FARMERS’ MARKET RESOURCE KIT

Alemany Farmers’ Market  Heart of the City Farmers’ Market  Ferry Plaza Farmers’ Market

A Step Toward
Making San Francisco a Market City

A Project of
SAGE (Sustainable Agriculture Education)
www.sagecenter.org

In Partnership with
The San Francisco Foundation

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# SAN FRANCISCO FARMERS’ MARKET RESOURCE KIT

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MAP: LOCATIONS OF SAN FRANCISCO CERTIFIED FARMERS' MARKETS, MAY 2005

Legend

1. Alemany
2. Bayview Hunter's Point
3. The Cannery
4. Ferry Plaza
5. Fillmore
6. Heart of the City
7. Kaiser
8. Marina
9. Noe Valley
INTRODUCTION

Need
Located in town centers and neighborhoods throughout the world, farmers’ markets serve multiple needs and provide multiple benefits. They bring fresh food into urban areas, connect city residents with local farmers, and catalyze community-gathering places. They are also a front-line response to the epidemic of diet-related health problems, to the challenges of community economic development, and to financial pressures on small farmers.

San Francisco has three well-established certified farmers’ markets, including one of the oldest in California (Alemany), one nationally acclaimed for its high quality, organic products (Ferry Plaza), and one renowned for serving diverse inner city customers (Heart of the City). Both Ferry Plaza and Heart of the City operate on multiple days. In the past year, six new neighborhood markets have sprung up (Kaiser, Fillmore, Bayview Hunter’s Point, Noe Valley, Cannery, and Marina). Three additional markets are in various planning stages (in the Presidio, the Panhandle, and on Ocean Avenue). This rapid growth in farmers’ markets reflects the desire on the part of community groups to capture farmers’ market benefits and the desire of farmers to access receptive markets. The surge of interest in farmers’ markets also underscores the need for San Francisco to better coordinate market regulations, more proactively assess strategies (and alternative options) for new market development, and improve basic understanding about farmers’ market operations among City officials and community groups. Above all, the boom in markets presents an opportunity to create city-wide policies and a unifying vision for farmers’ markets in San Francisco.

Vision
Imagine San Francisco as a Market City, in a Regional Garden. Farmers’ markets in neighborhoods of all income levels would provide places for the community to socialize and buy fresh, local food. Individually, the markets would reinforce distinctive neighborhood character and serve specific community needs such as revitalization of streets, re-use of historic buildings, incubation of food businesses, or increasing fresh food access. Collectively, the markets would reinforce the City’s sustainability goals and develop collaborations such as streamlining market regulations, combining marketing and promotions efforts, and strategic development of new markets. A major focus would be on fostering urban-rural linkages through education, public policy, and marketing initiatives. As a Market City, San Francisco would be known for its leadership in holistically connecting public health, community economic development, sustainable regional agriculture, and celebration of culinary and cultural traditions.

Realizing the Vision
This vision - Making San Francisco a Market City, in a Regional Garden – helped to bring together key stakeholders for the first time. The Market City project provided the opportunity for long-established market operators, aspiring market operators, and lead City and state agencies to discuss their common interests and equally important, to discuss differences in goals and strategies. A main question that emerged was - Is there a single vision and set of policies for farmers’ markets that can simultaneously best serve the interests of diverse communities and best support regional farmers? Answers to this question are still being discussed. However, as a first step, Market City
stakeholders agreed on the need for a Market Resource Kit and enthusiastically collaborated on its production.

Production of Market Resource Kit
The original proposal for *Steps Toward Making San Francisco a Market City* included two phases. The first was the production of a Resource Kit as a primer for market stakeholders. The second phase was the convening of market stakeholders to assess current issues for farmers’ markets in San Francisco and to develop policy recommendations to address these issues. As the project progressed, it was decided to undertake both phases together and to combine them into one overall product. Therefore, this Resource Kit includes extensive farmers’ market information as well as a synopsis of current market issues and stakeholders’ recommendations for policies that address issues specifically concerning San Francisco farmers’ markets.

Purpose and Audience
The Resource Kit was produced for several reasons. Its main purpose was to compile in one document, an overview of farmers’ market history, regulations, management, operations, current issues, and key resources. In general, consumers and policy makers have little understanding of the complex issues that underlie farmers’ markets’ seemingly simple and down-to-earth operations. However, given farmers’ markets’ increasing importance for farmers, consumers, and communities; rapid development of new markets; and a change of market jurisdiction in the City¹, a deeper understanding of farmers’ markets is imperative. Such an understanding, which we hope is fostered by this Kit, can help City officials, community groups, farmers, and current and pending market operators, address common market challenges and optimize emerging market opportunities.

There are more specific purposes of the Resource Kit for specific San Francisco audiences. In particular, we hope the Resource Kit will:
- Educate community groups interested in starting markets about a wide range of market issues, management and operations options, and alternative strategies for meeting community needs.
- Help policy makers better understand farmers’ market operations, the contributions farmers’ markets make to civic life, and their potential to realize significant sustainability goals for the City.
- Inform agencies responsible for market oversight and regulations about what is working well and what could be improved from the point of view of market operators; and help make the regulatory process more standardized, streamlined, and transparent.
- Provide useful background information for the staff and boards of existing markets that will help them place their markets in a broader context.

Contents and How to Use
The Kit is structured from the general to the specific. It first summarizes the history of farmers’ markets locally, statewide, and nationally and then outlines the state and local regulatory contexts.

¹ Since the inception of this project, the Department of Consumer Assurance, formerly the Agriculture Commissioner’s Office, was dissolved. In September 2004, the Department of Public Health, Environmental Health Section (DPH, EHS) assumed responsibilities for oversight of farmers’ markets in San Francisco; and the Department of Real Estate assumed the management of the Alemany Farmers’ Market, the one market location owned by the City.
The Kit then categorizes and describes the range of options for farmers’ market governance, purpose, operation, and composition. The Appendices include contact information for market-related organizations, links to resources, and examples of paperwork associated with certified farmers’ markets (CFMs). The Resource Kit is available both in print and online formats. Text that is underlined in the print version usually denotes a hyperlink to a website in the online version. All such websites are listed in Appendices C and D.

**Process**

The Advisory Committee met twice to discuss the general purpose, contents, and organization of the Resource Kit, and to identify current farmers’ markets issues. Throughout the development of the Kit, advisors continued to give regular input and also provided technical expertise. The policy recommendations were refined based on iterative feedback from key stakeholders. The major tasks involved in producing the Kit were assumed by SAGE.
BACKGROUND

San Francisco
The first farmers’ market in San Francisco was the Alemany Farmers Market. The market opened on August 12, 1943 during World War II as a wartime measure, to provide an outlet for surplus and distressed crops from neighboring counties. Direct marketing was illegal in most of California until the passage of Direct Marketing legislation in 1979 allowed for market certification. However, the Alemany market was able to exist on account of a special city ordinance. It remained the only farmers’ market in San Francisco until 1981, when the Heart of the City certified farmers’ market was started under the initiative of then-Mayor Diane Feinstein. The Ferry Plaza Farmers’ Market began as a one-time event in 1992 and opened as a regular certified market the following year. There are now nine certified farmers’ markets (CFMs) in the city, with three more in the planning and implementation process.

Markets
The following are the markets currently operating in San Francisco, and those that are currently in the planning process. Please see Appendix B for more specific information about each market.

Existing Markets
  - Alemany Farmers’ Market, Department of Real Estate
  - Bayview Hunter’s Point Farmers’ Market, Department of the Environment
  - The Cannery Farmers’ Market, The Cannery
  - Ferry Plaza Farmers’ Market, Center for Urban Education about Sustainable Agriculture (CUESA)
  - Fillmore Farmers’ Market, Pacific Coast Farmers’ Market Association (PCFMA)
  - Heart of the City Farmers’ Market, operated by its own organization
  - Kaiser Farmers’ Market, PCFMA
  - Marina Farmers’ Market, California Farmers’ Market Association (CFMA)
  - Noe Valley Farmers’ Market, operated by its own organization

Pending Markets
  - Panhandle Farmers’ Market, Friends of the Panhandle Market
  - Presidio Farmers’ Market (various proposals to The Presidio of San Francisco Trust)
  - Ocean Ave. Farmers’ Market, Local Initiative Support Coalition

Agencies
  - San Francisco Department of Public Health: Is the major San Francisco agency with jurisdiction over CFMs. There are four sections of the Department that are related to farmers’ markets.
    - The Environmental Health Section incorporated the Agricultural Commissioner position and assumed agricultural duties of the San Francisco Department of Consumer Assurance following its dissolution last fall. These duties include the oversight and certification of farmers’ markets and the certification of San Francisco farmers.
    - The County Sealer of Weights and Measures, now also under the jurisdiction of the San Francisco Department of Public Health, certifies scales used in farmers’ markets.
The Food Safety Program within the Environmental Health Section is responsible for permitting special events and enforcing health codes governing sampling, cooking, and serving prepared foods.

San Francisco Food Systems, an independent project of the Department of Public Health, Environmental Health Section, addresses food systems issues within the City and County of San Francisco through action research projects, policy planning, and recommendations.

