

Farmers' Markets in the City of Philadelphia: Operator Guide

RESPONSIBILITIES AND BEST PRACTICES



Photo: Norris Square



Department of
Public Health
CITY OF PHILADELPHIA

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Photo: Norris Square



PURPOSE OF THE GUIDE

Welcome to the City of Philadelphia's farmers' markets operator guide! The purpose of this guide is to help farmers' market operators understand essential rules and guidelines for markets in the City of Philadelphia. It includes information on best practices for food safety at farmers' markets as well as food sampling and cooking demonstration guidelines. This guide also includes resources for operators who may wish to start, expand, or continue to hold farmers' markets in Philadelphia.

Farmers' markets are independently managed by non-profits, neighborhood groups, developers, corporations, and other entities. The Philadelphia Department of Public Health oversees the registration process for these independent markets and serves as an information hub about accepting SNAP/EBT (Supplemental Nutrition Assistance Program) benefits, grant opportunities, and compliance across city offices. As such, this guide is aimed at helping anyone who wishes to operate farmers' markets understand the process necessary to do so, as well as pass along best practices learned from years of market operation. While this guide is mainly for farmers' market operators, the people who are organizing, supporting, promoting, and developing farmers' markets in Philadelphia, it may also be useful to market managers, vendors, or those who are interested in opening a new farmers' market.

OVERVIEW OF FARMERS' MARKET CULTURE IN PHILADELPHIA

Farmers' markets have been a part of Philadelphia's food system since the start of the city. Market Street has been home to open-air produce markets since at least 1858! Today, Philadelphia is home to more than 30 farmers' markets and farm stands. These markets provide access to fresh locally grown produce and goods. They range in size, but all of them support both the local neighborhoods and farmers and food artisans from the greater Philadelphia region.

Farmers' market operators can be individuals, non-profit groups, or corporations. They ensure a market's success by managing issues of permitting, scheduling, and making decisions about day-to-day operations. Operators may also work with or hire a market manager, who would be present at the market to help run operations such as accepting EBT, posting signs, engaging the community, or answering questions from the public.

City Requirements

FOOD SAFETY & FOOD SAMPLING GUIDELINES

We recognize that you and your vendors work hard to provide the best quality product to your customers. It is in everyone's interest to ensure the food is sold and served safely. Many people believe foodborne illnesses come only from dairy, tainted meat, or processed food and that fresh fruits and vegetables, especially if locally grown, are safe. That is not always true, and there have been outbreaks of serious food-borne illnesses from fruits and vegetables. As a market operator, you share responsibility with your vendors for the safety of the food sold and served at the market.

It is your obligation as a farmers' market operator to ensure:

- **All farmers' market vendors comply with the food safety practices and procedures outlined in this document.**
- **Vendors are appropriately licensed if required.**
- **Market and vendor information, including location of the market, permit or license #, products sold, operating hours, and operating season are reported annually to the Philadelphia Department of Public Health, Environmental Health Services.**

As a farmers' market operator, you also have a responsibility to ensure that all of your vendors are aware of and implement the following best practices.



All food items should be transported in a sanitary manner in clean containers, protected from contamination. All pre-cut food items or products to be sampled should be transported and stored in clean, sanitized containers (including coolers).



Potentially hazardous items must be transported and stored at or below 41°F at all times. It is not acceptable to have a cooler full of food and only a few ice packs placed on the top or in melted ice water. Potentially hazardous items include whole shell eggs, meat, dairy, and some pre-packaged products such as tofu. Use a thermometer to monitor their temperature.



Any packaged foods sold at the market must be properly packaged and labeled. The following must be listed on the label: name of product, ingredients, name and address of the manufacturer or distributor, and net contents/weight. Products should be sourced from a business that has good food safety practices and all appropriate licensing.



No products made in an unlicensed home kitchen are allowed. All processed food items must be made in a licensed facility.

FOOD HANDLING GUIDELINES

Food prepared for immediate consumption at the market must be prepared using proper precautionary measures. Cutting produce, preparing samples, and handling baked goods are all considered food handling. Food must be protected during every stage of the preparation and handling process. Anyone who handles food, utensils, napkins, or single service paper goods must:

Ensure that no food handlers are ill.

No one with symptoms of an illness should handle food products, utensils, napkins, or single service paper goods. Individuals with symptoms of illnesses should not be working at the farmers' market. This includes people with symptoms that include cough, runny nose, nausea, vomiting, diarrhea, fever, sore throat, jaundice, or a diagnosis of salmonellosis, shigellosis, E. coli infection, hepatitis A, or norovirus infection.

Avoid bare-hand contact with ready-to-eat foods.

All employees should avoid bare-hand contact with ready-to-eat foods, including bread, bagels and baked goods. Suitable utensils, such as deli paper, napkins, or gloves, should be used. Wash hands and change gloves when switching tasks or handling non-food items.

Promote effective handwashing by food handlers.

Handwashing is the best way to avoid spreading food-borne illnesses. Everyone working at a farmers' market should wash hands in a properly equipped handwashing station by vigorously rubbing together the surfaces of the lathered hands and arms and thoroughly rinsing with clean water. Handwashing should be done frequently, including when starting work; after changing tasks, touching face or hair, touching money, or using the restrooms; and before donning gloves.

Have access to a handwashing station.

All vendors that are preparing, sampling, or handling food must have access to clean warm water for hand washing. An acceptable hand washing station includes an insulated container with a spigot that can stay open (no push buttons) and dispenses warm water (100 –120 degrees F). Soap, paper towels, and a container to collect the waste water must also be provided. A sample of a cost-effective hand washing station can be found in the Resources section of this guide.

Individual vendors may set up hand washing stations or they can be shared among vendors however they can be no more than 20 feet away and cannot be in a high traffic/public area that may not be accessible.

Sanitize utensils and cutting boards.

Vendors should have an adequate supply of clean, sanitized utensils and cutting boards and change utensils every four hours. Vendors should store single service, disposable items such as cups and napkins off the ground and in a manner that prevents contamination.

Photo: Norris Square



FOOD SAMPLING GUIDELINES BASED ON TYPE OF FOOD SAMPLED

Samples of some foods may be provided as long as safe handling practices are followed. However, due to food safety concerns, **fruit and vegetable vendors cannot cut/sample tomatoes or melons of any kind.**¹

Whole fruit and vegetable samples may be cut and sampled on site. All fruits and vegetables that are to be sampled must be rinsed thoroughly in clean water prior to sampling. This can be done on-site or you may rinse the products to be used for sampling in advance and store in disposable food bags. Fruit and vegetable sample servings must be protected from contamination at all times.

Processed foods include bakery items, breads, crackers, jams, jellies. The best practice is to prepare samples at a licensed facility prior to arriving at the market. For example, a vendor that operates a licensed bakery can cut baked goods into pieces at that bakery, place them on a tray, insert a toothpick in each piece, and keep the tray covered with plastic wrap, or a glass or plastic dome.

Potentially hazardous foods (including whole shell eggs, meat, dairy, cheese, and some pre-packaged products such as tofu-soy) are permissible only if they are pre-cut at a licensed facility. They cannot be cut on-site. All pre-cut samples must be stored in cleaned and sanitized food grade containers. Foods that require refrigeration must be kept below 41°F at all times.

Canned items (e.g. jelly and salsa) may be opened one jar at a time and supplied with a disposable utensil for customers to use. Temperature control must be maintained for items needing refrigeration after opening. Home-canned and home-prepared foods are not allowed as they are against the City of Philadelphia's Regulations Governing Food Establishments. Canning or bottling is particularly hazardous and requires a HACCP plan in order to be done safely.

¹ This is because tomatoes and melons are potentially hazardous foods and require time or temperature control to limit pathogen growth. Once cut, they can support the growth of bacteria that cause foodborne illnesses - such as Salmonella.

Photos: top left, Headhouse Square; top right, Pretzel Park; bottom middle and center, East Falls



LICENSES AND PERMITS

Farmers' market operators, vendors, and other businesses that attend markets, such as food trucks and street vendors, have license requirements from the City of Philadelphia.

Commercial Activity License

Except for non-profit organizations², all farmers' market operators and every vendor must have a valid Commercial Activity License (formerly Business Privilege License) with the City of Philadelphia. Depending on the type of vendor and what products they sell, other licenses may be required (see table page 8).

For more information, visit the City of Philadelphia's [permits, violations & licenses website](#).

Farmers' Market Operator Registration

Each year, every farmers' market operator must complete and submit a Farmers' Market Operator Registration Form to the Office of Food Protection (OFP). The market operator is required to update the OFP whenever there are changes to the information submitted. A copy of the form is located in the Appendix. You can also download it [here](#).

