

The Oregon Department of Agriculture and Farmers' Markets

The Oregon Department of Agriculture (ODA) is currently evaluating its roles and responsibilities in Oregon Farmers' markets. For many years, ODA has played an active role in promoting farmers' markets. Its Agricultural Development and Marketing Division has assisted the Oregon Farmers Market Association in seeking grants, published farmers' market information and granted money to help launch food stamp access program. ODA has provided financial support for farm direct marketing meetings and other direct monetary support for the association's activities. ODA's Food Safety Division has also worked cooperatively with the Oregon Farmers' Market Association (OFMA) to develop guidelines for safe food handling at the markets and facilitate their distribution through its web site, publications, and through its staff of Food Safety Specialists. ODA visits each market once a year to ensure that guidelines are being followed.

In the last decade, the number, size and complexity of Oregon farmers' markets has grown dramatically. As the Food Safety Division has been asked questions about what activities and practices are required or permissible, it has realized that its current rules and regulations do not adequately address farmers' markets. These rules require plumbed toilets, plumbed hand washing facilities, equipment washing facilities, and prohibit animals. These rules did not anticipate farmers' markets as they exist today.

ODA believes that the food establishment rules and/or food statute should be changed to make provisions for the types of activities that take place at farmers' markets.

Below are questions and answers that further explain ODA's concerns.

Q. Why not stay with the status quo?

A. The Oregon legislature, through its food statutes, directs what ODA can and must do to regulate food safety. Food establishments are required to be licensed, and the definition of food establishments includes farmers' markets. ODA does not have authority to exempt anyone from the requirements for licensing or compliance with food handling rules. This places ODA in a difficult position when determining what rules and regulations apply to farmers' markets.

Q. What are the food safety issues at farmers' markets?

A. The primary risks associated with foods sold at farmers' markets are the handling of perishable foods (foods requiring temperature control) and the serving of food samples. The Centers for Disease Control (CDC) have identified five risk factors most commonly associated with foodborne illness. These factors are:

- Improper holding temperatures
- Inadequate cooking
- Contaminated equipment
- Poor personal hygiene
- Food from unsafe sources

To control these factors, food establishments are required to have restrooms, hand washing facilities, equipment washing facilities and refrigeration. Farmers' markets usually don't have these facilities, so consideration must be given to controlling these risks.

Q. What about the sales of fresh fruit and vegetables? This seems like a low-risk activity.

A. This is a low-risk activity. ODA's concern is with high-risk activities.

Q. Have there been any foodborne illnesses associated with farmers' markets?

A. No, the Epidemiology section of the Oregon Department of Human Services reports that there have been no documented cases of foodborne illnesses associated with farmers' markets. It also reports that there are no reported cases of foodborne illnesses associated with food service in grocery stores.

Q. Then what's the problem?

A. CDC estimates that fewer than 5% of foodborne illnesses are documented, so reported illnesses are not a reliable indicator. Controlling risk factors is recognized as the most effective way to produce safe food. ODA's visits to farmers' markets in recent years have documented problems with risk factors such as inadequate temperature control, unlicensed vendors, lack of hand washing facilities and inadequate hand washing practices.

Q. What has ODA done so far to address this issue?

A. ODA has started a series of discussions with OFMA members and growers about how best to proceed but has **not** come to any final decision about how best to view farmers markets from a regulatory context.

Q. What does ODA plan to do next?

A. The Oregon Department of Agriculture wants to determine what its role should be in protecting public health at farmers' markets, and if necessary, make changes to our law or rules to fulfill that role. ODA plans to discuss the issue with the Oregon Farmers Market Association and other interested parties in a series of public meetings to chart a course of action.

In more traditional food establishments, ODA has issued licenses and conducted inspections, but farmers' markets are unique and may require something different. At this time we are considering **all** options that might produce a solution that protects public health and encourages the markets to flourish.

If statutory changes are required, the department would need to submit a legislative concept in April of 2008. This would ultimately become a legislative bill for consideration during the 2009 legislative session. If administrative rule changes are required, the department would continue to work with all interested parties to develop a draft administrative rule. This draft would then be published and go through the formal, public administrative rules process which is, on average, a six month public process.

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