- San Francisco Planning Department: Permits farmers’ market locations. All farmers’ markets must go through this department to obtain a use permit in order to operate.
- San Francisco Department of Real Estate: Sponsors the Alemany Farmers’ Market due to the fact that this market is located on land owned by the City of San Francisco. The Alemany Market used to fall under the auspices of the Department of Consumer Assurance, formerly the Agriculture Commissioner’s Office.
- San Francisco Department of the Environment (DoE): This agency’s mission is to improve, enhance, and preserve the environment and to promote for San Francisco environmental, equitable, and economic sustainability. DoE is currently is spearheading the development of a new CFM in Bayview Hunter’s Point, a neighborhood long-underserved in terms of fresh food access.

Organizations
The following organizations currently operate farmers’ markets in San Francisco:
- California Farmers’ Market Association (CFMA): Operates and promotes CFMs around the Bay Area. Currently operates 12 markets.
- The Cannery: waterfront marketplace featuring shops, restaurants, offices, live entertainment, and as of May 2004, a new farmers’ market.
- Center for Urban Education about Sustainable Agriculture (CUESA): Promotes regional sustainable agriculture through the operation of farmers' markets and educational programs
- Pacific Coast Farmers’ Market Association (PCFMA): Operates and promotes CFMs in local communities throughout Northern California. Currently operates 27 markets.

Bay Area Region
There are over 100 CFMs in the nine-county Bay Area, counting market days at the same location as separate markets. A majority of the markets are operated by organizations that operate multiple markets and/or have a broad purpose. Approximately a third of these markets are operated by small organizations that oversee one or two markets and that have a more narrow purpose. The larger organizations operating at a regional level include:
- Bay Area Farmers’ Association. An association created by farmers for farmers to develop cooperative ways of working together.
- California Farmers’ Markets Association (see above)
- Contra Costa Certified Farmers’ Markets: Operates 4 CFMs in Central Contra Costa County.
- CUESA
- Ecology Center: Operates three CFMs in Berkeley. Generally supports programs that address the public need for unbiased, non-commercial information about household
products, ecologically-sensitive methods of living, and large toxic threats to society and alternatives to those threats

- **Marin County Farmers’ Market Association**: Operates 9 CFMs in Marin and Alameda Counties.
- **Pacific Coast Farmers’ Market Association** (see above)
- **Urban Village Farmers’ Market Association**: Operates 7 CFMs in the East and South Bay Area.

**California**

Until the late 1970’s, farmers’ markets were almost non-existent in California: direct marketing by the state’s farmers was illegal as per various health and packing regulations (The Alemany Market was started in 1947 under a special city ordinance). In 1977, a bumper crop threw farmers into a financial crisis because they could not get fair prices for their products. This prompted then-Governor Jerry Brown to sign an executive order enabling direct marketing by growers and exempting them from standard produce-packing requirements. This opened the door for the creation of farmers’ markets. The resulting Direct Marketing Program, established in 1979, included certification requirements for both farmers’ markets and farmers’ selling at markets. By 1982, there were 60 CFMs in California. Today, there are over 400 and the number continues to grow. The California Department of Food and Agriculture, Division of Inspection Services houses the Direct Marketing Program. (In most states, direct marketing programs are operated by a trade association and not by the state government.) This Program has regulatory jurisdiction over the certification of farmers’ markets and farmers.

Other non-governmental organizations involved with farmers’ markets at the state level are:

- **California Farm Bureau Federation**: a voluntary, nongovernmental, nonpartisan organization of farm and ranch families seeking solutions to the problems that affect their lives, both socially and economically. It is divided into 53 county bureaus and has more than 83,000 members. The California Agricultural Directory is produced annually by the Farm Bureau (and also available as an online reference guide) is a comprehensive resource guide to agricultural agencies, organizations, services, and statistics. It includes a list of California farmers’ markets. ([http://www.cfbf.com/cad/cad2004.cfm](http://www.cfbf.com/cad/cad2004.cfm))

- **California Federation of Farmers’ Markets**: a statewide membership organization of California CFMs. Its membership is open to individuals, agencies or associations holding a valid California Certified Farmers’ Market Certificate. It participates in policy discussions, fosters communication between markets and governmental agencies, and facilitates statewide promotions.

- **Southland Farmers' Market Association (regional)**: operates / sponsors 20 CFMs in Southern California. It is involved in the promotion and creation of new regional markets, in advocacy for policy processes related to markets, and in programs to help improve markets around the state.

Information about farmers’ markets changes with each season. The best source for up to date information about farmers’ markets in California is the CA Federation of Farmers’ Markets ([http://www.cafarmersmarkets.com/](http://www.cafarmersmarkets.com/)). The San Francisco Chronicle website also maintains
updated information about Bay Area farmers’ markets (http://www.sfgate.com/food/farmersmarkets/).

USA
The number of farmers markets in the United States has grown dramatically, increasing 79% from 1994 to 2002. There are now over 3,100 farmers’ markets operating in the United States with new ones opening every year.

The major organizations and agencies involved with farmers markets at the national level are:

- American Farm Bureau Federation: an independent, non-governmental, voluntary organization governed by and representing farm and ranch families united for the purpose of analyzing their problems and formulating action to achieve educational improvement, economic opportunity and social advancement and, thereby, to promote the national well-being. Farm Bureau is local, county, state, national and international in its scope and influence.

- North American Farmers Direct Marketing Association (NAFDMA): a national membership organization that brings together family farmers, extension agents, and farmers' market managers from the United States, Canada, Mexico, as well as the United Kingdom and Australia, to network with each other about the issues, best practices, and economics of various forms of direct marketing. NADFMA also hosts a major North American direct marketing conference every winter.
  - Farmers Market Coalition: is a newly formed organization under NAFDMA covering the US and Canada whose purpose is to give farmers’ markets a voice in national policy and to support the development of farmers’ markets.

- United States Department of Agriculture (USDA): There are several branches within USDA that provide services related to farmers’ markets. These include:
  - USDA, Agricultural Marketing Service (AMS): collects statistics and resources about farmers’ markets online but has no formal role in the CFM process.
  - USDA, Food and Nutrition Service (FNS): FNS oversees food access programs such as Electronic Benefits Transfer, the Senior Farmers’ Market Nutrition Program, and the Women, Infants, and Children program.
  - USDA, Cooperative State Research, Education, and Extension Service (CREES): Has a Community Food Project competitive grant program.

Big Picture
Farmers’ markets are being developed for broader purposes than providing markets for farmers and/or facilitating fresh food access. Increasingly, markets are being developed as part of comprehensive initiatives for community revitalization, economic development, remediation of health issues, and stabilization of community food systems. Some key organizations and agencies working at this level are the US Department of Health and Human Services- Office of Community Services, the Ford Foundation, the Kellogg Foundation, the Community Food Security Coalition, and the San Francisco Food Alliance.
REGULATORY CONTEXT

Legal Definition of a California Certified Farmers' Market: A location approved by the County Agricultural Commissioner of that county where agricultural products are sold by producers or certified producers directly to consumers. A certified farmers' market may be operated by one or more certified producers, by a nonprofit organization, or by a local government agency.²

California Regulations

California Department of Food and Agriculture (CDFA)
This state department was established in 1919 with the single purpose of protecting and promoting agriculture. It is divided into six divisions. These are:
- Animal Health & Food Safety Services
- Fairs and Expositions
- Inspection Services
- Marketing Services
- Measurement Standards
- Plant Health & Pest Prevention Services

Direct Marketing Program
The Direct Marketing Program is under the auspices of the Inspection and Compliance Branch of the Inspection Services Division and has jurisdiction over the certification of farmers’ markets. This program has a single staff person and is advised by the Certified Farmers’ Market Advisory Committee. This Committee consists of 17 appointed members: 8 producers, 4 CFM managers or representatives, 2 representatives from major state direct marketing associations, 1 public member, and 2 Agricultural Commissioners. It is responsible for advising CDFA on legislation and regulations, policies and procedures, civil penalties, fees and budgets, enforcement actions, and alternative methods for Self-Regulation. Please see Appendix E for a list of current members.

The two key regulatory responsibilities of this program are the certification of farmers’ markets; and the certification of producers of fresh fruits, vegetables, shell nuts, shell eggs, honey, and fresh flowers. Products that are home-prepared, home-preserved, or processed, and meat that is home-slaughtered may not be sold at CFMs. In 2004, there were 403 CFMs in California, and 2,900 certified producers.

The only circumstances under which certifiable agricultural products may be sold directly to consumers exempt from size, standard pack, container, and labeling requirements are³:
(1) By a certified producer of the agricultural products at a stand at a CFM; or
(2) By the producer of the agricultural products at a retail stand located at or near the point of production.

² CA Code of Regulations Title III, Division 3, Chapter 1, Subchapter 4, Article 6.5 Direct Marketing, 1392.2 (a)
³ CA Code of Regulations Title III, Division 3, Chapter 1, Subchapter 4, Article 6.5 Direct Marketing, 1392.1 (d)
Certification of Producers of certifiable products
In order for a producer to participate in a CFM selling fresh fruits, vegetables, shell nuts, shell eggs, honey, or fresh flowers, he or she must be certified by the County Agricultural Commissioner in the county of production. This certification involves the Agricultural Commissioner inspecting the farm and verifying that the applicant is indeed the grower of all crops listed on the certificate, and must be renewed every year. This certification exempts the producer from standard container, standard pack, grading, sizing, and all labeling requirements, except in the case of consumer packages. (Please see Appendix E for sample certificate)

- Process for certifiable agricultural products:
  - Contact County Agricultural Commissioner to arrange an inspection date.
  - After receiving certification, the certificate must be posted conspicuously whenever the producer is selling at a farmers’ market.