In addition to OFP food safety requirements, farmers' market operators may also be required to have appropriate licensing and approvals from other City departments for parking, location approval, and conducting business in the City.

Permanent Special Event Vendor License

Farmers' markets that sell ready-to-eat agricultural products do not have to be licensed as a food facility. This includes markets that permit food sampling or a cooking demonstration. If, however, prepared food is sold on-site, the vendor is required to have a permanent special event vendor license.

The permanent special event vendor license is needed for market vendors who are serving ready-to-eat food that is prepared or finished on site. This would include preparing sandwiches, wraps, or bagels. This also includes finishing dishes that were prepared primarily off site, such as adding garnishes or dressings.

If you want to serve food or drinks at four or more special events per year, you must submit the permanent special event application. A permanent special event permit is valid for one year.

For more information email:
dph.ehs.specialevent@phila.gov.

Temporary Special Event Vendor License

The temporary special event vendor license is required for vendors who may be trying out markets as an avenue for sales or only attend a very limited number of markets per year. This may also extend to vendors who are trying out adding a prepared food element to their existing products. If these vendors choose to continue to vend at farmers' markets, they must apply for a permanent special event vendor license.

Mobile Vending

Mobile food vending units including trucks, trailer hitch units, pushcarts, stands, and foot peddlers can operate inside of the context of a farmers' market but are licensed and inspected separately. Mobile vendors selling food require a Food Establishment, Retail Non-Permanent Location License. Food trucks may also require a Motor Vehicle Sales License.

See charts (page 8) for more details on license requirements for operators versus vendors and by type of product sold.

Farmers Market Operators who are not vendors do not need any licenses except for the Commercial Activity License.

² Non-profit organizations must hold an Activity License Number. There is no cost for an Activity License Number, and it does not need to be renewed. For more information, visit the City of Philadelphia's [permits, violations & licenses website](#).

By Vendor Type

LICENSE REQUIREMENTS By Vendor Type	Commercial Activity License	Temporary Special Event Vendor License	Permanent Special Event Vendor License	Food Establishment, Retail Non- Permanent Location License
Farmers' Market Vendors (non-prepared foods, ready-to-eat agricultural products)	Yes	No	No	No
Farmers' Market Vendors (prepared foods and 4 or more events per year)	Yes	No	Yes	No
Farmers' Market Vendors (prepared foods and less than 4 events per year)	Yes	Yes	No	No
Mobile food vendors (like food truck or cart)	Yes	No	No	Yes *Food truck also requires a Motor Vehicle Sales License.

Photos: Mural Norris Square, South Passyunk Farmers Market, Christ Church



LICENSE REQUIREMENTS

By Type of Product Sold

	Commercial Activity License	Temporary or Permanent Special Event Vendor License	Food Safety Certificate	OFP Farmers' Market Registration	OFP inspection
Ready to Eat Agricultural Products Only (whole fruits and vegetables, herbs)	Yes	No	No	Yes	No
Potentially Hazardous Foods (poultry, meats, seafood, dairy/cheese, eggs)	Yes	No	No	Yes	No
Pre-packaged, Prepared Foods (jams, jellies, breads, cakes, pastries) ³	Yes	No	No	Yes	No
Sampling or Cooking Demonstrations (NOTE: sampling of tomatoes or melons is never permitted)	Yes	No	No	Yes	No
Preparing or Cooking Foods On-site for Sale (NOT including sampling or cooking demonstrations)	Yes	Yes	Yes	Yes	Yes

³ If you have questions about specific prepared foods, reach out to PDPH Office of Food Protection at 215-685-7495.

LOCATION APPROVAL

Depending on the location of the farmers' market, there may be additional requirements in order to open and maintain a market.

This location approval information is specific to traditional fixed location weekly markets. If your farmers' market has specific questions or concerns please reach out to jennifer.aquilante@phila.gov as other types of farmers' markets such as mobile farmers' markets, online farmers' markets or farmers' markets with home delivery may involve different licensing or location approvals.

To determine the status of your location or identify unoccupied approved locations, visit the *Farmers' Market Planning Tool*.

Right-of-way (sidewalk or street)

Farmers' markets operating in the right-of-way are permitted on locations approved by City Council and listed in Philadelphia City Code Section 9-213(7). If intending to occupy parking spaces (curb lane) or street, be sure to make note of which part(s) of the right-of-way are approved to be used for a market in the Code, as this varies by site (e.g. some locations specify "sidewalk" while others specify "sidewalk and curb lane" and others "roadway and sidewalk and curb lanes.") Farmers' market operators are approved to reserve ONLY the areas listed in the Code (see page 11). Use the *Farmers' Market Planning Tool* to learn if your site is approved or contact the appropriate City Council office for assistance establishing a new market location.

Parks and Recreation Property

Markets located on property under the jurisdiction of the Philadelphia Parks and Recreation Department must obtain a (free) Farmers' Market Permit from Philadelphia Parks and Recreation. Returning operators, please contact PPR Concessions Manager: w.matthew.lepchuk@phila.gov. Operators interested in starting a new market should contact Farm Philly Urban Greening Coordinator, andrew.kirkpatrick@phila.gov.

Private Property

Markets located on private property must be in allowed zoning areas and have the permission of the business or property owner. You will need to use the Planning Department's *Zoning Summary Generator* to check the zoning of the property by entering the address where the market will be located. Make sure farmers' markets are an allowed use on the property by looking for "Food, beverages, and groceries" under the heading "Uses Permitted By-Right".

For other locations in the right of way and/or on public property in a location that is NOT listed in *Philadelphia City Code Section 9-213(7)* or if you need further assistance understanding the Zoning Approval process, reach out to your District City Councilmember.

Enter the market address on atlas.phila.gov, click on the Voting tab, and scroll down to the "Elected Officials" section to find out who the District Councilmember is and how to contact them.

PROCESS FOR OBTAINING PARKING

If your approved market location includes a curb lane, you may reserve parking spaces for vendors in that curb lane. If your approved market location includes the roadway, you may shut down that street for your market.

It is the responsibility of the operator to alert the public that parking spaces are reserved, or the street is closed for the hours of the Farmers' market's operation. The parameters of approved market locations are defined by the language in Philadelphia City Code Section 9-213(7); no additional street or parking permits are needed to operate a market within those parameters.

Photos: Frankford Transportation Center, Food Bucks, Norris Square



Farmers' Market Best Practices

RECOMMENDED SAFETY MEASURES⁴

- Fire department guidelines must be followed.
- Ensure cords are out of foot traffic areas to prevent trips and falls.
- In the event of winds, securely fasten tents to prevent them from flying away.
- Maintain records of initial safety checks.
- Follow all manufacturing requirements for equipment and appliances.

COMMUNITY ENGAGEMENT

Community engagement and partnerships are fundamental elements of farmers' markets. A clear trend among successful farmers' markets is their deep integration with the communities they serve. Within Philadelphia's farmers' market ecosystem, there are several examples of how markets can engage with community groups and form meaningful local connections.

When considering a location for a farmers' market, it is valuable to identify community groups that are stakeholders in the area.

Developing these partnerships at the outset of a farmers' market's creation can ensure that communities feel the market is truly for them. In areas experiencing active gentrification, community partnerships can demonstrate a market's investment in the neighborhood. Farmers' markets are sometimes associated with gentrification, and the Philadelphia Department of Public Health acknowledges this connection and the negative health impacts gentrification can cause. While some customers or community members might perceive farmers' markets as exclusive to wealthier areas, this is not inherently true. Instead, this perception stems from broader issues of food access. Ideally, farmers' markets can increase access to fresh, diverse produce across the city.

⁴From USDA FARMERS MARKET 2019 Rules and Procedures and Operating Guidelines

Photo: Henry Got Crops Farm Market

HENRY GOT CROPS FARM MARKET | CASE STUDY

A great example of a school-farmers' market partnership is Henry Got Crops. This initiative functions as a Community Supported Agriculture (CSA) program and farm stand where students and teachers from W.B. Saul High School for Agricultural Sciences are directly involved in growing the fresh produce sold at the market. This model fosters investment from the surrounding neighborhood while educating students on all aspects of community-based agriculture.

Clark Park Farmers Market, one of Philadelphia's largest farmers' markets, collaborates closely with the Friends of Clark Park group. Located in historic Clark Park in West Philadelphia, this market has thrived for over 25 years thanks to a strong partnership between the Friends of Clark Park and The Food Trust, the nonprofit that operates the market. This collaboration has ensured mutual benefits for both organizations and contributed to the market's success.

