



Farmers Market Food Vendor Guidelines

Licensing Steps

1. **Determine if you need a license by reviewing the specific food information beginning on Page 3. If a license is required, decide which of these license options best fits your plan:**
 - A. Tri-County temporary food stand license - allows you to serve meals or non-meals at community events. A Tri-county temporary food stand license will be honored at community events outside of Waushara, Green Lake and Marquette Counties. Tri-County also honors temporary licenses from the state (DATCP) or other agent health departments.
 - B. Mobile restaurant license - allows you to serve meals at community events and locations that are not community events. Mobile restaurant licenses are issued by your home-base jurisdiction. Whether you obtain this license from Tri-County, DATCP or another agent health department, we honor each other's mobile restaurant licenses. A single mobile unit (e.g. food truck or trailer) and commercial equipment are required when operating at locations that are not community events.
 - C. Mobile retail food license - allows you to serve non-meal food items only. You may serve at community events and locations that are not community events. Mobile retail licenses are issued by your home-base jurisdiction. Whether you obtain this license from Tri-County, DATCP or another agent health department, we honor each other's mobile retail licenses. A single mobile unit (e.g. food truck or trailer) and commercial equipment are required when operating at locations that are not community events.

Please note: Additional licenses are required when operating simultaneously at multiple locations.

To obtain a Tri-County license visit wausharacountypublichealth.com or call 920-787-6590. For food processing licenses and DATCP licenses, visit the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) Division of Food Safety at DATCPfoodlicensing or call (608) 224-4923.

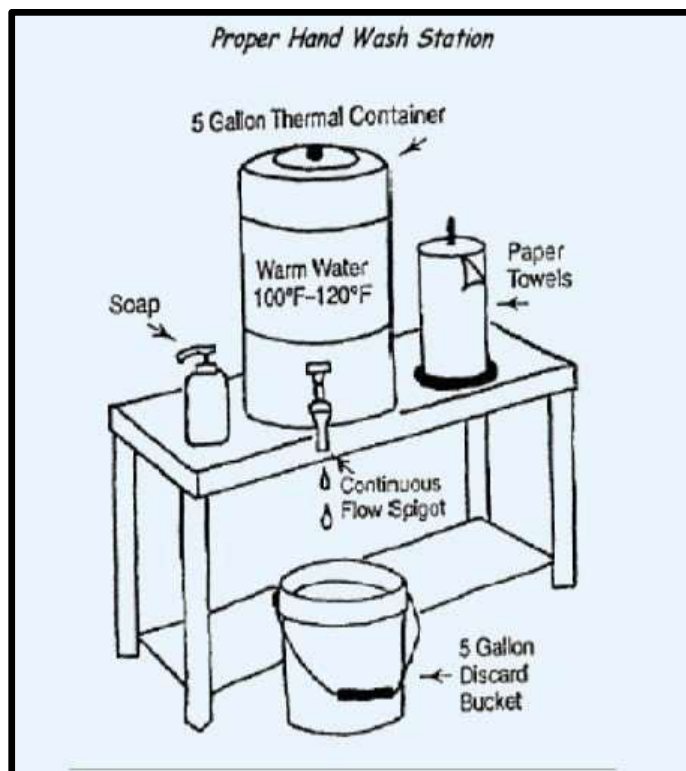
Local contacts for questions about licensing or food safety:

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| Waushara County Health Department 230 W Park Street, Wautoma (920) 787-6590 | Green Lake County Health Department 571 County Road A, Green Lake (920) 294-4070 | Marquette County Health Department 428 Underwood Avenue (608) 297-3128 |
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2. **Provide a copy of your license to the market coordinator along with any other information they may need.**
3. **Post your original license at your food stand.**
4. **An onsite inspection may be done by Tri-County staff for routine purposes or if a complaint is received. If your license was issued by Tri-County, you will not be charged an inspection fee. If your license was issued by DATCP or another jurisdiction, you will be charged a \$40 inspection fee.**