Verification of Producers of non-certifiable agricultural products
The production of non-certifiable products must be verified, even though they cannot be certified. Non-certifiable agricultural goods may still be sold at a CFM as long as the market manager verifies that the producer’s products indeed originate from the farm in question, and as long as the producer complies with the government regulations associated with their products. These products either must have originated from certified products, or must be animal products. Acceptable products include poultry and poultry products, livestock and livestock products, fish, jams and jellies, and fruit and vegetable juices. Unlike certified producers, un-certifiable producers must adhere to all standard container, standard pack, and labeling requirements.

- Process for non-certifiable agricultural products:
  - Contact market manager to arrange for verification.

Market Certification
In order for a farmers’ market to be certified, each of the farmers within the market must be individually certified. The market must apply to become a CFM and must renew this certification annually.

- Process for certification of CFM:
  - Obtain application from the County Agricultural Commissioner (Please see Appendix E for sample.)

Fees collected under the auspices of state regulations include:
Currently, markets are charged .60 cents per producer per market day. These fees are collected by each market and then sent to the Direct Marketing Program on a quarterly basis to help cover costs of Program Administration. Markets usually incorporate this fee into an overall stall fee. This fee was instituted around 2000 to help cover the cost of Program Enforcement, a process usually only invoked on the basis of a complaint.
San Francisco Regulations

The four areas of San Francisco regulations that concern a farmers’ market are market certification, location, health, and security.

Market Certification:
The annual fee for CFM certification is set by the Agricultural Commissioner’s Office in the county in which the market is located. Fees range from $0 to approximately $700. In San Francisco, the fee is $500 and is currently being collected by the Department of Public Health.

Location
Depending on the location of a market, different city agencies are involved in the permitting process. Most locations require a use permit from the Department of Planning, unless the site is in a Redevelopment zone, in which case the primary department involved is Redevelopment. In San Francisco, a market site could potentially be on land that falls under any of these jurisdictions: Planning, Redevelopment, Parking and Traffic, Port, Parks and Recreation, Real Estate, Schools, Private Property, Other (e.g., Presidio). For most city agencies, farmers’ markets do not fit neatly into any specific category. Consequently, permitting processes through each agency vary from location to location. For a list of contacts associated with each of the agencies listed above, please see page 13.

Health
Every CFM must have authorization from the Department of Public Health in the form of a Permit to Operate. This permit is not usually granted until clearance from the Planning Department has been granted. The areas that the Public Health Department deals with are food displays, sampling, bathrooms, hand-washing facilities, on-site cooking by restaurant food vendors, and cooking demonstrations. The key rules and regulations are summarized below. The contact person at the Health Department is the Special Events Coordinator. Please see Appendix D for links to relevant codes.

- **Food displays** containing non-certifiable products must comply with certain Health codes. For instance, any potentially hazardous foods such as meat, poultry or fish must be displayed or maintained at or below a temperature of 45° F, and mechanical refrigeration is required. For a full listing of Health requirements, please see Appendices D & E for code excerpts and links.

- **The sampling** of produce is governed by the California Uniform Retail Food Facilities Law (CURFFFL). No special permission is needed to offer samples of fresh produce, but the sampling must comply with this law. These rules do not apply to prepared foods. For information on requirements for prepared foods, please see Certified/ Non-certified Sections.

- **Bathrooms**: There must be restroom facilities, including hand-washing, for vendors. These facilities must be located within 200 feet of the market and must be maintained in a clean and sanitary condition. ADA facilities are required by law. Public restrooms are not required but are important for family-friendly markets and are generally a good idea for public relations.

- **Water**: Hand-washing facilities must be installed within or adjacent to toilet facilities.
Restaurant Food Vendors, Cooking demonstrations and other activities involving cooked foods require a special event permit from the Department of Public Health that must be applied for at least 14 days prior to the event. Both the farmers’ market and individual food vendors are charged a fee for this permit which entails fulfilling a list of specific sanitation requirements. There is also a limitation to the number of days the cooking activity can take place. If the cooking uses propane or an open grill, a fire permit is also required.

Security
Markets also have relationships with the local police and fire departments. For farmers’ markets that require street closure, the San Francisco Fire Department requires a 14-foot fire lane to be left clear. There is no standard permit required from these agencies. However, they should be made aware of new markets and should be contacted if security problems arise. Some markets hire official security guards through local agencies. Please see Appendix B for a list of San Francisco Police Station phone numbers and a map of their jurisdictions.
MARKET PURPOSE AND GOVERNANCE

The term farmers’ market has evolved to refer to many types of markets. Market purpose and market governance, covered in this chapter, are fundamental in defining a market’s identity. Market composition, covered in the next chapter, is a third foundation element in defining a market’s identity and the one most readily apparent to the public. Farmers’ markets bring a broad range of interpretation to their mix of these three elements.

Purpose
Farmers’ markets are formed for a variety of reasons. The most common purposes for farmers’ markets are: support for local farmers; celebration of regional agriculture; facilitation of food access; and neighborhood revitalization.

Support for Local Farmers
Farmers’ markets are a primary direct marketing strategy that can give small farms an advantage over large corporate farms. Consumers buying produce in a supermarket have little concept of the origin of the produce or who grew it. Farmer’s market customers make the connection between the farm and the food and develop loyal relationships with the farmers. Farmers’ markets farmers charge retail prices and capture 100% of the revenue from the sales of their agricultural products.

Local restaurants seeking fresh, high quality, locally and often sustainably grown ingredients can go to farmers’ markets to make new marketing connections with market farmers. Technically, direct bulk commercial sales are not allowed to take place at the market itself. Often, distribution to commercial accounts takes place as a drop-off before or after the market or on a different day.

For many farmers, selling direct at farmers’ markets is part of a diverse marketing strategy that may also include wholesale and restaurant accounts, on-farm stands, and by community supported agriculture sales (CSAs).

Celebrating Regional Agriculture
The San Francisco Bay Area is renowned for the richness, quality, and variety of its agricultural products. To eat the food grown in this region is to have the sense of place. Celebrating this bounty, whether in a home-cooked meal, in a restaurant that supports local farmers, or in a farm-to-school lunch, builds the cultural context for sustaining agriculture for future generations. Farmers’ markets are a celebration that is part of everyday life and that is expressed through the colorful and sensual array of seasonal crops and the sociability between farmers and customers.

Food Access
Farmers’ markets are a critical resource to improve the health and well being of our most vulnerable populations. In many low-income urban areas, access to healthy food is extremely limited in comparison with ubiquitous fast food outlets and corner convenience stores. Farmers’ markets offer residents in low-income urban communities access to local fresh produce that almost always is fresher and often less costly than produce found in supermarkets and at corner stores. Where they supply lower income neighborhoods with fresh produce, farmers’ markets can effect positive changes in the health of these neighborhoods. Some markets located in relatively affluent areas arrange shuttle services from underserved neighborhoods to the market, increasing the diversity of the customer base, and increasing food access for low-income neighbors.
Food access to underserved populations is further encouraged by USDA food access programs including Electronic Benefits Transfer, Women, Infants, and Children Farmers’ Market Nutrition Program, and the Senior Farmers’ Market Nutrition Program.

- **Electronic Benefit Transfer**, or EBT, is the distribution of food stamp benefits with a plastic debit card, making the issuance of state public assistance and federal food stamp benefits faster and easier through the use of electronic transactions. By using the EBT card, cardholders can access food benefits at the point-of-sale (POS) terminals of retailers authorized by USDA to accept food stamp benefits. Although not specifically targeted to be used at farmers’ markets, food stamp benefits can be used at farmers’ markets if the proper infrastructure is in place. Through improving acceptance and usage of these federal benefits, there is a strong potential to increase low income residents’ access to locally grown produce while at the same time increasing the market and profit for local farmers.

- The **Women’s, Infants, and Children Farmers’ Market Nutrition Program** (WIC-FMNP) provides supplemental foods, health care referrals and nutrition education at no cost to low-income pregnant, breastfeeding and non-breastfeeding post-partum women, and to infants and children up to 5 years of age, who are found to be at nutritional risk. The FMNP was established by Congress in 1992, to provide fresh, unprepared, locally grown fruits and vegetables to WIC recipients, and to expand the awareness, use of and sales at farmers’ markets.

- The **Senior Farmers’ Market Nutrition Program** (SFMNP) awards grants to states, United States Territories, and federally-recognized Indian tribal governments to provide low-income seniors with coupons that can be exchanged for eligible foods at farmers' markets, roadside stands, and Community Supported Agriculture (CSA) programs.

**Neighborhood Revitalization and Activation**

As found in recent studies by the Project for Public Spaces, in conjunction with the Ford Foundation and the Kellogg Foundation⁴, open-air public markets can be vehicles of upward mobility for low income neighborhoods. By creating a vibrant gathering place in the center of a neighborhood, markets add value to open space by drawing residents outside to mingle with a diverse group of customers and to experience their surroundings. The presence of a market causes people to visit neighborhoods that they don’t often frequent, and spend more time outside than they normally would, both increasing sales for local businesses and decreasing the dangers associated with empty streets. Farmers’ markets can also set up programs where they hire local youth to work at the market, increasing the level of community involvement and providing regular employment in low-income neighborhoods.