Photo: Clark Park Farmers Market

Farmers' markets play a vital role in bringing fresh produce to neighborhoods that have historically lacked equitable food infrastructure. Many Philadelphia farmers' markets are rooted in urban gardens and farms that are closely tied to their communities. These markets provide opportunities for local farmers and growers to bring fresh food into the city without the intermediary of a grocery store. Like any public project, a farmers' market can be poorly integrated into a community if not thoughtfully planned. However, a well-executed market centers the voices of the people who have been stewarding the land and contributing to their communities. It is always prudent to consider the market's potential impact on the community before opening.

One of the most common types of community partnerships in Philadelphia is between farmers' markets and schools. These partnerships often arise from farm-to-school programs, offering students opportunities to volunteer at markets while gaining access to fresh, local food. These collaborations may include community or school gardens that produce food sold at the market, or they may involve students and staff working as volunteers.

Another common partnership is with parks. Parks often provide ideal locations for farmers' markets and naturally bring markets into contact with local neighborhood groups that maintain the park's land. Frequently, these groups take the form of "Friends of" organizations—community members dedicated to the park's welfare. A close relationship with a "Friends of" group can be highly beneficial to a farmers' market. These groups often provide volunteers, help maintain the surrounding land, and assist with logistics, such as setting up signage, keeping the area clean, and advocating for permanent infrastructure to support the market.

Another element to a successful market on Parks land is a partnership with Philadelphia Parks & Recreation's Farm Philly program. This program supports urban agriculture including farmers' markets and can be a great partner organization for any market on Parks land or who are working with urban gardens.

Health centers are another valuable partner for farmers' markets. Health care facilities often prioritize the well-being of their communities, making them natural allies for markets promoting fresh and healthy food access.

INSURANCE

Insurance can protect your market from a variety of possible issues and can be purchased for the market as an operator or by vendors for their businesses. Insurance can protect the market and vendors from being liable for injuries that may occur at the market location. Multiple companies offer a variety of insurance policies for market operators and vendors so make sure that the policy you purchase covers what you need.

Insurance is required if your market takes place on Parks and Recreation property. The Philadelphia Parks and Recreation Department requirements can be found in the [Resources section](#).

For more information, see the Insurance Tip Sheet in the [Resources section](#).

WEATHER POLICIES⁵

As the market operator you should have a rain-or-shine policy that includes steps to cancel a market. Try to wait until the last minute possible to cancel an entire market, although some vendors may not be able to wait that long. For example, bakers must start making dough before a farmer needs to pick fresh herbs for the market. Talk to your vendors as part of your recruitment process and ask when is their ideal time to hear that a market is canceled before they waste resources preparing for the market.

Weather events that may result in market cancellation could include heavy rain, snow, extreme cold, and extreme heat. While the final call to cancel or alter market operations is up to market managers,

it is recommended that temperature and flood advisories be taken seriously when declared for the safety of all vendors and customers.

If severe weather conditions develop after the market has opened, customers, vendors, and volunteers should move to a safe place until the weather has passed. Once the weather has passed, a determination can be made about resuming normal market operations for the remainder of the market day. In all cases, if the market closes or is delayed, a notification should be posted.

VENDOR MANAGEMENT⁶

It is not required that a farmers' market has a market manager. However, it is highly recommended that you do, as having a person in charge of recruiting vendors, submitting forms, and overseeing the day to day operations of your market makes shopping at the market smoother for everyone. Some markets hire managers as volunteers, while others secure funding to pay managers for their services.

Considerations when hiring a market manager:

- How many hours per week do you expect them to work? Only during the hours of the market or beyond that for office work?
- Does the market manager need a car to transport market materials?
- What kind of training are you able to provide your manager?
- Does your market have any particular language needs?

See sample Market Manager Job Description in [Appendix](#).

Photo: Sanctuary Farm

SANCTUARY FARM | CASE STUDY

Organizations like Sanctuary Farm have established farm stands at local health care facilities, offering innovative programs where patients can receive “prescriptions” for free or reduced-cost produce at farmers’ markets. These initiatives increase market participation among local residents while making fresh food more affordable for those in need.

⁵From USDA FARMERS MARKET 2019 Rules and Procedures and Operating Guidelines

⁶From City Of Boston Farmers Market Guide For Managers

MARKETING & PROMOTION⁷

Market vendors must clearly display signs that show the name of their farm/business and location, product types, prices, and enrollment in any federal nutrition assistance programs such as SNAP or FMNP. Prices must always be legible and visible for customers to see. Prices of items for sale must utilize one or more of the following techniques:

- Individual price stickers on each item;
- Individual price signs for each type of item; or
- A list of prices on a large sign or board.
- Producers must display a sign that lists the farms from which ingredients are sourced at all times.

FARMER & VENDOR RECRUITMENT⁸

To operate a farmers' market, you have to have farmers. Get in contact with farmers several months before opening day. Farmers plan their markets when they order seeds, and so for best results you should talk with them very early on.

Connecting with agricultural organizations and advertising through newsletters are effective ways to encourage growers to participate in your market. However, the best way is personal contact with the farmers themselves. Find names of likely vendors and reach out to them. You can also look up local roadside stands or Pick-Your-Own operations and talk with them. Perhaps they would like to try a new direct market. Word of mouth is the best publicity, even if some farmers are not interested, they might know someone who is.

Consumers like markets that offer variety; they like to have plenty to choose from. Therefore, try to set it up so that you have a core nucleus of at least three farmers who can supply adequate diversity from the outset, as well as other farmers with smaller supplies. Try to make sure your market is competitive from the start. This will prevent territorial problems in years to come.

It is best practice for markets to have market rules prepared for prospective vendors and a vendor application process. This encourages vendors to reach out if they are interested in selling at your market.

SITE EVALUATIONS⁹

Understanding what makes a site an ideal location for a successful farmers' market is extremely important. Here is a brief overview of some key questions to consider when starting a market. For a more comprehensive guide for those looking to start a farmers' market, check out the Farmers' Market Federation of NY's "*Guide to Developing A Community Farmers' Market*," which can be found linked in the [Resources section](#) of this guide.

Some important questions are:

- Does the local community want a farmers market here? How do you know?
- Have you made connections/partnerships with local communities or organizations?
- How close is your market to existing community gathering spaces?
- Is there parking near your market? Is your market accessible by public transit?
- Is there shade and seating near your market?
- Is your market location accessible for people with disabilities? For families with children?
- What type of location is it, a sidewalk, park, private lot? Who owns the land your market will be on?
- Is your market location near other businesses? How much foot traffic will your market receive?

If you do not have a market location pre-selected, see the [Philadelphia City Code Section 9-213\(7\)](#) for locations that have already been approved. To learn if your site is approved or explore currently unoccupied approved locations, visit the [Farmers' Market Planning Tool](#).

⁷ From USDA FARMERS MARKET 2019 Rules and Procedures and Operating Guidelines

⁸ From Massachusetts Department of Agricultural Resources

⁹ From Farmers Market Federation of NY "Guide to Developing A Community Farmers Market"

PAYMENTS

The methods of payment used at markets are dependent on you as the operator and your vendors. The most common types of payment that are accepted are cash, debit/credit card, SNAP/EBT/P-EBT cards, Food Bucks, and WIC and Senior Farmers' Market Nutrition Program (FMNP) vouchers. Some vendors also accept money transfers from sites such as Venmo, Cashapp, or Tap-to pay. The City of Philadelphia does not require any specific payment to be accepted; however, below you can find an explanation of the most common types of payment at a farmers' market.

SNAP/EBT/P-EBT¹⁰

Supplemental Nutrition Assistance Program (SNAP) benefits are accessed via an Electronic Benefit Transfer (EBT) card that is processed using electronic funds transfer technology. EBT cards look and operate like bank-issued debit cards. SNAP benefits are accessed by swiping the EBT card on a point-of-sale (POS) terminal at a Food and Nutrition Service (FNS) SNAP retailer location and entering a personal identification number (PIN). FNS SNAP retailers can either use EBT-only machines, which look like standard commercial POS terminals and are provided for free by FNS, or supply their own terminals. EBT-only machines require electricity and a phone line connection and accept only EBT cards. Many FNS SNAP retailers choose to pay for commercial POS terminals that accept EBT, debit, and credit cards on the same machine.

At farmers' markets, EBT is often managed in one of two ways, either by individual vendors applying for and accepting EBT or on a market level where EBT cards are processed by and accepted by a market manager or operator on behalf of the vendors. Both methods have benefits and drawbacks, to learn more about EBT at farmers' markets you can visit [MarketLink's website](#).

To apply to accept SNAP visit the [USDA website](#).

For more detailed instructions on how to apply, see the SNAP Retailer Application Process Toolkit in the [Resources section](#).

