all vendors in your farmers’ market are based in California.

6. **Description of Product.** Enter a general description of the product(s) sold by this vendor as it will help you when deciding about farmers’ market issues such as where within the farmers’ market is the best placement for the vendor.

7. **Health Permit Required.** If the vendor is selling a food product, the vendor must have a health permit either for a certified kitchen or in compliance with the California Cottage Food Act. You can also use this space to record expiration dates for health permits once vendors have provided you with verification of their health permit.
8. **Fire Permit Required.** If the vendor is cooking in the farmers’ market or using a generator or open flame to maintain food at temperature, then a fire permit will likely be required. Use this space to ensure that you are tracking required fire permits plus any special conditions, such as the type of fire extinguisher that might be required to be on hand, to ensure your farmers’ market remains in compliance.

**Sample 4.** This information can be found on the “Market Day Template” tab within the sample farmers’ market log available as a Microsoft Excel file from www.FoodWithinReach.org. It is recommended that if you are using the sample log, that you not enter data directly into this tab. Instead, right click on the tab and select “Move or copy…”. Click “Move to end” and “Create a copy”, then “OK”. You should now have a new tab called “Market Day Template (2)”. Right click on this new tab and select “Rename”. Type in date of your farmers’ market. Excel does not allow slashes in tab names so use dashes to separate the month, day and year. For example, May 8, 2014 would be entered as “5-8-2014”.

<table>
<thead>
<tr>
<th>Market Log</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Nonprofit Name:</strong> Our Community Farmers’ Market</td>
</tr>
<tr>
<td><strong>Market Date:</strong> May 08, 2014</td>
</tr>
<tr>
<td><strong>Market Manager:</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Farm Name</th>
<th>Number of Stalls</th>
<th>Total Sales Today</th>
<th>Amount Due Today</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farmer 1</td>
<td>5</td>
<td>$250.00</td>
<td>$37.50</td>
</tr>
<tr>
<td>Farmer 3</td>
<td>2</td>
<td>$500.00</td>
<td>$50.00</td>
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<tr>
<td>Farmer 5</td>
<td>2</td>
<td>$820.00</td>
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</tbody>
</table>

**Subtotal for Farmers:** $137.50

<table>
<thead>
<tr>
<th>Vendor Name</th>
<th>Number of Stalls</th>
<th>Total Sales Today</th>
<th>Amount Due Today</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vendor 1</td>
<td>10</td>
<td>$250.00</td>
<td>$52.50</td>
</tr>
<tr>
<td>Vendor 2</td>
<td>1</td>
<td>$300.00</td>
<td>$35.00</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>$0.00</td>
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<tr>
<td></td>
<td>0</td>
<td>$0.00</td>
<td></td>
</tr>
</tbody>
</table>

**Subtotal for Vendors:** $87.50

**GRAND TOTAL:** $225.00
1. **Name of Your Organization.** If you entered this information on the “About Your Farmers Market” page of the log, it will automatically appear here.

2. **Name of Your Farmers’ Market.** If you entered this information on the “About Your Farmers Market” page of the log, it will automatically appear here.

3. **Market Date.** Enter the date that your farmers’ market was open that is reported on within this specific log.

4. **Market Manager.** Enter either the name of the market manager who was present in the farmers’ market and can answer questions about this log page, or the name of the person who is completing this log page.

5. **Farm Name.** Using the dropdown menu, select the name of each farmer who was present in the farmers’ market that day. This list is automatically populated with the names of farms that you entered on the “List of Farmers” tab.

6. **Number of Stalls.** Enter the number of 10 foot by 10 foot stall spaces this farmer occupied on this day of the farmers’ market. You can use decimals if the farmer occupied a portion of a stall space, as in the example where the farmer occupied one-and-a-half stalls, a 10 foot by 15 foot space.
   - If you chose “Flat Fee” or “Hybrid” as the stall fee structure, this information is used when calculating the stall fee owed for the day.
   - If you chose “Percent of Sales” as the stall fee structure, this information is not used when calculating the stall fee due for the day and is optional. However, it is still useful information to record as it provides you with a measurement of the amount of physical space your farmers’ market occupied. This can help you when determining if you have room to add an additional farmer or vendor.