Farmers’ markets are also started in downtown or commercial districts that may not necessarily be in low-income areas, but simply in need of activation. For example, merchant associations and chambers of commerce enjoy the benefits a market brings because they catalyze economic activity, contribute a sense of place, and foster informal public gathering in strategic locations. Markets are also used as drivers in the phased development or redevelopment of public markets.

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Governance
The sponsor of a farmers’ market is the person or entity that is responsible for all matters related to that market – legal issues, regulatory compliance, staff, cash control, insurance, etc. Sponsors choose and direct, hire and fire, all employees and consultants. Sponsors must comply with all employment contracts, tax and labor laws. Sponsors must plan for publicity and promotion, create market rules, initiate farmer contact, and oversee the general operations of the market. Sponsors are obligated to maintain financial records, prepare a budget, and pay the bills. Sponsorship in this case, does not imply financial support, but administrative support.

A farmers’ market can be sponsored by three types of governing entities:
- A certified farmer (e.g., The Cannery Market- sponsored by Alan Wilson)
- A non-profit organization (e.g., Ferry Plaza- sponsored by CUESA)
- A local government agency (e.g., Alemany Market- sponsored by Dept. of Real Estate)

Starting and operating a successful farmers’ market is complicated, so experience is beneficial. Sponsors trying to start markets will often partner with an established Farmers’ Market Association that is in the business of managing and developing multiple markets. The agreement between the Market Sponsor and Farmers’ Market Association can specify duties in a range of areas. Such areas and duties could include:
- Market Start Up: site identification; recommendations for a vendor mix customized for the community; responding to community concerns; facilitation of permits; development of layout and logistics; development of a marketing plan; opening day oversight, etc.
- Market Operations: regular management of all aspects of the market including vendor relations, fee collection, logistics, security, promotions, etc.

Areas commonly retained by the Market Sponsor include: community outreach and relations; local publicity; involvement of local businesses and groups, targeted education offerings; and facilitation of the hiring of community members, such as youth groups, to assist with market operations. Common financial arrangements between Market Sponsors and Associations may include a flat fee for development and for management of ongoing operations.

Rules and Regulations
Whether managed by a Sponsor directly or through a Market Association, a CFM has the authority to establish specific market rules within the bounds of local and state regulations. Such CFM rules can cover a wide range of issues, but typically at least regulate the type and number of producers, the type and number of agricultural products, and the stall fee rate. For example:
- Mission Statement: As outlined above, a market can exist for many purposes. Since these purposes define the fundamental identity of the market, it is important that these are clearly stated at the market’s inception. It is also a good idea to have the mission posted at the market itself, so that customers do not take the market’s presence for granted, and understand its purpose.
- Fee Structure: Some markets charge a percentage of a producer’s daily or average revenue. Other markets collect a flat fee from each farmer per month or per market, sometimes with an additional surcharge based on percentage or increments of gross sales.
- Application Process: Market Rules usually contain a description of the process a producer must go through in order to sell at the market. This usually includes filling in an application form and signing an agreement to follow Market Rules.
Market Mix: A market can include in its Rules language about the types and diversity of produce that should exist at the market at any given time. This language then informs decisions about which farmers to accept and decline.
Please see Appendix D for sample Rules and Regulations.

**Market Management**
Most markets have a governing Board, whose responsibilities include writing and revising the Rules and Regulations, organizational policy, market oversight, strategic planning, fundraising, and hiring of the market manager.

Some Market Boards are elected by market vendors. Others are comprised of market vendors along with other community members with skills and experience useful for market management. The Market Manager is a person designated or employed by the market sponsor or Board to be responsible for managing operations and implementing market plans. Typical operational duties include selection of vendors, market layout, fee collections, and management of a variety of market activities. From the perspective of both the public and participating vendors, the market manager plays a critical role in running the market, promoting the market, enforcing the rules, resolving disputes, and providing answers to questions.

**Budget**
Although each farmers’ market has differing levels of support and scale, there are elements common to most market budgets:

- Start-up Budget: market organizers’ salary, telephone, mail, travel, opening event fund, publicity, insurance.
- Operating Budget
  - Income: stall fees, association dues/donations
  - Expenses: manager salary, assistant manager, security, insurance premium, licenses and permits, administrative expenses, equipment, telephone, travel, advertising and promotion, and legal and accounting fees.
- Most markets require startup funding. This can be provided by the sponsor/producer, or it can be solicited from other sources such as grants, community donations, and revenue from fundraisers. After the market is in operation, the fees charged to the vendors typically cover the market’s expenses.
- Markets need to attract enough paying customers to support multiple farmers. Bay Area farmers’ markets include farmers who usually drive from one to three hours each direction from the farm to the market and back again. The cost of even one person taking a vehicle full of perishable produce to market for a day is a sizeable investment. The truck has to contain enough fruits or vegetables to bring in enough income to pay for the seller’s labor, the farming expenses, the travel expenses, plus lunch and the stall fee—and to make some profit. If most of the truck-load doesn’t sell, the farmer takes a loss and often cannot afford to keep attending. A rough rule of thumb is that a stall with one or two employees needs to have a minimum gross of around $550 per market in order to make it worthwhile for the farmer. By this estimate, and assuming an average customer expenditure of $10, a farmers’ market with 20 stalls would require an attendance of 1,100 customers.
MARKET COMPOSITION

General
All California CFMs must include a section of certified producers selling certifiable and/or non-certifiable agricultural products directly to consumers, per California Department of Food and Agriculture (CDFA) direct marketing rules. The direct marketing regulations require that each market management designate an individual market manager to be responsible for enforcing compliance with direct marketing regulations by certified producers selling in the area of the market designated as the Certified Farmers’ Market (CFM). Market managers also frequently rent or lease space to non-certified vendors to sell other products or services in an area near the CFM section, but not within it.

Most markets commonly known and promoted as California Certified Farmers’ Markets include an uncertified area. A 2004 preliminary survey conducted by the CDFA CFM Advisory Committee reported that 32-36% of vendors at CFMs are non-certifiable agricultural or non-agricultural vendors. The CFM Advisory Committee is discussing recommendations for limits and regulations of the non-certified area in order to maintain the integrity of California CFMs. (See Current Issues section, Issue 1.)

Although the rules may be changed, state direct marketing regulations currently place no restrictions on the size or composition of the non-certified area under the control of the market manager. The CDFA regulations recommend only that the limits of the certified (designated) area be made clear to customers by signage, physical space, or other means. The state leaves it up to each market management to decide whether to include non-certifiable vendors, and to define the size of the non-certified area, the number and type of vendors allowed, and the rules for admission.

Although the state regulations do not at this time limit what can be sold in the non-certified section of the farmers’ market, most markets apply the principles of direct marketing to vendors selling in the non-certified section. These markets typically write their market policies to require that non-certified vendors be the producer or processor or family or employees of the producer or processor of what they are selling, and sell only products that have been produced or processed (or fished, or wild-crafted) by the producer. Other market managements allow or encourage a wider mix of vendors in the non-certified section, such as a fish vendor who buys fish from fishers or an agent selling on commission for a larger food processor. Most markets forbid the selling of certifiable, out-of-state, or imported fruits, vegetables or nuts in the non-certified section as unfair competition to certified producers.

Certified Section
This section includes certified producers selling certifiable agricultural products and/or certified producers selling non-certifiable agricultural products. Certifiable products include: fresh fruits, nuts, vegetables, shell eggs, honey, nursery stock, and cut flowers. Non-certifiable products include processed products from certified agricultural products such as fruit and vegetable juices, shelled nuts, and jams and jellies. Other examples include catfish, trout, and oysters from controlled aquacultural operations, livestock and livestock products, and poultry and poultry products. Most successful markets finely tune the mix of the certified producers and products to maximize profitability for producers and offer optimal product mix for the market demographic. Some markets specify that all products be organically grown.
Non-certified Section
Most farmers’ markets also include a non-certified section. Markets usually give careful consideration to whether or not to have a non-certified section, and if so, what types of products will be included in this section and how it will be integrated with the certified section. Some of the considerations involved in this decision listed below.

Reasons to Include Non-Certifiable Vendors in the Market: Reasons given by market managers and market associations for including a non-certified area in the farmers’ market include these:
- **Local economic development.** Farmers’ markets, with their relatively low set-up cost for new vendors, can serve as incubators for micro-food businesses, and can support other small neighborhood businesses by providing additional outlets and visibility.
- **To build the customer base.** Customers often prefer to do as much shopping as possible in one place, so more variety draws more busy people to support more farmers. Popular bakeries, fish vendors and restaurant booths often are cited by customers as their main reason for going to a market.
- **To provide additional stall fee income.** Vendors of non-certifiable products often use less space for their booths than farmers due to the nature of the products and often pay per-foot stall fees that are higher than farmers’ per-foot stall fees. Markets often depend on this income to pay the market manager and cover the cost of other operating and promotion expenses.
- **To increase market capacity without increasing farmer competition.** Adding non-certifiable products can complement certified products. For example, bakery products can complement fruits and salsas can complement vegetables.