Food Bucks¹¹

Food Bucks are coupons for free fresh fruits and vegetables that are usually earned through SNAP transactions and sometimes distributed by community organizations. They are managed by The Food Trust, a local non-profit organization. They are available and redeemable at participating farmers' markets. Food Bucks are primarily SNAP incentives earned at the point of purchase by shoppers paying with SNAP, but may also be distributed to patients by their healthcare providers as produce prescriptions- Food Bucks Rx. To learn more, visit the [Food Trust's website](#).

¹⁰ From USDA Agricultural Marketing Service

¹¹ From The Food Trust

Photos: South & Passyunk Farmers Market



WIC and Senior Farmers' Market Nutrition Program (FMNP) vouchers ¹²

Farmers' Market Nutrition Program (FMNP) vouchers provide Special Supplemental Nutrition Program for Women, Infants and Children (WIC) recipients and income-eligible seniors with fresh, nutritious, unprepared, locally grown fruits, vegetables, and herbs from approved farmers in Pennsylvania. Only farmers authorized by the Pennsylvania Department of Agriculture may accept and redeem WIC FMNP and Senior FMNP checks. Individuals who exclusively sell produce grown by someone else or purchased from a wholesale distributor cannot be authorized to participate in FMNP. An application can be found in the Resources section of this guide. You can also reach out to the FMNP Administrator, Tierney Belanger, at tiebelange@pa.gov.

To learn more visit the [PA state website](#).

FOOD WASTE AND FOOD EXCESS

As a natural part of any form of food distribution, there may be waste produced by your market. This could include rotten or unsellable food, thawed product that cannot be refrozen, or any number of other cases. While no one solution will fit all vendors or markets, we highly encourage operators and vendors to make plans for sustainable ways to deal with waste. This could include partnerships with local free food distributors, composting programs or redesigning systems to limit food waste.

One of the best ways to manage food waste is to collect food scraps and trash in compost bins, these can then be dropped off at any of the Community Compost Network Sites through the city. A map of these sites and their hours can be found at the [Farm Philly website](#).

In addition to food waste, markets often produce excess food that remains unsold at the end of the day. While some vendors may be able to sell excess products at another date or location many vendors may struggle to do so. This issue can be helped by lower costs near to the end of the market's operating hours or donating extra food. Community partners, nearby food pantries and organizations such as Food Connect may be able to re-distribute excess food from a farmers market.

INTERACTIONS WITH FREE FOOD DISTRIBUTION

As a farmers' market operator, you may experience people who mistake your market for a free food distribution site or who express an unmet food need that your market is not equipped to handle. In such cases, familiarize yourself with the free food sites near your market via the [Food and Meal Finder](#).

These sites may also be good community contacts and partners. Farmers' markets and free food distribution sites are both important parts of Philadelphia's food system.

COUNTERFEIT MONEY¹³

The public has a role in maintaining the integrity of U.S. currency. You can help guard against the threat from counterfeiters by becoming more familiar with United States currency.

Look at the money you receive. Most counterfeit bills are noticeable right away if you take the time to look and feel the bills that you receive. Counterfeiters are experienced in distracting a vendor from taking the time to inspect each bill. Compare a suspicious note with a genuine note of the same denomination and series, paying attention to the quality of printing and paper characteristics. Look for differences, not similarities.

Counterfeit-detection pens that most retailers use can be ineffective because counterfeiters are known to bleach smaller bills and paint over them with higher denominations, turning a one-dollar bill into a twenty-dollar bill. The pens will "clear" the bill because the pen is detecting only the paper, not the ink. One of the best ways to avoid accepting counterfeit bills is to not accept any denominations over \$20.

¹² From Bureau of Food Assistance

¹³ From Penn State Extension

FARMERS' MARKET CHECKLIST

As you approach your markets' opening, the following checklist may be useful to keep track of steps needed to successfully operate your market.



6 months before start of market

- ☐ Identify the location of your market.
- ☐ Engage with community partners.
- ☐ Select vendors for your market.
- ☐ Register your market with the Department of Public Health's Office of Food Protection.



3 months before start of market

- ☐ Collect important forms from the vendors: Insurance forms, copies of Food Establishment Licenses, Commercial Activity Licenses, etc.
- ☐ If new market: apply to accept Supplemental Nutrition Assistance Program (SNAP). For Senior and WIC Farmers Market Nutrition Program (FMNP) vouchers make sure your vendors are registered with the PA Department of Agriculture.
- ☐ Check to make sure your EBT processing equipment to accept SNAP is working and you have manual vouchers.
- ☐ Hire or select market manager.



1-2 months before start of market

- ☐ Begin advertising the opening day of your market.
- ☐ Begin planning market kick-off event (does not need to be the first day of your market).



Week of first market

- ☐ Advertise to your community that your market will be opening.



Day of market

- ☐ Bring EBT processing equipment, manual vouchers, multilingual resources about SNAP, and WIC and SFMNP.
- ☐ Bring tents, tent weights, table, chairs, and signage for market manager table.

APPENDIX

GLOSSARY

Agricultural Products:

Any animal or plant product, raw or processed, that is marketed for human consumption.

Farmers' market:

An area where on designated days and times, growers and producers of horticultural and agricultural products sell those products directly to the public.

Farmers' market operator:

An individual or organization who manages the farmers' market and selects, manages, and coordinates farmers' market vendors.

Farmers' market vendor:

Any person who exhibits, displays, offers for sale, or sells any horticultural or agricultural product, baked ,or handmade product from any stand while at a farmers' market.

OFP:

Office of Food Protection, Philadelphia Department of Public Health

Potentially hazardous foods:

These are foods that must be kept at safe temperatures because they harbor pathogenic microorganisms and permit the growth of harmful toxins. These foods generally contain protein and moisture (a water activity greater than .85) and have a slightly acidic to neutral pH (4.6 to 7.5). Examples include: all animal and fish products including eggs and milk, cut melons and tomatoes, tofu and soy protein, and cooked vegetables.

RESOURCES | IN ORDER OF REFERENCE

How to Operate a Farmers Market Official City Webpage: <http://www.phila.gov/operate-a-farmers-market>

How to Get a Commercial Activity License Official City Webpage: <https://www.phila.gov/services/permits-violations-licenses/get-a-license/business-licenses/activity/get-a-commercial-activity-license/>

List of Current District Council Members: <https://phlcouncil.com/council-members/>

Market Link Webpage: <https://marketlink.org/>

USDA SNAP Retailer Application Webpage: <https://www.fns.usda.gov/snap/apply-to-accept>

The Food Trust Food Bucks Webpage: <https://thefoodtrust.org/what-we-do/food-bucks/>

Farmers Market Nutrition Program Webpage: https://www.agriculture.pa.gov/Food/food_assistance

Food and Meal Finder Application: <https://www.phila.gov/food/>

Additional resources

[SNAP Retailer Application Process Toolkit](#)

[Farmers' Market Federation of New York's Guide to Developing a Community Farmers' Market.](#)

[Farmers' Market Nutrition Program Application for "Eligible Farmer" Status and FMNP/SFMNP Eligible Farmer Participation Agreement](#)

Insurance Tip Sheet – <https://farmersmarketcoalition.org/insurance-tip-sheet/>

Penn State Extension resources - <https://extension.psu.edu/>

Farmers' Market Coalition website - <https://farmersmarketcoalition.org/>

USDA Philly office

FORMS AND ADDITIONAL RESOURCES

Food Safety at Farmers' Markets

The City of Philadelphia values the wonderful farmers markets that provide fresh, nutritious food to Philadelphians. Farmers' markets provide an important market for local farmers to sell food they raise directly to customers. They also provide an opportunity for consumers to ask questions, learn more about where the food is grown, and discover new produce to try.

Food Safety Guidelines for all Farmers' Markets

Every operator of a food stand and the farmers' market operator share the responsibility for the safety of the food sold and served at the market:

- All food items sold must be made or purchased from a licensed facility.
- All food items should be transported in a sanitary manner.
- All pre-cut food items or products to be sampled should be transported and stored in clean, sanitized containers (including coolers).
- Potentially hazardous items transported and stored in ice or ice packs should be completely covered to ensure temperatures of the items are below 41°F at all times. It is not acceptable to have a cooler full of food and only a few ice packs placed on the top. Potentially hazardous items include whole shell eggs, meat, dairy, and some pre-packaged products such as tofu-soy. Use a thermometer to monitor their temperature.
- Any packaged foods must be properly packaged and labeled. The following must be listed on the label: name of product, ingredients, name and address of the manufacturer or distributor and net contents/weight. Products should be sourced from a business that has good food safety practices and all appropriate licensing.
- No homemade products may be sold or sampled.



