

TITLE: FARMER'S AND PUBLIC MARKET GUIDELINES Date: September 2021

Reference Regulation: *The Food Safety Regulations*

PREFACE

In the 1970s, Saskatchewan established a farmers' market cooperative, and farmers' markets quickly boomed to allow the sale of goods that were locally made, baked or grown. At that time, a guideline was developed to provide direction to the markets on how to safely operate. Input from Saskatchewan Health, Saskatchewan Agriculture, and the Saskatchewan Farmers' Market Association ensured the guideline served the province for several decades. In 1998, Saskatchewan Health updated this guideline to reflect the type of product being produced and sold at the time. Over the last two decades, farmers and public markets have continued to evolve necessitating further updates to this guidance.

This document is intended to be used by public health inspectors as a reference when addressing both farmers and public markets (here after referred to as “markets”).

DEFINITIONS:

Farmer's Market - is a market where rental or allotted space is used to sell items or goods that are made, baked or grown locally and where at least 50% of the spaces are designated for the sale of locally grown produce for at least six months of the year.

Food - means a solid or liquid substance that is used or intended to be used for human consumption or an ingredient in the preparation of a solid or liquid for human consumption but does not include drugs or water.

Market Manager - is a person who operates a market or who is the spokesperson for the market and is responsible for the markets operation.

Potentially Hazardous Food - means food with a pH level or a water activity level, or a combination of pH and water activity level, which will support the growth of pathogenic micro-organisms or the production of toxins. Generally, this is a pH of 4.6 or greater and/or a water activity of 0.85 or more.

Public Market - means a place where food and other items are sold from permanent or temporary stalls or booths by independent merchants but does not include food distributors (grocery stores), special events or Farmers' Markets. Public markets include flea markets, craft sales, and community markets. The typical products sold include food, goods from local businesses, and crafted goods. These are often more focused on local entrepreneurship and less on surplus foods from farms and gardens.

Vendor - a person who rents or leases a stall, or space in a market for the purpose of displaying and offering product for sale.

ADMINISTRATION:

Market managers should seek to review plans and provide a letter of no objection (or similar) from the local authority prior to establishing or operating a Market. The market manager should have each vendor complete the "Application for Vendor to Sell Food at Market" form (Appendix III) and submit these along with the "Application to Operate a Market" form (Appendix II) to the local authority. Forms should be submitted by the market manager to the local PHI office at least 14 days prior to operation. For markets that run year round, re-application should be submitted 14 days prior to annual date of initial operation.

Market layout from application should be reviewed for potential health hazard risks including sufficient distancing between food vendors and other vendor types.

Proposed new market structures or renovations to existing structures should be forwarded to the local PHI office for review prior to construction. Market managers are responsible for integrating food safety requirements in the market that have been identified by the PHI. Individual vendors are responsible for their vendor requirement; the market manager is expected to ensure all vendors maintain compliance with requirements. For markets and/or vendors that demonstrate non-compliance, the PHI should follow the enforcement manual for enforcement approaches to non-licensed facilities.

If, after the initial opening of the Market, new vendors express interest in joining the market, they should also complete the "Application for Vendor to Sell Food at Market" form.

Markets must abide by all local bylaws and provincial and federal regulations.

While this document outlines responsibilities of the market manager, each vendor is responsible for ensuring they are operating within the applicable regulatory requirements. The requirements below, while laid out as market-wide, are ultimately the responsibility of each vendor to ensure they are in place. There may be situations where the market is not providing the facilities the vendor requires to operate; PHIs may need to assist the vendor and market manager in understanding what is required and who will be held responsible.

ENVIRONMENT:

Regardless of the type of building used for the Market, the environment must be one that is suitable for the display and sale of food. Tables, counters, cases and shelves for the display of food must be smooth, impervious to moisture, easily cleanable and in good repair.

A sufficient number of refuse and recycling containers with plastic liners (if offered) should be provided throughout the market area. Adequate cleaning facilities, including utility or cleaning sinks, shall be provided. All refuse/recyclables shall be disposed of with sufficient frequency in a manner to prevent contamination of food products and surrounding processing areas.