Reasons to NOT Include Non-Certifiable Vendors in the Market: Reasons given by market managers and market associations for not including, or severely limiting, a non-certified area in the farmers’ market include:
- **To support the farmers.** Some believe that a farmers’ market should be for farmers, and all the money that customers spend at a farmers’ market should go to farmers.
- **To support neighborhood merchants.** Neighborhood merchants, although they may support a CFM, sometimes feel that certain non-certified vendors in the farmers’ market are unfair competition to their already established businesses.

Non-Certified Food Vendors
All non-certified food vendors operate under the jurisdiction of the Health Department. They must abide by all State of California Health Code packaging, labeling, washing, cooking, serving, holding and handling regulations, as interpreted by the Health Department. These regulations specify strict guidelines for cleanliness, sanitation and temperature control of potentially hazardous foods. The details may vary depending on the type of foods offered for sale.

Health Department representatives inspect the market regularly for vendor compliance. However, it is up to the market manager to enforce all Health Department regulations and ensure safe and sanitary food handling on a daily basis. Some market managers take a food handler certification class, usually offered by the local Health Department.)
Non-Certified Food Vendors most often include:
  
  - Fishers (as opposed to farmers’ practicing aquaculture) cannot be certified producers because they do not control the ocean or practice agricultural arts in the production of fish from the ocean.
    - A market may require reasonable proof that the fish vendor is actually the fisherman. This usually takes the form of a current commercial fishing license and a fishing vessel registration.
    - In San Francisco, fish vendors must apply for a permit from the Health Department to sell at city farmers’ markets, and must abide by all holding and handling regulations as interpreted and enforced by the San Francisco Health Department and by the market manager.
  
  - Processed Food Vendors are any vendors who process or prepare food in a different location and bring it to sell at the market without on-site preparation. Processed food vendors usually include bakeries and producers of such products as jams, sauces, oils, juices, pickles and pastas, tofu and tamales. Some of these products are non-certifiable agricultural products and are allowed in the certified area when sold by the farmer who grew the ingredients for the products. Farmers’ selling non-certifiable agricultural products must adhere to all the same Health Department regulations as other sellers of processed foods.
    - In San Francisco, all processed food vendors must apply for and receive an annual permit from the Health Department to sell at city farmers’ markets.
    - All food offered for sale or sample must be prepared in a commercial kitchen, certified by the Health Department in the county of production. Each vendor will be required to produce a current Health Department certificate or inspection report from the production kitchen. No food preparation on site is allowed.
  
  - Restaurant Food Vendors: Any vendors who prepare and serve food at the market are in this category. Restaurant food vendors require different permits and must follow different regulations from those vendors who do not prepare food on site.
    - In San Francisco, all restaurant food vendors must apply for, receive, and renew every three months, a permit from the Health Department to prepare and serve food at City farmers’ markets.
    - All restaurant food vendors must have appropriate ingredient storage, food preparation and washing facilities equipment at a Health Department certified kitchen or commissary, and must produce a current Health Department certificate or inspection report from that kitchen or commissary.
    - They must have a festival-type fully enclosed tent with screened sides or a Health Department approved commissary vehicle, and must maintain appropriate hand and utensil washing facilities to prepare and serve food on site.
    - Propane tanks must be at least 10-feet away from the stove.

Non-Certified Non-Food Vendors Most Often Include
  
  - Artists and Crafters
    - Some farmers’ markets make space available to artisans on a regular basis in the non-certified section of the market. Other markets operate occasional craft fair days or
include crafts during off-peak months of market operations. Some market managers or associations feel that arts and crafts are not appropriate in a farmers’ market.

- Artisans who sell at the market on a regular basis are expected to charge and be responsible for paying all appropriate sales taxes, and to maintain appropriate business licenses.

  - Services: Some farmers’ markets make space for small-scale service providers to practice their trades in the non-certified section of the markets. Examples of this type of service are knife-sharpening and chair-massage therapy.
    - Massage therapists should be required by the market manager to hold professional accreditation and insurance.

  - Free Speech: Public marketplaces, including farmers’ markets, are required to designate a reasonable space for people to conduct free speech activities such as handing out flyers about issues/events and providing information about election propositions and candidates. This space can be just outside the entrance to the market, or in a designated section of the market, or in whatever space is available at the time. Advertising or promoting a private business is not a free speech activity and does not have to be allowed. Farmers’ markets are not required to allow paid petitioners in the market and are not required to allow any fundraising activities by free speech practitioners. The free speech area must not impede or obstruct commerce.

Partnerships and Collaborations

- Educational activities at a farmers’ market can add a great deal to customers’ enjoyment. Common activities include seasonal produce tastings, farmer presentations, cooking activities, and gardening and composting demonstrations.

- Informational tables: Many markets have tables with brochures on sustainable agriculture, organic farming, nutrition information, and invite allied organizations to set up information tables, often for a nominal fee.

- Some organizations that may be interested in partnering with farmers’ markets are:
  - Culinary Schools (San Francisco City College, Laney College)
  - Department of Public Health
  - Department of Environmental Health
  - San Francisco Food Systems Council
  - UC Cooperative Extension (5 a Day-Power Play!) [http://celosangeles.ucdavis.edu/youth/5aday/index.html](http://celosangeles.ucdavis.edu/youth/5aday/index.html)
LOGISTICS

Vendor Recruitment
- A rule of thumb that some markets have followed is that one vendor can be supported by 800 local or nearby residents.
- County Agricultural Commissioner’s offices can provide a list of certified producers per county.
- When a market is started under the auspices of a Farmers’ Market Association, it usually provides farmers for the market.
- In order to secure farmers for a CFM, it is best to contact a local farmer organization. In the Bay Area, such organizations are the UC Small Farm Center, California Association of Family Farmers (CAFF), and the California Certified Organic Farmers (CCOF). (Please see Appendix C for contact information for these organizations.)
- Other ways of finding farmers to participate in a market are:
  - Visiting established markets and striking up conversations with farmers.
  - Stopping at farms along country roads.
  - Placing notice in local papers including details about informational meetings.

Insurance
- All farmers’ markets should have liability insurance. Other insurance requirements vary depending on the market’s location.
- Some San Francisco city agencies require that the City and County of San Francisco are named as an additional insured on the markets’ liability policy, and similarly some markets require that the all producers name the market as an additional insured under the producer’s insurance policy.
- References: Small Farm Center’s Guide to Managing Risks and Liability at California Certified Farmers’ Markets (See Appendix C for for information on this publication).

Layout
In planning a market’s layout, the following considerations apply:
- Unloading/ loading: Some markets allow their producers to keep their trucks in the market area for the entire day. Markets that have more limited space require farmers to arrive at different times, drive their trucks into the market area, unload their produce, and park their trucks elsewhere.
- Truck radius: Depending on which of the above-listed options a market chooses, the layout of farmer stalls and the order in which farmers arrive should be planned with the turning radius of the trucks in mind.
- Booth size: Typically, one farmer stall is 10’x 10’, but often times a farm will rent multiple stall spaces. (In non-download markets, farm vehicles parked behind the stall require another 10’x15-20’.)
- Market Mix: Usually, farmers with the same kinds of products are interspersed throughout the market. This makes the market more interesting for customers and more profitable for farmers.
- Certified and Non-Certified Sections: As stated above, these sections need to be located in distinct areas.
- Sufficient space for multiple vendors and their vehicles: It takes different farmers growing and selling a variety of crops to create a well-rounded CFM. Usually, the farmer growing peaches will not grow vegetables, and the farmer growing strawberries will not grow apples. Including farms from different growing climates is usually necessary to keep a good supply of fruits and
vegetables available, even in a seasonal market. Each of these farmers arrives at the market site with a truck or van that needs to be parked in or very close to the market site.

**Scales**
- All products sold at a CFM where product price is determined by weight must be weighed on scales that have been sealed by the County Sealer of Weights and Measures. Under the recent administrative changes in San Francisco, this Department now falls under the jurisdiction of the San Francisco Department of Public Health.

**Bathrooms and Utilities**
- There must be accessible toilet facilities within 200 feet of a CFM for vendors. If there are none available in nearby buildings, portable toilets must be provided. This usually necessitates making arrangements with market neighbors and the portable facilities service provider for a time and place for drop-off and pick-up or for permanent storage and regular cleaning. There must be at least one ADA accessible toilet.
- Running water must be available for farmers and food preparers to wash their hands. This water is most often provided by the vendors themselves. However, some markets provide a portable wash station next to the portable toilets.
- If a market lasts into the evening, lighting is necessary. This can be accomplished with either electric or solar lamps.
- If there are cooking demonstrations at a CFM, either gas or electricity may be needed. Electricity can be provided either by a generator or by arrangement with a market neighbor. All electrical cords must be secured and taped down for safety reasons.

**Garbage and Recycling**
- There must be garbage facilities for both farmers and customers at a CFM.
- Many markets provide garbage cans for customers. At the end of the market, all garbage bags must be taken offsite.
- Most markets require that vendors and farmers clean up around their own stalls and take trash, such as empty boxes, with them.
- Some markets contract for on-site dumpster service. This usually necessitates making arrangements with market neighbors and the dumpster service provider for a time and place for dumpster drop-off and pick-up.
- Some markets set up compost bins and various kinds of recycling bins. These services of course require proper dispensation of the compost and recycled materials.
- Markets that serve food on-site usually generate multiple bags of trash. Those that don’t serve food on-site usually have less than one bag of trash. (On-site cooking can also leave greasy areas on the pavement that might need period steam cleaning.)