ATTENTION FARMERS' MARKET OPERATORS

Farmers' Markets Operator Registration

Each year, every farmers' market operator must complete and submit a Farmers' Market Operator Registration Form to the Philadelphia Department of Health, Office of Food Protection (OFP). The market operator is required to update the OFP whenever there are changes to the information submitted. A copy of the registration form is available for download at www.phila.gov.health/farmersmarkets.

For more information, contact Dawn Kiesewetter, Program Administrator,
at 215-685-7490 or dawn.kiesewetter@phila.gov.

Food Sampling Guidelines at Farmers' Markets

Some vendors may want to provide samples of their food at farmers' markets. Samples may be provided as long as safe food handling practices are followed. In order to safely sample your product, a temporary hand wash station must be provided for each vendor that is sampling. An approved hand wash station is an insulated container with a spigot that can stay open (no push buttons) and dispenses warm water (100°–120°F). Soap, paper towels and a container for waste water must also be provided.

General guidelines for all vendors that allow sampling of their products:

- All employees should practice good personal hygiene. Exclude any workers with symptoms of illness from handling food.
- No bare hand contact of ready-to-eat foods is permitted. Acceptable practices include using a napkin or gloves.
- All foods are from a licensed facility.
- Promote effective and frequent hand washing.
- Store pre-cleaned cutting boards and utensils in clean containers and replace them every four hours.

Sampling processed foods including bakery items, breads, crackers, jams, jellies, canned items:

- Pre-cut samples at an approved facility.
- Store pre-cut samples in cleaned and sanitized food grade containers.
- Keep all disposable items used to sample products (cups, napkins, etc.) off the ground and in a manner that prevents contamination (original packaging, clean containers).
- Potentially hazardous foods that require refrigeration must be kept below 41°F at all times.
- No homemade products may be sold or sampled.

Sampling fruits and vegetables:

- Samples may be cut and sampled on-site.
- No cutting of tomatoes or melons (any kind) on-site.
- All fruits and vegetables to be sampled must be rinsed thoroughly in clean water prior to sampling.
- Rinse products to be used for sampling in advance and store in disposable food bags.
- Fruit and vegetable sample servings must be protected from contamination at all times.

Sampling packaged, potentially hazardous foods including cheese, meat and seafood:

- Must be pre-cut at a licensed facility. Cannot be cut on-site.
- All pre-cut samples must be stored in cleaned and sanitized food grade containers
- Food that requires refrigeration must be kept below 41°F at all times.

Cooking demonstrations on-site:

- All food is from a licensed source. On-site food prep is permitted and must be pre-approved by the Office of Food Protection.
- Menus, list of ingredients, prep description and equipment specifications are needed for all on-site food prep. Some restrictions may apply.
- Follow all above food sampling guidelines.
- Complete and submit the Farmers Market Cooking Demo Food Handling Form to the Philadelphia Department of Public Health, Office of Food Protection, at least two weeks before the cooking demonstration is scheduled. The form is available at www.phila.gov.health/farmersmarkets.

For more information, contact Dawn Kiesewetter, Program Administrator,
at 215-685-7490 or dawn.kiesewetter@phila.gov.

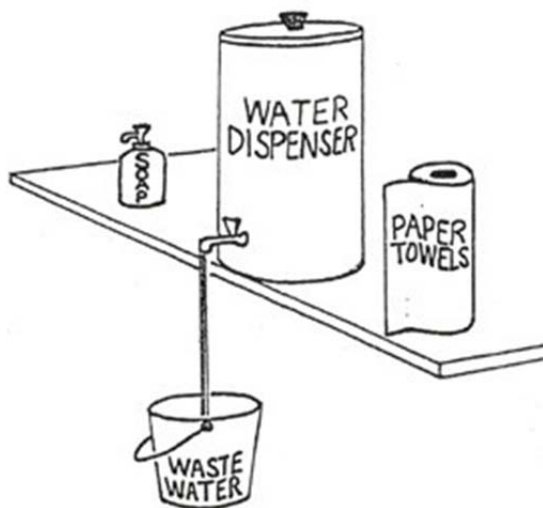
Tips for a Temporary Hand Washing Station

You Will Need:

- 1) Insulated water container with a spigot that can stay open (like a coffee urn or Cambro unit). The spigot should not have to be held open by the person to dispense water.
- 2) Liquid soap
- 3) Paper towels
- 4) Container for the waste water
- 5) Container for soiled paper towels and waste.

Steps to Set Up the Station:

- 1) Fill the insulated container with warm water. The temperature should be at least 100⁰F.
- 2) Place container for waste water on the ground so it can catch the water after the hands are washed.
- 3) Place liquid soap and paper towels alongside of the insulated container.



For more information, contact Dawn Kiesewetter, Program Administrator,
at 215-685-7490 or dawn.kiesewetter@phila.gov.



Farmers' Market Insurance Requirements

A. Workers' Compensation and Employers' Liability

i. Workers Compensation – Statutory Limits;

ii. Employers Liability:

\$100,000 Each Accident - Bodily Injury by Accident;

\$100,000 Each Employee - Bodily Injury by Disease;

\$500,000 Policy limit - Bodily Injury by Disease; (c)

Other states endorsement including Pennsylvania.

B. Commercial General Liability Insurance

i. Limit of Liability: \$1,000,000 per occurrence combined single limit for bodily injury (including death) and property damage liability; \$1,000,000 personal and advertising injury; \$2,000,000 general aggregate.

ii. Coverage: Premises operations; blanket contractual liability; personal injury liability; products and completed operations; independent contractors; employees and volunteers as additional insureds; cross liability; broad form property damage (including completed operations) liability.

C. Commercial Automobile Liability Insurance

i. Limit of Liability: \$1,000,000 per occurrence combined single limit for bodily injury and property damage liability;

ii. Coverage: Owned, hired and non-owned vehicles.

D. The Permit Holder shall cause the City to be named as additional insured on the General Liability policy. Also, the Concessionaire shall obtain endorsements which state that the coverage afforded the City as additional insured will be primary to any coverage available to it.



Farmers Market Insurance: An Introduction to Policy Types & Common Terms

There are multiple types of insurance policies that apply to farmers markets and the people involved in those markets. This sheet will help you understand the different kind of policies that are available, what those policies may cover, and how to guarantee that you are purchasing a policy that will provide you with the coverage you need.

The three most common types of liability insurance policies that relate to farmers markets are for producers, markets, and the directors and officers of market organizations.

1) Producer/Vendor

Producer liability insurance is best viewed as an umbrella term for two more specific types of insurance:

- **Product Liability:** Covers claims related to the product that the farmer sells, which typically include fruits, vegetables, eggs, baked goods etc.
 - Example Claim: A consumer buys a ½ dozen eggs, and later claims that those eggs made her sick. She sues you for food poisoning.
- **General Liability:** Covers claims brought against the farmer that are not product related.
 - Example Claim: A shopper sues you, because he trips over one the bungee cords that ties down your tent and needs to get stitches due to the injury.

Note: Not all producer insurance policies offer the same type of coverage. When buying producer insurance, be very clear with the person you are speaking with about what products you want covered by the policy, and make sure that their policy provides that coverage.

Examples Using Producer/Vendor Insurance

- Product liability insurance *might* cover your fruit and vegetable sales, but might *not* cover your meat and dairy sales.
- General liability insurance may not cover temporary structures, such as tents or tables.

Questions to Ask

- What type of products are covered by my product liability insurance? What types of products are not covered?
- What type of incidents are covered by my general liability insurance? What types of incidents are not covered?
- Does my liability coverage extend to only one market, or to all of the markets that I attend?
- Does my coverage extend to my employees & representatives and their actions?

2) Market

Market liability insurance and vendor liability insurance are often required by farmers markets to protect the vendor, and the market as a whole, although market insurance does not necessarily offer protection to the vendors. Market insurance is important for two reasons. One, to cover accidents and injuries that occur at the marketplace, but cannot be attributed to a specific vendor. Two, claimants will often sue as many parties as they can in a lawsuit. Even if a specific vendor seems to be responsible for causing a claim, the claimant will often sue the market as well.

Market liability insurance will typically cover the same liabilities as producer insurance, ie product liability and general liability. Those who are purchasing market insurance should ask the same questions that vendors should ask when purchasing producer liability insurance in order to ensure that both the products and the market as a whole are sufficiently insured.

Examples Using Market Liability

- A customer trips on a sandwich board advertising the farmers market and breaks his hip. The customer sues the market for injury.
- A customer gets food poisoning from an item sold at market and sues the vendor for selling it, and the market for being negligent in allowing a spoiled item to be sold.

Questions to ask (see Producer/Vendor above)

- Does the policy cover the property owner as an additional insured?
- How does my market liability insurance differ from a producer\vendor insurance policy?