Indoor and outdoor areas surrounding the facility, including refuse and recycling bins, must be maintained, adequately drained, kept free of rubbish, old equipment, and any other potential pest harbourage.

Lighting and ventilation in the space must be appropriate for the purpose, sufficient to identify and prevent health hazards, and sufficient to facilitate proper cleaning and sanitizing of premises. While vendors are responsible for their own pest control measures, pest control measures in the entire facility may be necessary to meet the vendor requirement. The Market should have a pest control plan and ensure measures are in place to discourage pests and prevent their harbourage.

HANDWASHING, SINK, AND WASHROOM REQUIREMENTS

These requirements are for the market as a whole. Vendor sink and equipment requirements are totally dependent on the foods served and will be determined on an individual basis. Vendor requirements depend on services available in the market.

While vendors are responsible for ensuring they have adequate hand washing facilities, in many situations vendors are sharing market facilities. When facilities are shared the market should provide at least one hand wash station (other than a sink in a washroom) that is easily accessible to **all** vendors on the premises, supplied with potable water and a receiving basin or other approved drainage system. More than one sink per market may be required based on assessment by PHI regarding accessibility by vendors. Temporary hand wash sinks must be set up in a manner that is satisfactory to the PHI. "How to Handwash" signs should be present at all hand washing facilities.

Liquid waste from temporary hand sinks must either be discharged directly to an approved sanitary sewer or stored in a totally enclosed wastewater holding tank. Wastewater may not be discharged into a storm sewer.

Adequate washroom facilities shall be available for all vendors. Washrooms must be conveniently located so that access does not require passage through areas where food is stored or prepared. These may be provided by the market management or be made available through written agreement with the owners of existing nearby facilities. Washrooms shall be equipped with liquid soap in dispensers; paper towels in dispensers, hot air dryers, roller-type linen towels or roller-type cotton towels; and an adequate number of easily cleanable waste containers.

Washrooms shall be cleaned and disinfected at least once on a daily basis to maintain them in a sanitary condition. More frequent cleaning and disinfection may be required. Market managers should ensure these facilities are checked periodically during the market and cleaned and disinfected, as necessary.

VENDORS

All food vendors are required to complete the "Application for Vendor to Sell Food at Market" form (Appendix III). Completed vendor forms should be submitted to the Market manager, who will submit all vendor forms together with market application to the local authority.

All vendors and all personnel handling food in a Market must be clean and wear clean clothes. Hair must be confined when preparing, handling, or serving food. There is to be no smoking while working at a food vending outlet. All persons handling food products shall conform to proper hygiene practices and be free from communicable illness, which may contaminate foods

(i.e. open sores, diarrhea, vomiting, nausea, cold, flu, fever, etc.). Unless wearing intact gloves, a food handler should not wear finger nail polish or artificial nails when handling food.

Every person engaged in food handling or food service shall wash his/her hands frequently and thoroughly with soap and warm water and dry their hands with disposable paper towels. Hand sanitizers are not an acceptable alternative for frequent and thorough hand washing. Hands shall be washed before commencing work, after using washroom facilities, after smoking, eating or at any other time hands may be soiled or contaminated. If gloves are used, they must be used appropriately, changed between tasks, and hand hygiene performed between changes.

It is recommended that vendors selling processed food and personnel handling food attend a course in safe food handling offered by the local authority. For certain types of vendors, it may be required that at least one person hold a valid food safety training certificate. Safe food handling practices should be reinforced regularly.

Vendors providing food or drink which is prepared or kept for the purpose of serving or selling to the public for immediate consumption (on site or elsewhere) meet the definition of a public eating establishment and must follow all PEE requirements.

FOOD:

See Appendix I for foods permitted for sale at Markets. All items, unless otherwise mentioned in Appendix I, must be from approved sources per *The Food Safety Regulations*.