7. **Total Sales Today.** Enter the total amount of the gross sales as reported to you by the farmer. If you have selected “Flat fee” as your stall fee structure this data is not used to calculate the stall fee due for the day and entering it is optional. However, it is still useful information to record as over time it helps you to assess whether or not farmers are doing well in the farmers’ market and can help you assess whether or not the farmers’ market can support an additional farmer or vendor.

8. **Amount Due Today.** This column is automatically calculated based upon the data you previously entered. It automatically rounds to two decimal places.

9. **Subtotal for Farmers.** This column automatically sums the stalls fees for each of the individual farmers.

10. **Vendor Name.** Using the dropdown menu, select the name of each vendor who was present in the farmers’ market that day. This list is automatically populated with the names of businesses that you entered on the “List of Vendors” tab.
11. **Number of Stalls.** Enter the number of 10 foot by 10 foot stall spaces this vendor occupied on this day of the farmers’ market. You can use decimals if the vendor occupied a portion of a stall space, as in the example where the vendor occupied one-and-a-half stalls, a 10 foot by 15 foot space.

- If you chose “Flat Fee” or “Hybrid” as the stall fee structure, this information is used when calculating the stall fee owed for the day.
- If you chose “Percent of Sales” as the stall fee structure, this information is not used when calculating the stall fee due for the day and is optional. However, it is still useful information to record as it provides you with a measurement of the amount of physical space your farmers’ market occupied. This can help you when determining if you have room to add an additional farmer or vendor.

12. **Total Sales Today.** Enter the total amount of the gross sales as reported to you by the vendor. If you have selected “Flat fee” as your stall fee structure this data is not used to calculate the stall fee due for the day and entering it is optional. However, it is still useful information to record as over time it helps you to assess whether or not vendors are doing well in the farmers’ market and can help you assess whether or not the farmers’ market can support an additional farmer or vendor.

13. **Amount Due Today.** This column is automatically calculated based upon the data you previously entered. It automatically rounds to two decimal places.

14. **Subtotal for Vendors.** This column automatically sums the stalls fees for each of the individual farmers.

15. **Grand Total.** This amount will be automatically calculated as the sum of the “Subtotal for Farmers” and “Subtotal for Vendors.”

**Sample Load Lists**

**Sample 1.** This sample Load Sheet was provided by the California Department of Food and Agriculture (CDFA) in its Certified Farmers’ Market Manual and Training Guide. It combines elements of the required record keeping, with information about stall fees charged and collected to provide a consolidated record.

The record-keeping requirement is in the California Code of Regulations at 1392.9(b):

(b) The operator of a certified farmers’ market shall obtain from each person participating in the sale of agricultural products in the area designated as a certified farmers’ market an itemized list of all products sold at the certified farmers’ market each market day.

(1) The product list shall state the name of the certified producer, the identity of each product sold as it appears on the certified producer’s certificate, and the quantity of each product sold at the market, including all processed agricultural products.
(2) The market operator shall keep the list of products sold for a period of not less than eighteen months.

These forms, known as Load Sheets or Load Lists, are required of every certified producer selling certified agricultural products at a farmers’ market.

**Load Sheet**

Certified Producer Name: ____________________________  

Representative/Employee Name: ________________________  

Date: ____________________________  

Please print clearly (complete for each variety and producer).

<table>
<thead>
<tr>
<th>Crop/Product</th>
<th>Amount Brought</th>
<th>Asking Price</th>
<th>Total Amount Sold</th>
<th>Total $ Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
</tr>
</tbody>
</table>

GROSS SALES TOTAL 9
MARKET COLLECTION 6% 10
STATE FEE – 80c 11

I certify that the information provided concerning production and sales records is true and correct.  

______________________________  
Signature

☐ I will be here next week 13  ☐ I will not be here next week, I will be back on ______________

1. **Certified Producer Name.** The name of the farm making the sales. This should match the name on the primary certified producers’ certificate posted at the point of sale.