**Gleaning**
- Many markets arrange for gleaning services or food banks to pick up food from farmers and vendors that is edible but no longer of saleable quality.
Parking
- If a market takes place in a busy thoroughfare, it is sometimes necessary to set up special arrangements with local parking lots to provide validated or subsidized parking for CFM customers.
- If farmers have to park outside the CFM area, and surrounding streets are metered, sometimes markets purchase from the Police Department and/or the Department of Parking and Traffic a set number of meters for the market duration.

Market Equipment
Managing markets requires a considerable amount of equipment. Depending on the complexity of the market, such equipment can include:
- Tables, chairs; umbrellas, and handcarts.
- Market information booth and informational materials
- Market signage, traffic cones, etc.
- In-market trash containers
- Equipment and supplies for special events.

Most markets are operated at a different place from the location of the market office. This requires the market to have a vehicle to transport equipment and materials to markets. Purchase, operation, and insurance of such as vehicle can be significant expenses for a market.

Provision of EBT Services
- Providing access to fresh healthy foods is an important goal of CFMs.
- In order to accept EBT Benefits, a farmers’ market must first be authorized by the USDA Department of Food and Nutrition Services (FNS) to accept food stamp benefits. In order to be authorized, an application must be filed with the USDA. Second, a farmers’ market must get authorized by the California Department of Social Services (CDSS) to operate a scrip program. Third, a market must obtain an electronic device with which to accept food stamp benefits. Markets that have electrical power and a phone line on site can use the land line wired device that comes automatically with FNS approval. However, most markets do not have power and a phone line on-site and thus must apply to CDSS for a handheld POS device. The device is automatically granted if a market has a history of accepting at least $300 per day in paper welfare benefits. Markets that do not have such a history are considered for the POS devices on a case-by-case basis. It is likely that if a market is located in a neighborhood with a high concentration of welfare recipients, the market will be granted a wireless device. Once the device is obtained, a farmers’ market must receive at least $300 in EBT benefits per market day in order to keep the device. Markets that are not granted POS devices can use manual vouchers for EBT transactions. Manual vouchers require phone authorization for each transaction from a toll-free phone number.
- For information on mechanisms that facilitate a farmers’ market accepting EBT, WIC, and SFMNP benefits, please use the contacts listed in Appendices B and C.
- For more information on EBT, please see http://www.ecologycenter.org/ebt/.

Publicity and Outreach
- Local editors, area reporters, radio or TV stations, community development and civic groups, and other local leaders are all good means for promoting the benefits of a farmers’ market to the community. Newspaper and radio ads, posters, and fliers can be used through the year. Some
markets have special feature days, contests, demonstrations, craftsmen or artisans, or information that can be featured in advertising to attract customers. Information about the crops, varieties, storage or preparation suggestions, recipes and other printed materials may be useful in building customer appreciation with an associated advertising benefit. Such information can also be included in a website and/or distributed via an emailed newsletter.

- Developing a market mailing list is a key tool for reaching regular customers and for analyzing a market’s customer base.
- Many restaurants are interested in cooking with fresh, locally grown ingredients. Outreach specifically targeting restaurants can help to foster new, mutually beneficial relationships between farmers and restaurants.

**For specific examples of how the existing farmers’ markets in San Francisco handle these complex components, please see Appendix B for information about individual markets’ operations.**
CURRENT ISSUES

The increasing number and importance of farmers’ markets is broadening the number of stakeholders and the range of market issues. Questions are arising about what are the central purposes of the markets, how they are regulated, and who they benefit (and don’t). Four of the key issues that emerged in the development of this kit are outlined below.

Reform of the CA Direct Marketing Program:
Is more or less regulation needed?

The Southland Farmers’ Market Association in Los Angeles has developed a list of seventeen basic reforms that concern the continuation and preservation of the original intent of the CFM program. Southland views the CFM program as an essential program to assist California growers and consumers. Southland states that the CFM program today has strayed considerably from its original purpose, and as such, has created unfair competition for growers, risked the serious loss of the public’s confidence and eroded the support of State and local government regulators. The reforms deal primarily with the following:

- ensuring that all products sold at CFMs are grown or produced in California,
- limiting the sale of non-agricultural products at CFMs, and
- prohibiting the re-selling of any agricultural products at CFMs.

For a complete list of the policy reform suggestions, please see link in Appendix D.

At the other end of the spectrum, other farmers’ market leaders believe that farmers’ markets should be less regulated. This view holds that farmers’ market farmers would benefit more from attention paid to expanding marketing opportunities than from efforts spent on reforming regulation. The concept for streamlining market enforcement is based on a simple existing rule of law: It is against the law to misrepresent to the public the origin of the goods you are selling (California Business and Professions Code Section 17500 et seq). Sellers not abiding by the law can face a $2,500 civil penalty. In this approach, growers would simply be required to post a sign at their stand or label their processed products with a representation that they grew the product or ingredients. Growers not abiding by the law would face the consequence of the civil penalty.

Challenge of Providing Electronic Food Assistance Benefits:
Would more user-friendly technology help make farmers’ markets more broadly accessible?

The EBT system was not designed for use at farmers’ markets. However, food stamp benefits can be used at farmers’ markets as long as the appropriate infrastructure is in place. Currently, federal food assistance benefits are underutilized at farmers’ markets in San Francisco. This is due to limited EBT acceptance by markets, limited outreach to food stamp recipients, and under-utilization of the food stamp program. (The California Food Policy Advocates estimates that over 87,000 San Franciscans are eligible for food stamps.) Improving acceptance and usage of these federal benefits at farmers’ markets, would likely increase low-income residents’ access to locally grown produce and also provide an expanding market opportunity for local farmers. Food access advocates argue that markets should be required to accept EBT, WIC, and SFMNP benefits. They hold that a basic purpose of farmers’ markets is to provide access to healthy food for people who have had limited access to date. Some market organizers and producers however maintain that implementing the necessary technology is too complex and expensive to make it worthwhile.
Balancing the Interests of Communities, Farmers, and Merchants:
Can everyone gain?

Local merchants worry that the establishment of farmers’ markets nearby will reduce their business. Market advocates argue that by increasing pedestrian traffic through neighborhoods and encouraging visitors from other neighborhoods, markets improve, rather than detract from, local business profits. A similar discussion takes place regarding street closures for farmers’ markets in business districts. Market advocates cite statistics that demonstrate increased business generated by the influx of market shoppers. Concerned merchants cite problems with traffic congestion, limited parking, and impaired access for their regular customers.

Merchants are not the only ones worrying. With the growing number of farmers’ markets in California including in San Francisco, some producers and managers at existing markets are concerned that there could be too much of a good thing. New markets might drive existing markets out of business. Advocates of new markets agree that there could be a point of too many markets, but maintain that this saturation point has not yet nearly been reached. They cite the fact that the majority of San Francisco neighborhoods do not have a market, and the majority of residents do not have a market within convenient access of their home. They state that the establishment of a market in many neighborhoods and the fostering of strong relationships between these markets will encourage the city as a whole to fully utilize markets and appreciate their value.

There is also concern for farmers’ welfare. As the number of farmers’ markets increases, will the customer base increase proportionately or will farmers need to participate in extra markets to maintain their income? Might increased time at markets stretch farmers thin, and not leave them enough time to work on the farm itself? More research needs to be done to assess these and other cost/benefit issues for farmers’ market farmers. As much as markets might help with neighborhood revitalization and food access, if they are not benefiting the farmers, they are not fulfilling their original purpose.

Sustaining Farmers’ Markets:
Are farmers’ markets the only solution?

CFMs are vital economic and social centers when they work well for the community and for the farmer/vendors. They can be excellent vehicles for improving community access to affordable fresh fruits and vegetables, for providing viable markets for small-scale farmers, for providing business opportunities for local small businesses, and for bringing neighborhood people together in a positive way. However, farmers’ markets are not the only strategy and sometimes not the most effective strategy for meeting these goals.

As described in this Kit, starting a farmers’ market is a complex process. Similarly, once a market is underway it requires ongoing support and evaluation. There is some worry among farmers’ market community members that, while many residents might want a farmers’ market in their neighborhood, they are not adequately prepared to invest the time and energy required on an ongoing basis to support a regular event.
There are several proven alternatives for meeting the goals of getting fresh healthy produce to the neighborhood, supporting farmers, and building community:

- **Neighborhood produce stand.** An organization can purchase produce at wholesale rates from several farmers selling at local farmers’ markets and set up an outdoor produce stand in their neighborhood. The organization resells the produce at retail prices (or at lower prices if there is outside funding to subsidize the operations cost of the project). This option supports farmers and brings fresh local fruits and vegetables into the neighborhood. Produce sold in this fashion must meet standard pack, standard container, grading, sizing, and labeling requirements. For more information about farm stands, see the website for the Ecology Center’s Farm Fresh Choice program: www.ecologycenter.org/ffc/index.html or phone (510) 848-1704. CELLspace, a local community group in the Mission District, operates such a market every month in the context of a broader flea market event. For more information, see www.cellspace.org/market/.

- **Community garden.** Community gardens can be an excellent means for bringing neighbors together and growing healthy food. For more information, see www.parks.sfgov.org/site/recpark_index.asp?id=27048.