The following foods are **prohibited** from sale at a market:

- Milk and milk products made with raw milk. Cheese made from raw/unpasteurized milk is permitted if from an inspected facility and following federal guidance.
- Low acid canned/bottled food not produced in an inspected facility.
- Bottled meat, canned fish, smoked fish, shellfish and seafood products not produced in an inspected facility.
- Domestic meat and poultry or meat and poultry products from animals that have not been slaughtered and/or processed at a health licensed, provincially licensed or federally registered establishment.
- Wild game where the vendor does not have an exemption from the local authority.
- Fiddleheads.
- Potentially hazardous food which has been stored at temperatures between 4°C and 60°C or prepared under unsanitary conditions.
- Other foods deemed to be unacceptable by the local authority (evidence-based rationale should be provided in response to application).

Vendors at Markets must be able to demonstrate that all food is from an approved source, in the form of receipts or copies of valid permits and/or licenses and have documentation present on-site at the Public Market. Documentation must be produced upon request by a Public Health Inspector.

The SALE OF FARM-SLAUGHTERED ANIMALS OR POULTRY IS NOT PERMITTED.

Vendors selling fish (commercial fisherman and fish farmers) must be licensed to do so by Saskatchewan Environment and Resource Management and must make licences available to the market manager or the local authority upon request.

Eggs being sold at a Market must be graded, whole, uncracked, and held at 4°C.

- Eggs from uninspected operators (i.e. not from CFIA regulated egg facilities) do not meet the regulatory requirement for use in a food facility and can only be sold directly to the consumer.
- Uninspected eggs must indicate such on label, be washed, graded, whole, uncracked, and held at 4°C. All eggs are subject to same packaging requirements as found below.

Home based food processors must follow the requirements outlined in the [home-based producer guidance](#).

Food Processors are subject to the requirements under *The Food Safety Regulations* and shall follow the Food Processing Facility Best Management Practices.

All foods must be protected from contamination. Potentially hazardous foods must be kept below 4°C (40°F) or above 60°C (140°F). These temperatures must be maintained at all times including during storage, transportation, and when on display or prior to sale. Vendors must have functioning thermometers available to verify proper cooking, cooling, hot holding and cold holding temperatures. Vendors should be able to demonstrate correct and accurate temperature measurements, upon request.

Frozen foods must be kept frozen unless thawing for use in a proper manner. Foods cannot be thawed at room temperature. Food must be reheated rapidly to proper temperature before being placed in hot holding unit. Slow cookers should not be used to reheat food.

Potentially hazardous foods must also be protected from contamination by way of enclosure in display cases, packaging, or other means that prevent the customers from handling and possibly contaminating the product. See “[Packaging](#)” Section below.

All foods and utensils must be stored in a sanitary manner, off the ground, protected from contamination and separate from chemicals and staff personal items.

If the local authority suspects a potentially hazardous food may have been prepared improperly or under unsanitary conditions, the vendor may be required to discontinue selling the product until further investigation. The local authority may inspect the facility in which this food was prepared. [Note: When investigating a suspected food-borne outbreak, the local authority may collect food samples for this purpose].

Foods for immediate consumption such as sandwiches, soup, hot dogs, chili, stews, ice cream, etc. must be prepared at a facility licensed by the local authority under *The Food Safety Regulations*. See also technical guidelines on mobile food canteens and carts. Licensed facilities may be located in the market area.

Raw foods must be displayed and handled separately from cooked and ready-to-eat foods and produce in order to avoid cross-contamination.

Surfaces must be appropriately cleaned and sanitized. Sanitizer requirements are the same as in the Public Eating Establishment Standards (4.6). Tableware, utensils, and equipment must be properly cleaned and sanitized (Section 3 of the PEE Standards).

No live animals in any area used for the food operation, with the exception of service animals specifically trained to provide assistance to persons with disabilities. Live animals must

be kept sufficient distance from food so as to not create a health hazard.

SAMPLING

Food samples include free or no charge items, bite-size portions that are pre-portioned or portioned out by vendor.