3) Directors and Officers (D&O)

When a non-profit organization serves as a sponsor for a farmers market, or is otherwise involved with a farmers market, allegations can be made against the directors and officers of that non-profit. D&O insurance should cover defense costs, as these costs can easily exceed \$50,000. The most common form of allegations include:

- Allegation of Wrongful Acts
Examples: Conflict of interests; breach of contract; fraudulent conduct, reports, financial statements or certificates
- Allegation of Financial Mismanagement
Examples: Inefficient administration resulting in losses; Sale of assets for unreasonably low prices
- Allegation of Mistakes or Errors in Judgment:
Examples: False or misleading reports; dissemination of false or misleading information
- Allegation of Negligence
Examples: Continual absence from meetings; failure to examine reports and documents before signing; failure to detect and stop embezzlement of organizational funds

Further examples of claims that can be brought against Directors and Officers, as well as the people and organizations who might sue them, can be found at http://web4agents.com/sites/upload/952/Farmers_Market_D_O_What_and_Why.pdf.

General Questions for any type of insurance policy

- *What is the deductible?*
If a settlement or court decision finds you liable, and as a result you have to reimburse the claimant for damages then the deductible is the amount of money that you have to pay the claimant. Your insurer will reimburse the claimant the remainder of the sum owed.
- *How much does the premium cost?*
Different policies have different prices, but keep in mind that different policies may also have different types of coverage. Be sure to review the cost of the policy *and* the type of coverage you get for that cost.
- *How much does the insurance policy cover per occurrence?*
This is the amount of money that the insurance company will pay to a claimant. Typical per occurrence limits are 1 million dollars. If for any reason the occurrence in question ends up costing more than the insurer is willing to pay, then you may be held responsible for paying the additional money owed.
- *What is the aggregate limit of the insurance policy?*
See the definition of aggregate limit below. Different policies will have different limits, and it's important to compare these limits to each other when reviewing different policies.

Common Terms

- **Aggregate Limit:** The maximum dollar amount your insurer will pay to settle your claims. Often the limit is referred to as an annual aggregate limit, which is just the total amount your insurer will pay in a single year.
- **Deductible:** The amount you pay out of your own pocket before your insurance provider begins paying the reimbursement owed to claimant.
- **Claimant:** The person who brings a lawsuit against you. (ie the person who is suing you because of food poisoning, or the person who tripped over your tent.)
- **Additional Insured:** A party other than a party in whose name insurance is issued who is also protected against losses covered by such a policy. This could include the market as a whole, other vendors, or other staff members who are employed by the vendor. Property owners might also be listed as additional insureds.
- **Market liability:** A general liability policy held by a farmers market, otherwise known as "slip and fall" insurance.

- Rider: An edit or modification to an insurance policy to modify both benefits and the conditions of coverage.
- Hold Harmless: Also called an "indemnification," this type of agreement protects someone from being sued because of what a third person does to the victim. For example: Before I let you sell produce at my market, you will have to indemnify me (hold me harmless) if you negligently forget to tie down your tent and it flies away in a wind and injures a shopper. Should the shopper later sue me, I can invoke indemnification and you pay all my legal bills and any damages awarded by the court.

Additional Resources:

Nonprofit Risk Management Center: A nonprofit organization providing risk management assessments resources and technical assistance for nonprofits: <http://www.nonprofitrisk.org/>

Farmers Market Coalition (FMC): Non-profit organization dedicated to serving farmers markets, and a recent partnership with Campbell Risk Management to provide both directors' and officers' insurance as well as producer liability insurance. FMC is hosting a series of webinars in 2011 on various insurance topics, all of which will be archived on the Information Marketplace page of the web site. <http://farmersmarketcoalition.org/>

Disclaimer: The Farmers Market Coalition is not an authorized insurance representative and the information provided in this handout is designed only as an introduction to insurance as it relates to farmers market organizations. Users are advised to contact an authorized insurance agent or broker for policy-specific questions.



This handout is made possible with support from the USDA Risk Management Agency under agreement number 10-IE-63102-0004.

Farmers markets are good for everyone. Join us to make them even better!

Farmers Market Coalition

farmersmarketcoalition.org | 877-362-0553 | info@farmersmarketcoalition.org

EXAMPLE: MARKET MANAGER JOB DESCRIPTION

The [insert organization name] is looking for an outgoing individual who is interested in agriculture, food, and community to manage the [insert market name] this season. The Market Manager is the go-to person for community partners, farmers, producers, and shoppers during the market season.

The Market Manager's general responsibilities include: setting up and breaking down the market, helping promote the [insert market name], running the EBT/SNAP program, and keeping accurate weekly records of market activities.

Specific Responsibilities:

- Provide assistance in market application and permit process.
- Recruit and manage vendors.
- Help promote the market and [insert organization here] mission.
- Assist with social media and general outreach to promote the market.
- Operate and promote the EBT/SNAP program and HIP.
- Arrive at market before opening to coordinate market set-up and stay at market until all vendors have left (usually no more than 1 hour after market closing).
- Coordinate vendor parking and set-up, ensuring vendors are in the correct space.
- Staff the manager tent providing information to customers.
- Enforce market rules.
- Occasionally assist vendors by providing limited set up help.

Desired Qualifications:

- Able to communicate effectively with a variety of people including but not limited to customers, farmers, volunteers, potential sponsoring agencies, health inspectors, police, and city transportation officials, as well as market staff.
- Willing and able to work outside in all weather conditions.
- Able to safely lift and carry at least 30 pounds.
- Able to work independently, as well as with the team of volunteers, interns, and staff members.
- Possess excellent customer service skills.
- Prior experience with Farmers' Market or EBT/SNAP transactions preferred.
- Must be proficient in Microsoft Office.

[insert market name] is held every [insert market day and hours], including holidays. Market Managers must be able to commit to a full market season which runs from [insert market start and end days]. Hours are approximately 8 hours per market day and 2 hours of administrative/budget work per week. The rate of pay is \$17-\$20 per hour based on experience. To apply, please send a cover letter and resume to [insert contact information]. Deadline for applications is [insert deadline].

PA Department of Agriculture
Bureau of Food Assistance Farmers
Market Nutrition Program 2301
North Cameron Street
Harrisburg, Pennsylvania 17110-9408
(717) 783-5309 Revised: May 2024

Farmers Market Nutrition Program

Application for “Eligible Farmer” Status and FMNP/SFMNP Eligible Farmer Participation Agreement

This document is an Application to the Pennsylvania Department of Agriculture (PDA), an administrative agency of the Commonwealth of Pennsylvania having its principal offices at 2301 North Cameron Street, Harrisburg, PA 17110, by the following person (Applicant), who seeks to be designated an “eligible farmer” and to be allowed to participate in that capacity in the Farmers Market Nutrition Program (FMNP) and the Senior Farmers Market Nutrition Program (SFMNP). *When fully executed*, this document is *also* the Agreement making the requested designation and establishing the terms and conditions of the Applicant’s participation in the FMNP and the SFMNP.

Name of Farmer: _____

Farmer ID Number (Complete only if Farmer has a PDA-issued ID Number acquired from previous participation in the FMNP): _____

Mailing Address: _____

Home Telephone Number (include area code): _____

County of Residence: _____

Employer Identification Number or Social Security Number: _____

E-Mail Address: _____

If you are a new applicant and the name on your PDA-issued stamp should be something other than your name above, provide that name and an explanation:

Have you ever participated in either the FMNP or the SFMNP in any year from 2001 forward?

Yes _____ No _____

1. ***The Programs.*** Public Law 102-314 established the FMNP under the supervision of the United States Department of Agriculture (USDA), to compliment the Women, Infants and Children (WIC) Program. PDA administers the FMNP for the Commonwealth. The Commonwealth, through passage of its annual budget, provides state funding in support of FMNP. The regulations addressing participation in the SFMNP are established at Title 7 CFR, Part 249, titled *Senior Farmers Market Nutrition Program (SFMNP)*.
2. ***Purposes of the Programs.*** The purposes of the FMNP and the SFMNP include the following:
 - a) Provide resources to women, infants, and children who are nutritionally at risk, and low-income seniors, in the form of fresh, nutritious, unprepared foods (such as fruits and vegetables), from farmers markets; (and)
 - b) Provide resources to income eligible seniors who are nutritionally at risk, in the form of fresh, nutritious, unprepared foods (such as fruits and vegetables), from farmers markets; (and)
 - c) Expand the awareness and use of farmers markets; and increase sales at those markets.
3. ***Application for Participation in FMNP and the SFMNP.*** The Applicant desires to participate as an “eligible farmer” in the FMNP in Pennsylvania; and intends this document as both that application and the Agreement pursuant to which the Applicant shall participate in the FMNP if PDA designates the Applicant an “eligible farmer.” The Applicant also understands that if PDA designates the Applicant an “eligible farmer” for purposes of participation in the FMNP, that designation shall *also* apply with respect to the Applicant’s participation in the SFMNP; and the Applicant may therefor participate in the *SFMNP* under the terms of this Agreement. Where this Agreement references the FMNP, the Parties understand and agree that this reference *also* includes the SFMNP.
4. ***“Eligible Farmer” Defined.*** For the purposes of this Application/Agreement, an “eligible farmer” is a person with respect to which *both* of the following are accurate:
 - a) The person is a farmer who owns or leases farmland within Pennsylvania on which that farmer grows eligible produce (as that term is defined in Paragraph No. 5, below, titled “*Eligible Produce*” *Defined*) with a retail value of \$1,000 or more for sale under the FMNP in a calendar year. (*Note: If weather conditions or disaster prevent this level of production in a particular calendar year, PDA will consider evidence*

of past years' production, acreage, cropping history, and other relevant information to determine whether the Applicant has the potential production capacity to meet this requirement).