General Requirements for Food Vendors

- All food preparation must occur at the farmers market or in a licensed commercial kitchen. Exception: home bakers making non-potentially hazardous baked goods and home canners of high-acid food.
- Provide a canopy unless you have only pre-packaged food.
- Protect food from consumer contamination using lids and covers; this includes samples.
- Samples do not require licensing, but must be done using a safe method, i.e. toothpicks, tongs, etc.
- Handle ready-to-eat food using utensils, tissues or single-use gloves, not with bare hands.
- Product temperatures shall be maintained at a minimum of 135°F for hot potentially hazardous foods and 41°F for cold potentially hazardous foods. Frozen foods shall be maintained frozen.
- Metal stem thermometers must be used to verify food temperatures. Equipment thermometers must be used to verify equipment temperatures.
- Store food a minimum of 6 inches off the ground.
- Store clean equipment and single-service items a minimum of 6 inches off the ground.
- For display items (not for sale) post a sign stating "Display Only."
- Transport food in clean equipment and vehicles.
- All wastewater must be collected and properly disposed of into a private or municipal sanitary system.
- A handwashing station must be provided by each food vendor, unless the vendor is only selling pre-packaged food. Here is an example of an approved handwashing station for anyone operating under a temporary food permit.



Licensing and Handling by Food Type

Bakery

- A Wisconsin circuit court ruling has declared a license is not required to sell home-baked goods as long as the baker meets four criteria:
 1. The baked goods must be sold directly to consumers.
 2. Baked goods are produced in low volume.
 3. Products are shelf-stable and non-potentially hazardous, flour-based baked goods.
 4. Products are made in a hygienic home kitchen
- No license is required to sell shelf stable, pre-packaged bakery at the farmers market, even for a commercial baker.
- If bakery is unpackaged OR if bakery includes potentially hazardous baked goods, license A or C are required. Some examples of potentially hazardous baked goods are pies with pumpkin, custard, cream or meringue.
- Labeling requirements for unpackaged bakery: sign or binder with each product name, ingredients in decreasing order of predominance and allergens.
- Labeling requirements for packaged bakery: label on each package with product name and net weight, ingredients, business name and address, nutritional information required for special nutritional, health or quality claims, and handling instructions such as “keep refrigerated,” if necessary.

NOTE – If bakery products are packaged in transparent containers and sold by the bakery operator or employee directly to the consumer and the baker of the establishment has produced the products, then a counter card, sign or binder with the labeling information is acceptable.

Canned Goods

Low-Acid Canned Goods:

- A food processing license is required.
- No other license is required to sell canned goods at the market that do not require refrigeration for safety.
- Labeling requirements: name of product, ingredient listing in order of decreasing predominance, net weight or volume, name, address, and zip code of manufacturer, packer, or distributor, nutritional information required for special nutritional, health or quality claims, “Refrigerate after Opening,” if necessary.

Pickle Bill:

- Products included: fruits and vegetables with a pH value of 4.6 or lower (pickled fruits and vegetables, jams, jellies, chutneys, applesauce, sauerkraut and salsa).
- Products excluded: low-acid canned foods, vegetables, fish, meat, sauces, dressings, or condiments, lemon curd, pesto, pickled eggs, baked goods, dried, processed or packaged foods, etc.
- No license is required provided the following conditions are met: product is a pickled fruit or vegetable being sold only at a farmers market (or community/social event in WI), and sales do not exceed \$5000/year. A sign must be posted stating, “These canned goods are homemade and not subject to state inspection.”
- Labeling requirements: name and address of processor, date the food was canned, ingredients in descending order of predominance using common names, and the following statement: “This product was made in a private home not subject to state licensing or inspection.”
- **Those who are canning are encouraged to attend and complete an approved training course for properly preparing and canning foods and have their recipes and processes reviewed by a knowledgeable person who is recognized as an expert of the preparation and canning of foods.**
- For more information about the “Pickle Bill” and training courses:
https://datcp.wi.gov/Pages/Programs_Services/FSHomeCannedFoods.aspx

Cheese

- All cheese offered for sale must be manufactured at a licensed food processor.
- Licenses A or C are required.
- Cheese labeling requirements: name of product (the word cheese must be included), State ID – either the words WISCONSIN or the #55 indicates Wisconsin, Dairy plant and Vat ID number, date of manufacture – alphanumeric, numeric, or Julian calendar date, ingredients, name and address of the packer, distributor, or processor, net weight, and nutritional information.
- Soft and semi-soft cheeses with a moisture content above approximately 43% require refrigeration as do cold pack cheeses. Hard cheese, hard grating cheeses with a moisture content below approximately 43%, and pasteurized process cheese do not require refrigeration except when the hard cheese is oiling off or is unpackaged. Please note that the seller is required to provide evidence of the moisture content of the cheese, if questioned.