If samples involve preparation of food, the vendor must have adequate hand wash facilities and dishwashing available within their vendor site. Vendors portioning their items, but not modifying or preparing foods (i.e. portioning out chips, fudge, fruit, etc.), need access to hand and dishwashing facilities within the market and hand sanitizer, or a temporary hand wash station within the vendor site.

All foods offered as samples must be protected from contamination and improper handling by customers. When portioning out samples food handlers should avoid touching food with bare hands and should use disposable gloves, tooth picks, tongs, scoops or clean napkins. It is recommended that vendors hand samples to the customer, use toothpicks or single-use containers. Offering communal bowls or open bags of chips, pretzels, crackers or similar foods for customers on a self-serve basis is not allowed. Vendors must have a waste container(s) near the sampling area for disposal of sampling utensils (i.e. toothpicks, cups, napkins, etc.)

Vendors offering food samples shall:

- follow all handwashing requirements,
- remove and discard samples if they are openly displayed longer than two hours, and
- discard leftover or contaminated samples.

Samples of potentially hazardous foods must be kept below 4°C or above 60°C.

PACKAGING/CONTAINERS:

Home based food processors must follow packaging and labelling requirements outlined in the [home-based producer guidance](#).

For other vendors, Canadian Food Inspection Agency enforce regulations that address labelling issues. Labelling must show the following:

- (1) Common name of food;
- (2) Quantity or weight;
- (3) Ingredients in descending order of proportion;
- (4) Name and address of producer;
- (5) Durable life date of perishables.

It is the vendor's responsibility to ensure their products are labelled correctly. Federal regulatory requirements for labelling are available at <http://www.inspection.gc.ca/english/fssa/labeti/guide/toce.shtml>

Food grade plastic bags and wrap, paper bags, Styrofoam, cardboard, and other disposable containers shall be clean and not previously used. Any re-usable containers must be washed-rinsed-sanitized between uses and stored in a manner that prevents contamination. If a vendor is re-using canning jars, jars must be washed-rinsed-sanitized and a new lid and ring must be used. Customer-provided containers are permitted and should follow the [reusable containers in food facilities guidance](#). Garbage and grocery bags are prohibited for storing or transporting food

because they contain chemical products, which can leach into the food and are not considered food grade containers.

OTHER VENDOR PRODUCTS

Vendors of alcohol and cannabis products are regulated by Saskatchewan Liquor and Gaming Authority (SLGA). Cannabidiol (CBD) products are treated like any other cannabis product and can only be sold through SLGA permitted stores or Health Canada licensed medical sales channels. If illicit sales of alcohol are suspected, the PHI should report their observations to SLGA. If illicit sales of cannabis products are suspected, the PHI should report their observations to local law enforcement.

Extracts, concentrates, flavourings, etc. are considered a food product, even if they contain alcohol. These vendors should be managed as a food processor.

Vendors providing personal services should be handled as personal services facilities. These may include face painting, make up, nails, tattoos, massages, etc. Vendors providing invasive personal services require an inspection. Non-invasive personal services should receive education and be inspected on a complaint-basis only.

Vendors offering pet foods and treats should handle products in a manner that prevents contamination and does not pose a risk of a health hazard. Products should be clearly marked as being for animal consumption only and if potentially hazardous foods are included in the ingredients, product should be kept below 4°C or above 60°C.

APPENDIX I
PERMITTED FOODS

The foods listed in this Guideline apply to Farmers'/ Public Markets only. Sale of foods outside of the market are subject to approval by the appropriate government agency and may be subject to other federal, provincial or municipal restrictions. Please contact your public health inspector (PHI) for specific information.

Products require adequate protection from consumer handling. Food must meet all applicable local bylaws, provincial and federal regulations. Foods must meet provincial *Food Safety Regulations*. Vendors preparing foods intended and served for immediate consumption may meet the definition of a public eating establishment and must meet PEE requirements. Temporary food vendors must meet all temporary food or mobile food health and safety protections required by the local authority per the applicable technical guidelines for PHIs.