- b) When the retail value of the eligible produce grown by the farmer does not equal 50% of the retail value of the eligible produce sold (redeemed) under the FMNP by the farmer in a particular calendar year, the farmer documents to PDA that the difference between (i) the retail value of eligible produce grown by the farmer; and (ii) 50% of the retail value of eligible produce sold (redeemed) by that farmer under the FMNP in that calendar year - was purchased from a Pennsylvania grower. (*Note: This documentation shall include the name, address, and telephone number of the Pennsylvania grower from whom purchases of eligible produce were made, and a legible receipt signed by that Pennsylvania grower*).

Example: Assume a farmer sold eligible produce having a retail value of \$10,000 in a particular calendar year and redeems \$10,000 in FMNP checks with respect to that eligible produce. Assume the farmer grew eligible produce with a retail value of \$4,000. Since 50% of the \$10,000 figure is \$5,000, the farmer must document to PDA that the farmer acquired eligible produce with a retail value of at least \$1,000 from a Pennsylvania grower.

5. “Eligible Produce” Defined. For the purposes of this Application/Agreement:

“Eligible produce” consists only of fresh fruits, vegetables or herbs that are **grown in Pennsylvania**.

“Eligible produce” does not include citrus fruits such as oranges, lemons, limes, grapefruit or tangerines, nor does it include tropical fruits such as bananas, pineapple and mangoes.

Disputes over what constitutes “eligible produce” under the Programs shall be resolved by the Pennsylvania Secretary of Agriculture or designee.

As stated in Paragraph No. 11(r), titled *Additional Terms*, “eligible produce” must be purchased directly from the farmer, and not from a wholesaler.

6. State Administration/Contact Information. The Applicant understands and agrees that PDA administers the FMNP through its Bureau of Food Assistance. Questions regarding the FMNP or this Application/Agreement shall be directed to PDA’s FMNP Administrator at the PDA address above, or may be directed to the PDA FMNP Administrator at the following telephone number: (717) 783-5309.

7. *Eligibility to Participate in the FMNP.*

- a) The Applicant understands and agrees that, unless an exception is made under subparagraph (b), below, the Applicant must be an eligible farmer (as that term is defined in Paragraph No. 4, above, titled "*Eligible Farmer*" *Defined*). By its signature to this Agreement below, PDA accepts the Applicant's representation that the Applicant is an eligible farmer and designates the Applicant's participation in the FMNP as an eligible farmer.
- b) Notwithstanding subsection (a), above, the Secretary of Agriculture for the Commonwealth of Pennsylvania or his authorized designee may, with approval of USDA, authorize a farm stand or a non-profit community organization to participate in the FMNP where necessary to ensure recipients adequate access to farmers markets. A non-profit agency means a private agency exempt from income tax under the Internal Revenue Code of 1986, as amended, (26 U.S.C. 1 *et seq.*).

8. *Term of Agreement.* The term of this Agreement will be three (3) years from the date of PDA's signature. PDA shall monitor this Agreement and the performance of the eligible farmer while this Agreement remains in effect and may, by writing, extend this Agreement by successive additional three-year terms. Should PDA fail to complete this performance review and renewal before an expiration date of this Agreement, the Agreement will be automatically extended for an additional year.

9. *Termination.* This Agreement may be terminated in either of two ways:

- a) By either party providing the other party at least thirty (30) days advance written notice of the termination date; or
- b) By the Applicant providing PDA notice of a terminate date by telephone (using the telephone number provided in Paragraph No. 6, above (titled *State Administration/Contact Information*)), and following-up with written confirmation of that termination within 15 days of that telephone notice.

10. *Compliance Visits.*

- a) The Applicant understands and agrees that USDA, PDA, or authorized staff will visit participating markets and farmland on which produce is grown. Visits may be unannounced.
- b) The Applicant understands and agrees that compliance visits will also be made in response to complaints from FMNP recipients, farmers, local WIC or Senior agencies, or as a follow-up with respect to previous compliance visit results or other problems.

11. Additional Terms. The undersigned Applicant (Farmer) **understands and agrees** to the following:

- a) The Applicant will not allow FMNP checks to be used for the purchase of any processed food such as jams, jellies, cider, or honey.
- b) The Applicant will allow FMNP participants to purchase eligible produce at current prices or less than prices charged to other customers.
- c) The Applicant will offer FMNP participants the same courtesies as other customers.
- d) The Applicant will participate in FMNP training when offered by PDA and to provide training to my employees.
- e) The Applicant will be accountable for actions of my employees when serving FMNP clients and accepting FMNP checks for approved purchases.
- f) The Applicant will cooperate with regular monitoring and review by PDA during the term of this Agreement for measuring compliance to governing FMNP rules and regulations.
- g) The Applicant will surrender on demand the FMNP stamp if PDA or the Applicant terminates this Agreement; and will not accept any additional FMNP checks after the date of termination.
- h) The Applicant will not transfer the FMNP stamp or FMNP identification number to another farmer or individual at any time.
- i) The Applicant will provide any information PDA requires for its annual report to the Food and Nutrition Service, USDA.
- j) The Applicant will notify PDA if the Applicant sells its business or if its market operation changes location and if day(s) or hours of operation change; or if the Applicant no longer intends to participate in the FMNP (**see Paragraph No. 8, above, titled Termination**).
- k) The Applicant will deposit FMNP checks received no later than the date established by PDA for each program year; which is the **first Friday of December** in each FMNP program year, unless otherwise notified by PDA.
- l) The Applicant will not collect sales tax on FMNP check purchases; or seek restitution from participants from FMNP checks not paid by PDA; and will not issue cash change for purchases that are in an amount less than the maximum value of FMNP check(s).
- m) The Applicant confirms that he/she/it is not currently under suspension or debarred by the Commonwealth of Pennsylvania, any other state, or the federal government. If the Applicant (Farmer) enters into any subcontracts under this Agreement with subcontractors who are currently suspended or debarred by the Commonwealth or

federal government during the term of this Agreement or any extensions or renewals, thereof, the Commonwealth shall have the right to require the Applicant to terminate such contracts.

- n) The Applicant will reimburse the Commonwealth for all necessary and reasonable expenses incurred by the Office of the Inspector General relating to an investigation of its compliance with the terms of this or any other agreement between it and the Commonwealth which results in its suspension or debarment.
- o) The Applicant will abide by all policy and/or procedural changes announced by PDA affecting the FMNP.
- p) The Applicant will clearly display the white FMNP sign where it sells its eligible produce.
- q) **The Applicant will not cash and/or deposit FMNP checks that were accepted for sale to recipients by a non-participating farmer.**
- r) **Produce purchased from wholesalers is not permitted in the FMNP. Produce must be purchased directly from the farmer.**
- s) **Under no circumstances shall produce grown outside the United States and its territories be sold for FMNP checks.**
- t) A farmer is not considered “authorized” to participate in the FMNP simply by being located in or associated with a farmers market. A farmer must have a current agreement with PDA – such as this document – to be authorized to participate the FMNP.

12. *PDA’s List of Eligible Farmers.* PDA shall prepare annually (and revise regularly) a listing of eligible farmers, for distribution to FMNP recipients and interested persons.

13. *Sanctions for Program Violations.* Sanctions may be imposed by PDA on a farmer found in violation of this Agreement or any applicable FMNP rules or regulations. First-time violators will usually be issued a letter identifying the violation, with a warning. Continued non-compliance may result in termination of this Agreement (see Paragraph No. 9, above, titled *Termination*).