Cheese Curds

- All cheese curds offered for sale must be manufactured by a licensed food processor.
- Licenses A or C are required to sell at the farmers market.
- A DATCP mobile retail license, a Tri-County mobile retail license or a Tri-County temporary food permit are required.
- Cheese curds must be maintained at 41°f or below except fresh cheese curds may be displayed out of refrigeration at any location on the day they are made or for a period up to 24 hours after the time of manufacture. The package must be labeled with the date and time of manufacture. Fresh cheese curds must be discarded after 24 hours.
- Cheese curd labeling requirements: name of product, ingredients, net weight or volume, name address, and zip code of manufacturer, packer or distributor, “Keep Frozen/Refrigerated,” if necessary.
- Repackaging cheese curds is not allowed at the farmers market.

Eggs

A DATCP food processing license is required on the farm for washing, packaging, and cold holding the eggs. Exceptions:

1. The eggs are produced at a farm licensed as a DATCP-Wisconsin Dairy Plant per ATCP 70.03(7)(c) and non-dairy food sales are no more than 25% of gross dairy and non-dairy food sales.
 2. The producer has 150 birds or less and sells directly to consumer on the farm, at a farmers’ market, or on an egg sales route
- To sell eggs at a farmers market, license A or C are required.
 - Labeling requirements for ungraded, uninspected eggs: on each carton include producer’s name and address, date the eggs were packed into the carton, a sell-by date of no more than 30 days from the packaging date, statement indicating the eggs are ungraded and uninspected, “keep refrigerated”.
 - Storage and display at 41° or below.

Honey and Maple Syrup

- No license is required to sell honey and maple syrup unless the following applies:
- A license is required if you gather honey from others for extracting, bottling or processing OR if you process your own or others’ honey by adding color, flavors or other ingredients. If you are selling less than 25% of honey wholesale (to a distributor rather than directly to the consumer) you need licenses A or C. If you are selling 25% or more honey wholesale, you need a DATCP food processing license.
- A food processing license is not required for sales of maple syrup under \$5000 per licensing year, unless it is sold for resale or flavors are added.

Juice and Cider

- No food processing license required by the grower.
- Juice/cider processed by someone other than the grower and harvester must be produced under a HACCP plan in a food processing plant.
- If the juice requires refrigeration for safety, licenses A or C are required to sell at the farmers market.
- No license is required for cider at the market.
- Unpasteurized juice and cider must be maintained refrigerated at 41°F or below.
- Juice labeling requirements: name, ingredients (if more than one), name and address of processor or distributor, net volume in fluid measure, handling instructions “Keep Refrigerated” or “Refrigerate after Opening”.
- If the juice /cider is not pasteurized, the main label must bear the following warning statement set off by a box:

WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly and persons with weakened immune systems.

Meat

- All meat must be processed, inspected and passed at a Wisconsin DATCP or USDA federally inspected facility.
- Licenses A or C are required to sell at the farmers market.
- Meat labeling requirements: product name, ingredients (if more than one), name and address of packer or distributor, inspection legend (WI or USDA) and safe handling instructions.

Poultry

- All poultry must be slaughtered at a Wisconsin DATCP or USDA federally inspected facility.
- If less than 1,000 birds are processed per year, bird by bird inspection is not required. Label package “Not Inspected.”
- If more than 1,000 birds are processed per year, bird by bird inspection is required.
- Licenses A or C are required to sell at the farmers market.
- Poultry labeling requirements: name, ingredients (if more than one), name and address of distributor or processor, inspection legend (WI or USDA), handling statement, and safe handling instructions.

Produce

- For raw, uncut fruits and vegetables, no license is required.
- If cut samples are provided, safe food handling practices must be followed. Samples do not require a license.
- To sell cut fruits and vegetables licenses A or C are required at the farmers market.
- Sprouts, cut melon, cut tomatoes and cut leafy greens (lettuce, spinach, cabbage, kale) must be transported, stored and displayed at or below 41 degrees F.

Restaurant and other food:

- Selling or serving a meal requires licenses A or B. Meals are ready-to-eat foods served or sold for immediate on-premises or for take-away. Examples of meals: sandwiches, burgers, corn dogs, French fries, hot soups, egg rolls or pizza, and hard boiled eggs.
- Selling or serving non-meal food requires licenses A or C. Examples of non-meal food: milk or milk drinks, coffee drinks served with milk or coffee made by grinding beans, slushies, ice cream, pastries and other desserts.

❖ *Smoking or curing for preservation, fermenting, sprouting seeds or beans and vacuum packaging food have special requirements. Please contact Tri-County Environmental Health.*