PRODUCT	FRESH & SHELF STABLE	REFRIG	FROZEN	Notes (see below)
1. Fruit - Whole	yes	yes	yes	1
2. Vegetables - whole	yes	yes	yes	1, 15
3. Cut fruits and vegetables	no	Yes	yes	6
4. Fruit and Vegetable juices	no	yes	yes	5,7
3. Honey	yes	n/a	n/a	
4. Meat	no	yes	yes	2
5. Fish and Shellfish	no	yes	yes	3
6. Poultry	no	yes	yes	2
7. Dairy Products	no	yes	yes	8
8. Eggs – whole, shelled	no	yes	no	9
8. Baked Goods	yes	yes	yes	4
9. Prepared/Processed Foods – Must be from approved/inspected food processor and facility				5
• cabbage rolls (without meat), dolmades, beetniks	no	yes	yes	
• perogies, dumplings, filled buns, spring rolls, samosas	no	yes	yes	
• pizza	no	yes	yes	
• sprouted seeds	No	yes	yes	
• cured, dried or jerked meats or meat alternatives (beef, ham, bacon, tofu, tempeh, poultry)	no	yes	yes	2, 17
• fermented foods and beverages (sauerkraut, kimchi, kombucha, etc.)	yes	yes	yes	17
• pickled eggs or meats	yes	yes	n/a	2, 16, 17
• pickled vegetables, relish, antipasto (if > 4.6 pH)	yes	yes	n/a	17
• canned beans	yes	yes	n/a	17
• salsa (fresh, canned in >4.6 pH), guacamole, pesto, garlic spreads, hummous, baba ganoush, aioli	no	yes	n/a	
• herb and flavoured oils	yes	yes	n/a	17
• soups, stews, dehydrated soups with potentially hazardous ingredients	yes	yes	yes	17
• BBQ sauce, bitters, extracts, sauces, salad dressings, condiments, hot sauce	yes	yes	yes	17
10. Home-based Food Processor Foods	yes	n/a	n/a	10
11. Beverages (other than fruit/vegetable juice and fermented beverages)	yes	yes	yes	5, 14
12. Food intended for immediate consumption	yes	yes	yes	13
13. Wild foraged berries, greens, herbs, plants	yes	yes	yes	11
14. Wild mushrooms	Yes	Yes	yes	12

1. Refer to the Canadian Food Inspection Agency for information related to the retailing of fresh fruit and vegetables and other requirements under the *Safe Foods for Canadians Act and Regulations*.
2. Meat, poultry products must be from a provincial or federal regulations facility. Wild game is **not permitted** unless vendor received an exemption from the local authority.
3. Fresh or frozen fish and shellfish must be from an approved source. Wild caught fish (not from inspected/CFIA facility) is **not permitted** unless exemption is received from local authority.
4. Cream filled or custard filled pastries, or pies with meringue and products containing meat, milk or egg in filling or topping (exception - milk or egg in filling is acceptable if the product is baked) must be prepared in an approved/inspected facility. No home-based processing of these foods is permitted. Potentially hazardous baked goods must be kept below 4°C.
5. Water must be from a source approved by the local authority.
6. Cut fruit must be wrapped and refrigerated or frozen.
7. Pre-prepared juices must be kept refrigerated or colder unless processing in facility that has approval for shelf stable juice processing.
8. Milk and milk products must be produced in approved/inspected facility. Only commercially pasteurized milk or milk products may be sold with the exception of raw milk cheese as follows. Raw milk cheese may be sold if following federal requirements and if the product is from an approved/inspected facility.
9. Eggs must be graded at a government egg grading facility (<https://inspection.canada.ca/exporting-food-plants-or-animals/food-exports/registers-and-lists/shell-egg-stations/eng/1391029540171/1391029591047#a11>). See “Food” section above for additional requirements for both inspected and uninspected eggs.
10. Home-based food producers must meet regulatory requirements and follow home-based food requirements. A list of “low risk” permitted foods for home-based processors can be found in [home food processing](#) fact sheet.
11. All wild produce should come from areas without environmental contamination, including wastewater runoff, areas adjacent to roadways (exhaust), and pesticide spraying. Fiddleheads are not permitted. Foraged foods must be collected legally and in compliance with other applicable legislation; vendors should contact the Ministry of Environment for more information.
12. Wild mushrooms must be in compliance with “Wild Mushrooms in Markets Approach” document for PHIs.
13. Vendors providing foods intended for immediate consumption meet definition of PEE and must meet PEE requirements.
14. Hot beverages are also permitted
15. Includes greens and micro greens but not sprouted seeds (bean, alfalfa, mung, etc.). Sprouted seeds included under #9. Microgreens should be kept refrigerated.
16. Eggs used in pickling must be from approved source (i.e. CFIA regulated facility).
17. Any canned, processed or fermented product must demonstrate proof of shelf stability if being sold or held at temperatures above 4°C or below 60°C.