- **Community Supported Agriculture.** CSA, or Community Supported Agriculture is a way to connect urban people directly with local farms. It works as a subscription program: a local farm agrees to deliver to each subscriber once a week a box containing a variety of in-season produce to a specified drop-off site. In exchange each customer commits to pay for a box every week for an agreed-upon time frame, usually at least a month. Often these boxes also contain recipes and a newsletter from the farm. For more information about CSAs and a list of local farms that deliver to San Francisco, see www.localharvest.org/csa.jsp

- **Mobile Market / ‘Veggie Van’.** An organization can purchase produce in the same way a neighborhood produce stand would (see above), but rather than selling it at one stationary location, they can create a ‘mobile market’. They do this by using a truck or van as their store, and driving through different neighborhoods selling produce on a set route and schedule. This strategy is used by the People’s Grocery in Oakland and has been very successful and well received. For more information, see http://peoplesgrocery.org/mm.html.

- **Shuttle bus to farmers’ market.** Some markets located in relatively affluent areas arrange shuttle services from underserved neighborhoods to the market, increasing the diversity of the customer base, and increasing food access for low-income neighbors.
POLICY RECOMMENDATIONS

Based on the issues and conditions described in previous sections, the Market City Advisory Group identified four policy recommendations as important next steps in Making San Francisco a Market City.

1. **Encourage and facilitate acceptance of EBT benefits by every market in San Francisco.**
   - **Background:** Currently, several farmers’ markets in San Francisco do not accept EBT benefits (e.g., Alemany, Noe Valley). There is some resistance to the incorporation of EBT acceptance into markets because it is thought to be an expensive and complicated process. The Ecology Center in Berkeley has a statewide grant to assist in the process of developing a scrip system in which all transactions are centralized in one market manager’s booth, thus simplifying acceptance of EBT benefits. This grant period and the participation of the Ecology Center will conclude in the fall of 2005. It is likely that funding will be available to continue this work although the new funding source and project management are not yet identified.

   - **Concept:** This recommendation maintains that in order for there to be equal access to fresh produce across the city, acceptance of EBT benefits at every farmers’ market should be encouraged and facilitated. The Department of Human Services, The Department of Public Health and San Francisco Food Systems have been proactive in facilitating EBT acceptance at City farmers’ markets by helping market managers apply for ‘wireless handheld devices (WHHD)’ for swiping EBT cards and by developing farmers’ market food stamp scrip systems. The San Francisco Department of Human Services, which oversees authorization of Food Stamps, has been proactive in advertising those markets that have EBT/ scrip programs to Food Stamp recipients. However, more could be done. The California Department of Social Services, which approves the eligibility of farmers’ markets to receive WHHD, could initiate a program that would give markets in low-income areas a 6 month grace period to achieve the minimum total of $300 per month per market currently required to qualify for a free WHHD. There could also be a more proactive effort to distribute signage to markets that offer EBT services. The SFFS could expand work with market managers on this topic. Conceivably, the EBT farmers’ market scrip could be offered on an ongoing basis at other strategic sites (such as at Kaiser Hospitals that currently have farmers’ markets and at Food Stamp offices) and used at markets around the city. At this point, it does not seem feasible for DPH to require EBT accessibility at every market.

   - **Lead actor:** San Francisco Food Systems (has begun this work)  
   **Key Actors:** San Francisco Department of Human Services and San Francisco Department of Public Health

2. **Standardize the process of permitting new farmers’ market locations within the San Francisco Planning Department.**
   - **Background:** Permitting and regulatory processes for farmers’ markets are complicated for a number of reasons. Two of these reasons involve permitting the locations for new CFMs: 1) farmers’ market locations fall under the jurisdiction of a wide range of city agencies; and 2) farmers’ markets are not specifically included in the code of many city agencies, and so are made to fit into existing code categories. There is a need to make these processes more transparent and streamlined.
All new farmers’ markets are required to get a use permit from the SF Planning Department. Therefore a standardized process within this department is an important first step toward clearly defining the process of starting a new farmers’ market. Under the Planning Code, farmers’ markets are not described under a specific use category and are consequently categorized differently at different times depending on the person within the department who is working on the case.

- **Concept:** The establishment of a standardized process for approving new farmers’ market locations would ameliorate the confusion that operators of new markets experience when trying to get their market site permitted. This recommendation holds that Pacific Coast Farmers’ Market Association works with the SF Planning Department to establish a standard process for addressing new farmers’ markets under the Planning Code. One potential approach would be to request a ‘planning code interpretation’ from the Zoning Administrator. Such an interpretation would use an existing use category (with characteristics similar to those of a farmers’ market) as a base for determining zoning for CFMs. This would set a precedent for how to categorize farmers’ markets in the future. In addition the designation of a farmers’ market contact person within the Planning Department would further clarify the use permit process.

- **Lead actors:** SF Planning Department, Pacific Coast Farmers’ Market Association

3. **Support efforts of San Francisco communities, with limited access to fresh food, to assess the viability for a farmers’ market in their neighborhood**

- **Background:** In the 1997 San Francisco Sustainability Plan, long-term goal 4A specifies that there be a farmers’ or gardeners’ market in every neighborhood. Currently, San Francisco Food Alliance is developing a *San Francisco Food and Agriculture Report Card* to provide a holistic, systemic view of San Francisco’s food system. The *Report Card* is compiling data based on indicators in three main focus areas: food assistance, urban agriculture, and food retailing.

- **Concept:** This recommendation maintains that access to fresh produce should exist within convenient access for all city residents. Community groups seeking to improve access to fresh food and to fulfill other community development goals, do not always have sufficient information about the range of possible strategies. Farmers’ markets, often a familiar and seemingly simple strategy, are in fact more complex to start and operate than is readily apparent. They are also just one of several proven approaches for increasing fresh food access. Through this recommendation, interested community groups would be given information and assistance to help them assess the viability of a farmers’ market and other relevant options for meeting their community and neighborhood food system goals. Such neighborhoods and/or other communities identified in the Report Card as having insufficient access to fresh food could be advised on how to assess community interest, potential economic development contributions, potential negative impacts, producer perspective, and how to compare farmers’ markets with other strategies (e.g. transportation to markets in other neighborhoods, ‘veggie vans’, satellite/express markets, and produce subscription services).
4. **Improve connectivity between farmers’ markets as a step toward Making San Francisco a Market City.**

   - **Background:** Farmers’ markets in San Francisco have been developed by various organizations in different parts of the city in response to a range of different circumstances. For the past couple of decades, the two and then three markets were quite disparate and had little connection. With the addition of six new markets in 2004 and with several new markets pending, there is the opportunity for San Francisco farmers’ markets to explore and build on their common interests.

   - **Concept:** This recommendation holds that markets in San Francisco should be recognized, and recognize themselves, as a collective asset to the City. As a first step, farmers markets should take the lead in coming together on a regular basis to discuss issues, goals, and strategies of common interest. As a second step, the farmers’ market group could work with key City agencies and organizations to develop common promotion for and information about San Francisco markets (e.g. common street signage, and promotion/information in City PR materials, etc.)

   - **Lead actor:** CUESA (has agreed to initiate) **Key Actors:** All San Francisco farmers’ markets
APPENDICES

Appendix A. Glossary of Abbreviations

**CDFA-DMP.** California Department of Food and Agriculture, Direct Marketing Program

**CFM.** Certified Farmers’ Market (CDFA)

**CURFFL.** California Uniform Retail Food Facilities Law (California Department of Health Services)

**EBT.** Electronic Benefits Transfer (USDA Food and Nutrition Services)

**SFMNP.** Senior Farmers’ Market Nutrition Program (USDA Food and Nutrition Services)

**WIC.** Women, Infants, and Children Program (USDA Food and Nutrition Services)

**USDA.** United States Department of Agriculture
## Appendix B. San Francisco Farmers’ Market Information

### Existing San Francisco Farmers’ Markets Contact Information Table
A list of current CFMs in San Francisco with market times, locations, websites and contact information

### Existing San Francisco Farmers’ Markets Logistics Table
Information on how each of the existing San Francisco CFMs handles various logistical aspects of farmers’ markets

### Pending San Francisco Farmers’ Markets Contact Information Table
A list of San Francisco farmers’ markets that are still in the planning process

### Agencies with Jurisdiction over Certified Farmers’ Market Operations
A list of the national, state, and city agencies involved with starting and operating CFMs in San Francisco

### Agencies with Jurisdiction over Permitting Locations for Certified Farmers’ Markets
A list of the agencies and entities who own or have jurisdiction over the land where farmers’ markets can take place, and must issue permits to authorize the locations of CFMs