14. *Assurance of Civil Rights Compliance.*

- a) The Applicant shall comply with the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*); Title II and Title III of the Americans with Disabilities Act (ADA) of 1990 as amended

by the ADA Amendment Act of 2008 (42 U.S.C. 12131-12189) as implemented by Department of Justice regulations at (28 CFR Parts 35 and 36); Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." (August 11, 2000), all provisions required by the implementing regulations of USDA (7 CFR Part 15 *et seq.*); and FNS directives and guidelines to the effect that no person shall, on the ground of race, color, national origin, age, sex (including gender identity and sexual orientation), or disability, or reprisal or retaliation from prior civil rights activity be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from FNS; and hereby gives assurance that it will immediately take measures necessary to effectuate this agreement.

- b) By providing this assurance, the Applicant agrees to compile data, maintain records, and submit reports as required to permit effective enforcement of the nondiscrimination laws, and to permit PDA personnel during normal working hours to review such records, books and accounts as needed to ascertain compliance with the non-discrimination laws. If there are any violations of this assurance, PDA shall have the right to seek judicial enforcement of this assurance.
- c) This assurance is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grants and loans of Federal funds, reimbursable expenditures, grant or donation of Federal property and interest in property, the detail of Federal personnel, reimbursable expenditures, grant or donation of Federal property and interest in such property or the furnishing of services without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the recipient, or any improvements made with Federal financial assistance extended to the Applicant by PDA. This includes any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance such as food, cash assistance extended in reliance on the representations and agreements made in this assurance.

This assurance is binding on the Applicant, its successors, transferees, and assignees as long as it receives assistance or retains possession of any assistance from PDA. The person or persons whose signature appears below are authorized to sign this assurance on the behalf of the Applicant.

15. *Equal Opportunity.*

- a) The Applicant understands and agrees that the FMNP is an Equal Opportunity Program and that an eligible farmer participating in this Program may not discriminate on the basis of race, color, national origin, sex (including gender identity and sexual orientation), age, disability, or reprisal or retaliation for prior civil rights activity.

- b) Persons who believe they have been discriminated against because of race, color, national origin, sex (including gender identity and sexual orientation), age, disability, or reprisal or retaliation for prior civil rights activity should write the USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202)720-6382 (TTY). USDA is an equal opportunity provider and employer.

16. *Exceptions & Variances.* The Secretary of Agriculture for the Commonwealth of Pennsylvania or his authorized designee may, upon request or upon his own motion, grant exceptions or variances with respect to the terms or requirements of this Agreement. However, exceptions or variances cannot be made to Federal requirements where Federal funds are used *unless* these exceptions or variances are first approved by USDA.

17. *Consequences of Participation without Agreement.* The Applicant understands and agrees that a farmer accepting FMNP checks without first having a current and fully-executed Agreement with PDA will forfeit the value of the checks accepted. FMNP checks accepted by the farmer prior to being notified of approval by PDA will be returned to the farmer without payment.

18. *Additional Applicant Acknowledgements.*

- a) I acknowledge that I have read and understood this Agreement.
- b) I accept the terms and conditions set forth in this Agreement. I attest that I meet the definition of an “eligible farmer,” as defined above, and shall meet this definition at all times this agreement remains in effect.
- c) I acknowledge that all of the statements in this Agreement are true and correct; and I understand that false or inaccurate statements made herein may result in the denial or withdrawal of PDA’s approval for me to participate in the FMNP and the SFMNP as an eligible farmer.

(Signature page follows)

In witness of the terms and conditions set forth above and agreeing to be bound by these terms and conditions, the Applicant and PDA have executed this Agreement below.

Signature of Applicant

Date

Printed Name of Applicant

(The person signing above must have legal authority on behalf of the Applicant to apply for participation in the Farmers Market Nutrition Program and the Senior Farmers Market Nutrition Program)

By the signature below, PDA hereby designates the Applicant an “eligible farmer” for purposes of participation in the FMNP and the SFMNP; and agrees to the terms of this document.

PDA Signature

Date

Printed Name & Title

This institution is an equal opportunity provider.



Farmers' Market Cooking Demonstration Form

Please complete and submit this form at least two weeks before a cooking demonstration is scheduled to: Dawn Kieseewetter, Program Administrator, Department of Public Health, Office of Food Protection, 321 University Avenue, 2nd floor, Philadelphia, PA 19104 or dawn.kieseewetter@phila.gov. You will receive an email confirmation within three business days of receipt.

1. Today's Date: _____

2. Cooking Demo Operator:

Name: _____ Phone: _____

Alternative Phone: _____ Email: _____

3. Market(s) Name & Address:

4. Date(s) & Time(s) of Cooking Demonstration:

5. Please describe your source of available clean warm water and hand washing station:

6. Will the food prepared at the demonstration be served to the public? Y or N

7. Food Information: Pre-approval from the Office of Food Protection is required prior to on-site food preparation. **Please note: No cutting of tomatoes or melons of any kind is permitted on-site.** In addition to information below, please provide: menu, list of ingredients, prep description, list of equipment and specifications.

Food item to be prepared	Ingredients	Where is food purchased? (name & address)	Where is food prepared? (name & address)

For more information, contact Dawn Kieseewetter, Program Administrator, at 215-685-7490 or dawn.kieseewetter@phila.gov.

Farmers' Market Cooking Demonstration Form *(continued)*

Food item to be prepared	Ingredients	Where is food purchased? (name & address)	Where is food prepared? (name & address)

For more information, contact Dawn Kieseewetter, Program Administrator, at 215-685-7490 or dawn.kieseewetter@phila.gov.

**For Office Use Only**

Date Application Received: _____

Date of Approval: _____

Registration Number: _____

FARMERS' MARKET OPERATOR REGISTRATION FORM

Prior to operating a farmers' market, all market operators must register with the Philadelphia Department of Public Health, Office of Food Protection (OFP), by submitting this form annually. To register, complete this form and submit to the OFP at the address below. The form includes three sections: 1) Market Operator Information, 2) Market Information, and 3) Vendor Information. This form can be downloaded at www.phila.gov/health/farmersmarkets.

Email or mail the completed form to:

Dawn Kiesewetter, Program Administrator, Department of Public Health, Office of Food Protection, 321 University Avenue, 2nd Floor, Philadelphia, PA 19103, at 215-685-7490 or dawn.kiesewetter@phila.gov. You will receive an email confirmation within five business days of receipt.

I. MARKET OPERATOR INFORMATION

Use this section to provide information about your organization.

Name of Organization:		Non-profit 501 3(c) Business, Commercial Activity License #:
Contact Name and Title:		
City:	State:	Zip code:
Phone:	Email:	Website:



II. MARKET INFORMATION

Submit information for each market you will be operating in the 2014 calendar year. If the market is located on public property, it must be on a location deemed permissible by the Philadelphia City Council (see Philadelphia City Code – Section 9-213 (7)). If on private property, you must have zoning approval and permission of the business owner for operation.

Name of Market Operator: _____					Date form submitted: _____ page ____ of ____ pages	
Market Name	Market Address	Days and Times	Opening Date	Closing Date	LOCATION APPROVAL	
					If on Public Property Provide City Code citation number	If on Private Property Indicate zoning approval



II. MARKET INFORMATION *(continued)*

Name of Market Operator: _____					Date form submitted: _____ page ____ of ____ pages	
Market Name	Market Address	Days and Times	Opening Date	Closing Date	LOCATION APPROVAL	
					If on Public Property Provide City Code citation number	If on Private Property Indicate zoning approval



III. VENDOR INFORMATION

Submit information for each vendor participating in any farmers' markets you operate in the 2014 calendar year. This information is needed to ensure that all vendors are properly licensed and to gather key information that might be needed in the event of a food-borne illness.

Name of Market Operator: _____				Date form submitted: _____ page _____ of _____ pages	
Business Name	Address and Email	Participating markets (list all)	Products Sold	Permit or License #	Issuing Agency



III. VENDOR INFORMATION *(continued)*

Name of Market Operator: _____				Date form submitted: _____ page ____ of ____ pages	
Business Name	Address and Email	Participating markets (list all)	Products Sold	Permit or License #	Issuing Agency



ACKNOWLEDGEMENTS

We would like to acknowledge and thank the following partners for reviewing and providing feedback on the revised Operator's Guide:

City staff from the Health Department's Office of Food Protection and Division of Chronic Disease and Injury Prevention; Parks and Recreation; Planning; Licenses and Inspections; and Streets

The Food Trust and the Farmers' Market Advisory Group members

Penn State Nutrition Extension



For forms and other information, visit:
www.phila.gov/operate-a-farmers-market

Office of Food Protection, Environmental
Health Services and Division of Chronic
Disease and Injury Prevention,
Philadelphia Department of Public Health

Revised: March 2025