2. **Representative/Employee Name.** The name of the individual selling at the farmers’ market and completing the form. This information is not required by law but is helpful to have in your records.

3. **Date.** The date of the farmers’ market. The farmers’ market is required to maintain this Load Sheet for 18 months from this date.

4. **Crop/Product.** The person completing the form should list the products that were offered for sale at the market on this day as they are listed on the certified producers’ certificate, including the variety. This information is required by law.
5. **Amount Brought.** For each product, the farmer should list the total amount brought to market that day – both the amount sold and the amount unsold at the end of the day. This information is not required by law but can be helpful to have available.

6. **Asking Price.** The amount charged to customers, including the sales unit. For example: $2 per pound, $1 each or $2.50 per basket. This information is not required by law but can be helpful to track. It is also useful in this example if the stall fee structure for your farmers’ market is based upon a percentage of the gross sales amount of each farmer.

7. **Total Amount Sold.** The amount of product sold in the market that day, using the same sales unit included in the “Asking Price” column, such as pounds, each or baskets. This item is required by law.

8. **Total $ Value.** The total amount sold multiplied by the asking price. This item is not required by law but is needed if your stall fee structure is based upon a percentage of each farmers’ sales.

9. **Gross Sales Total.** This is the sum of each of the rows above, totaling the dollar value of all crops and products sold in the farmers’ market that day. This item is not required by law.

10. **Market Collection 6%/10%.** This line is used to compute the stall fee, based upon a percentage of farmers’ sales for the day. In this example, farmers are charged at either a 6% or a 10% rate. This item is not required by law.

11. **State Fee – 60¢.** All certified farmers’ markets are required to pay to the California Department of Food and Agriculture (CDFA), a fee of $0.60 for each certified producers’ certificate used by a certified producer in the farmers’ market for each day the farmers’ market was open during the quarter. While the fee must be paid by the farmers’ market operator, it is not required that it be itemized on any statement provided to a farmer. Farmers’ market operators that charge on a flat fee basis will often include the $0.60 fee within their stall fee, but round off their stall fee to the nearest dollar to avoid dealing with coins in the farmers’ market. In this example, the amount of the CDFA fee is clearly stated so it is clear to the farmer that they are paying that fee to the farmers’ market for delivery to CDFA.

12. **Signature.** In this example, the person completing the form whose name appears in #2, is required to sign the form. A signature is not required by law.

13. **Next Week.** In this example, the farmer is provided a space to indicate if they plan to return the following week to the farmers’ market. This is not required by law but it is a best practice to state in close communication with each of the farmers and vendors in your farmers’ market so you have advance notice when they will need to skip a week at the farmers’ market.
Sample 2. The sample Load Sheet provided by CDFA includes a number of items that are not required by law. This alternative example, created by the Pacific Coast Farmers’ Market Association, includes just the legally mandated information.

**Farmers’ Market Load List**

<table>
<thead>
<tr>
<th>Producer: 1</th>
<th>Market: 2</th>
<th>Date: 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commodity:</th>
<th>Weight Sold:</th>
<th>Commodity:</th>
<th>Weight Sold:</th>
</tr>
</thead>
<tbody>
<tr>
<td>as listed on agricultural certificate, including variety</td>
<td></td>
<td>as listed on agricultural certificate, including variety</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. **Producer.** The name of the farm making the sales. This should match the name on the primary certified producers’ certificate posted at the point of sale.

2. **Market.** The name of the farmers’ market for which the producer is reporting sales. If you operate only one farmers’ market this information is not necessary. If you operate two or more farmers’ markets it is probably important to include this information to assist in your recordkeeping.

3. **Date.** The date of the farmers’ market. The farmers’ market is required to maintain this Load Sheet for 18 months from the date of the farmers’ market.

4. **Commodity.** The person completing the form should list the products that were offered for sale at the market on this day as they are listed on the certified producers’ certificate, including the variety.