APPENDIX II

Application For Market Manager To Operate a Market

The Market Manager or Responsible Person is required to complete this application to operate and must submit it to the local authority at least 14 days prior to the operation of the market.

Date:

Name of Market:

Market Manager:

Market Physical Address:

Market Mailing Address: Same as physical address

Telephone:

Alternate Telephone

Email:

Market website:

Dates of Market:

Operating Hours of Market:

Number of Markets/Year:

Number of Total Vendors:

Number of Food Vendors*:

*Complete ATTACHMENT below

All Food Vendors have completed "Application For Vendor To Sell Food At Market" form:
 yes no If no, how many Vendor applications are missing?

Number of washrooms:

Number of hand wash facilities in Market:
(excluding those contained within vendor sites)

Number of dishwashing sinks available in Market:

Number of Utility/Cleaning sinks available in Market:

I am responsible for all aspects of the operation of the Market. I have read and understand the responsibilities of a market manager.

Market Manager or Designate Signature	Market Manager or Designate Name	Date
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For PHI Office Use Only:

Notes:

Pest Control Plan in place?	<input type="checkbox"/> yes <input type="checkbox"/> no	
Adequate refuse and recycling bins in place?	<input type="checkbox"/> yes <input type="checkbox"/> no	
Adequate lighting in place?	<input type="checkbox"/> yes <input type="checkbox"/> no	
Adequate ventilation in place?	<input type="checkbox"/> yes <input type="checkbox"/> no	
Adequate hand wash sinks and station in place?	<input type="checkbox"/> yes <input type="checkbox"/> no	
Adequate facilities for cleaning in place?	<input type="checkbox"/> yes <input type="checkbox"/> no	

Market Approved? yes no

Approval to operate the above Market has been granted subject to the following conditions:

PHI Signature

PHI Name

Date Approved

ATTACHMENT

List of Vendors

Vendor Name	Vendor Type	Form Submitted (Y/N)

APPENDIX III

Application For Vendor To Sell Food At Market

The Market Manager is required to have each food vendor complete this application and make it available to the local authority for approval.

Date:

Name of Vendor:

Name of Stall:

Vendor Physical Address:

Vendor Mailing Address: Same as physical address

Telephone:

Alternate Telephone

Email:

Vendor website:

Home-based Food Processor: yes no

Foods Sold (attach list and/or menu if more space required):

Number of Attendant:

Location of Food Processing:

Type of processing (if applicable): canning drying baking mixing/processing

other: _____

Food Safety Course Completed: yes no n/a

Name of those who have completed food safety course:

Selling food at other markets? yes no

Names of other markets:

Telephone:

Alternate Telephone

Email:

Vendor website:

I have received, read and understand the requirements for me as a vendor.

Vendor or Designate Signature	Vendor or Designate Name	Date
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For PHI Office Use Only:

Vendor Approved? yes no

Vendor approval to operate at the above Market has been granted subject to the following conditions:

PHI Signature

PHI Name

Date Approved

ATTACHMENT

List of Foods

Food name	Storage Type (Shelf/Cold/Hot)	Source (if applicable) Farm/Home/Retailer