5. **Weight Sold.** The amount of product sold in the market that day. In this example, the farmers’ market is asking for the information to be recorded only by weight to provide a consistent measurement across various produce items. This item is required by law. However, the law is silent on whether items should be reported by weight or another sales unit such as each or baskets.
Additional Farmers’ Market Guides, Publications and Resources

- **California Department of Food and Agriculture**

- **California Federation of Certified Farmers’ Markets**: [http://www.cafarmersmarkets.com](http://www.cafarmersmarkets.com)

- **ChangeLab Solutions**: [http://changelabsolutions.org](http://changelabsolutions.org)

- **Ecology Center EBT Program**: [http://ecologycenter.org/ebt](http://ecologycenter.org/ebt)

- **Farmers’ Market Coalition**: [http://farmersmarketcoalition.org](http://farmersmarketcoalition.org)


- **University of California Small Farm Program**

- **US Department of Justice, Civil Rights Division**
State and Local Laws and Regulations

The list below includes links to California laws and regulations which govern operations of certified farmers’ markets.

- **California Code of Regulations**
  - Division 3. Economics
  - Chapter 1. Fruit and Vegetable Standardization
  - Subchapter 4. Fresh Fruits, Nuts and Vegetables
  - Article 6.5. Direct Marketing

- **California Food and Agricultural Code**
  - Division 17. Fruit, Nut, and Vegetable Standards
  - Chapter 10.5 Direct Marketing
  - [http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=fac&codebody](http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=fac&codebody)

- **California Organic Program, Code of Federal Regulations (CFR)**
  - Title 7 - Agriculture
  - Part 205 – National Organic Program
  - [http://www.ecfr.gov/cgi-bin/ECFR?page=browse](http://www.ecfr.gov/cgi-bin/ECFR?page=browse)

- **California Organic Program, California Food & Agricultural Code**
  - Division 17. Fruit, Nut, and Vegetable Standards
  - Chapter 10. Organic Foods
  - [http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=fac&codebody](http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=fac&codebody)

- **California Health and Safety Code**
  - Division 104, Environmental Health
  - Part 7. California Retail Food Code
  - Chapter 12. Certified Farmers’ Markets (Sections 114370 — 114373).
  - [http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=114001-115000&file=114370-114373](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=114001-115000&file=114370-114373)
Rule-making Today

California’s laws which created the certified farmers’ market system have been in place since 1977. The current law which created the exemption from standard pack regulations and which authorizes farmers’ markets was reauthorized in 2013 for an additional five years. It will sunset, removing the laws and regulations from the books, on January 1, 2018 if not reauthorized before then.

The certified farmers’ market industry has matured to the point where there are now ongoing channels for those who work within the industry to give feedback to the current enforcement of the regulations and the future development of new regulations.

The Certified Farmers’ Market Advisory Committee is an official body formed to advise the California Department of Food and Agriculture (CDFA) on the operations of the state’s certified farmers’ market system. It is composed of farmers, farmers’ market managers, a county agricultural commissioner and others. The committee is charged with ensuring “the integrity of certified farmers’ markets.” The Committee does this by making recommendations to CDFA concerning legislation and administrative policies concerning the inspection of farmers and farmers’ markets, the annual budget of CDFA from fees collected from farmers’ markets, and alternative strategies for ensuring the integrity of farmers’ markets, including options for self-regulation.

The list below provides a link to the changes to the City of San Jose’s zoning ordinances that were passed in 2012 through the community process led by the Health Trust.

• San Jose Zoning Code
  o San Jose Municipal Code 20.30.100
  o http://sanjose.amlegal.com/nxt/gateway.dll/California/sanjose_ca/title20zoning*1?f=templates$fn=default.htm$3.0$vid=amlegal:sanjose_ca
More Soon from Food Within Reach:

**Friday, February 14, 2014:** Applications for technical support due from community-based organizations in San Jose.

**Friday, February 28, 2014:** Technical support partnerships announced.

**Monday, December 1, 2014:** Second edition of Food Within Reach guide released.

Find the most up-to-date version of this guide online at [www.foodwithinreach.org](http://www.foodwithinreach.org).