### San Francisco Police Jurisdictions
A list and corresponding map of the 10 police stations in San Francisco
<table>
<thead>
<tr>
<th>Market</th>
<th>Schedule of operation, year established.</th>
<th>Location</th>
<th>Contact Person</th>
<th>Phone</th>
<th>Email</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alemany</td>
<td>Saturday 6am-5pm Est. 1943</td>
<td>100 Alemany Blvd</td>
<td>Gary Gentry</td>
<td>(415) 647-9423</td>
<td><a href="mailto:gary.gentry@sfgov.org">gary.gentry@sfgov.org</a></td>
<td>None</td>
</tr>
<tr>
<td>Bayview Hunter’s Point</td>
<td>Saturday 9:30-1:30 May 21-Dec 10 Est. 2005</td>
<td>Galvez St. &amp; Third St.</td>
<td>Sraddha Mehta</td>
<td>(415) 355-3723</td>
<td><a href="mailto:sraddha.mehta@sfgov.org">sraddha.mehta@sfgov.org</a></td>
<td><a href="http://www.sfenvironment.com">www.sfenvironment.com</a></td>
</tr>
<tr>
<td>The Cannery</td>
<td>Friday &amp; Saturday 8-noon year round Est. 2004</td>
<td>Del Monte Square</td>
<td>Dutch Watazychyn</td>
<td>(415) 771-3112</td>
<td><a href="mailto:dutch@thecannery.com">dutch@thecannery.com</a></td>
<td><a href="http://www.delmontesquare.com/whats_new/?news_id=21">http://www.delmontesquare.com/whats_new/?news_id=21</a></td>
</tr>
<tr>
<td>Ferry Plaza</td>
<td>Saturday 8 -2 Tuesday 10 – 2</td>
<td>Ferry Building, Embarcadero at the foot of Market Street</td>
<td>Dexter Carmichael, Operations Manager; Dave Stockdale, Executive Director of CUESA</td>
<td>(415) 291-3276</td>
<td><a href="mailto:dexter@cuesa.org">dexter@cuesa.org</a></td>
<td><a href="http://www.cuesa.org">www.cuesa.org</a></td>
</tr>
<tr>
<td>Heart of the City</td>
<td>Sunday 7-5 Wednesday 7-5:30 Est. 1981</td>
<td>Corner of Market Street and 7th</td>
<td>Christine Adams</td>
<td>(415) 558-9455</td>
<td><a href="mailto:hocfarmersmarket@aol.com">hocfarmersmarket@aol.com</a></td>
<td>None</td>
</tr>
<tr>
<td>Marina</td>
<td>May-November Tuesday 3-7 Est. 2004</td>
<td>Steiner &amp; Chestnut</td>
<td>Doug Hayden</td>
<td>(800) 806-3276</td>
<td><a href="mailto:doughayden2@yahoo.com">doughayden2@yahoo.com</a></td>
<td><a href="http://www.cafarmersmkts.com">www.cafarmersmkts.com</a></td>
</tr>
<tr>
<td>Noe Valley</td>
<td>Saturday 8-11 year-round Est. 2003</td>
<td>4366 24th St between Vicksburg and Sanchez</td>
<td>Paula Benton, Leslie Crawford</td>
<td>(415) 282-2474</td>
<td><a href="mailto:bentonp@sprynet.com">bentonp@sprynet.com</a></td>
<td><a href="http://www.noevalleyfarmersmarket.com">www.noevalleyfarmersmarket.com</a></td>
</tr>
</tbody>
</table>
## Existing San Francisco Farmers’ Markets Logistics Table

<table>
<thead>
<tr>
<th>Market</th>
<th>Market Governance</th>
<th>Insurance</th>
<th>Rules and Regulations</th>
<th>Parking</th>
<th>Educational Activities</th>
<th># Farmers, Vendors, Restaurants, Other</th>
<th>Number of employees</th>
<th>Location, Permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alemany</td>
<td>As of 9/04 sponsored by the SF Dept of Real Estate. Originally sponsored by the Dept. of Consumer Assurance.</td>
<td>Market has general liability; Only require personal liability insurance from non-certified producers.</td>
<td>Parking available approximately 400 spaces on either side of building</td>
<td>Has tabling open to relevant orgs: community gardening, nutrition, children’s activities</td>
<td>(125) 115 farmers 10 bakeries</td>
<td>(3-4) 2 in office custodian 1.5 outside</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bayview Hunter’s Point</td>
<td>Sponsored by a certified producer, Alan Wilson; Advisory Board to be formed soon.</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>The Cannery</td>
<td>Sponsored by a certified producer, Alan Wilson; Advisory Board to be formed soon.</td>
<td>Market has general liability; each producer has general liability; each producer lists Cannery as additionally insured.</td>
<td>Stall Fees: none yet because market is still young. When market is more stable, will charge $25.00 per booth.</td>
<td>Validates Parking at a nearby lot. Pays meters for producers (this requires communication with Police Dept.)</td>
<td>(25) 25 farmers</td>
<td>(4) 1 Market Manager 1 Assistant Market Manager 2 Assistants</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ferry Plaza</td>
<td>A project of CUESA, a 501c3 nonprofit.</td>
<td>Market has general liability and requires each vendor to list the Ferry Building as an additional insured location.</td>
<td>Market Rules are posted on website.</td>
<td>Validated parking at nearby lots for customers. Some paid meter spaces for sellers.</td>
<td>Offers farmer interviews, cooking demonstrations, market tastings, and hosts field trips.</td>
<td>(~120) 95 Farmers 17 Vendors and Artisans 5 Restaurants</td>
<td>(7) 5 Full time 2 Part time</td>
<td>Location: Sublease from SF Port tenant. Permits: CFM, City, Fire, Police</td>
</tr>
<tr>
<td>Fillmore</td>
<td>Sponsored by Fillmore Promotions Office; Managed by PCFMA</td>
<td></td>
<td></td>
<td>Market Rules are posted on website.</td>
<td></td>
<td>(33)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HOC</td>
<td>Heart of the City Certified farmers’ market (non-profit)</td>
<td>Market has general liability for vans, plaza, and office. Does not require each farmer to have insurance.</td>
<td>No special set-up: there is enough public parking within 1 block of market for customers.</td>
<td>Hosts field trips; annual pumpkin patch.</td>
<td>(58) 58 farmers</td>
<td>(6) 1 Market Manager, 1 Assistant Market Manager 2 Sweepers 1 Bookkeeper 1 Security</td>
<td>Location: Federal Land</td>
<td>Permits: CFM, City Hall, Department of Agriculture</td>
</tr>
<tr>
<td>Kaiser Permanente Medical Center</td>
<td>Sponsored by Kaiser; Managed by PCFMA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(22)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Existing San Francisco Farmers’ Markets Logistics Table (cont’t)

<table>
<thead>
<tr>
<th>Market</th>
<th>Market Governance</th>
<th>Insurance</th>
<th>Rules and Regulations</th>
<th>Parking</th>
<th>Educational Activities</th>
<th># Farmers, Vendors, Restaurants, Other</th>
<th>Number of employees</th>
<th>Location, Permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marina</td>
<td>Managed by California Farmers Markets Association. Co-sponsored by Marina Merchants Association</td>
<td>Commercial general liability w/ Interwest</td>
<td>Rules and regulations are posted on website</td>
<td>Public parking available</td>
<td>Has cooking demonstrations and market tastings</td>
<td>(28)</td>
<td>2 market managers</td>
<td>Location: Scott St. closure. Permits: CFM, City Hall, Health, Parking and Traffic, Police, Entertainment</td>
</tr>
<tr>
<td>Noe Valley</td>
<td>Noe Valley Farmers’ Market: 501c3.</td>
<td>Commercial general liability w/ First Financial Insurance Co. through Interwest</td>
<td>$30/ stall; market pays $20/ stall to parking lot owner</td>
<td>Not a destination market that customers drive to; more of a walk-through-neighborhood market</td>
<td>Has info table about Why organic? Intend to organize classes on field trips to farms. Made farmers’ market kids book. Live entertainment every Saturday.</td>
<td>(11) 11 farmers currently, 15 farmer capacity</td>
<td>0: all volunteer based</td>
<td>Location: Church parking lot. Permits: Planning: Alteration and Change of Use Dan Sirois; (415) 558-6313. Health</td>
</tr>
</tbody>
</table>

### Pending San Francisco Farmers’ Markets Contact Information Table

<table>
<thead>
<tr>
<th>Market</th>
<th>Organizer/ Contact Person</th>
<th>Phone</th>
<th>Email</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ocean Avenue</td>
<td>Ocean Avenue Revitalization Collaborative, Shannon Edelstone</td>
<td><a href="mailto:shanfran1@yahoo.com">shanfran1@yahoo.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Panhandle</td>
<td>Friends of the Panhandle Farmers’ Market, Cheryl Brodie</td>
<td>(415) 221-5567</td>
<td><a href="mailto:csbrodie@sbcglobal.net">csbrodie@sbcglobal.net</a></td>
<td><a href="http://peoplesmarket.tripod.com/">http://peoplesmarket.tripod.com/</a></td>
</tr>
<tr>
<td>Presidio</td>
<td>The Presidio Trust</td>
<td></td>
<td></td>
<td><a href="http://www.presidio.gov/">http://www.presidio.gov/</a></td>
</tr>
<tr>
<td>Agency</td>
<td>Description</td>
<td>Contact Information</td>
<td></td>
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<td>--------------------------------------</td>
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<td>------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>USDA Food and Nutrition Services, Sacramento Office</td>
<td>Oversees the Electronic Benefits Transfer (EBT), Senior Farmers’ Market Nutrition Program (SFMN), and the Women, Infants, and Children Supplemental Nutrition Program (WIC).</td>
<td>(916) 498-5700 <a href="http://www.fns.usda.gov/fns/">Santa Fe USDA Farm Bureau</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CDFA Division of Inspection Services</td>
<td>Oversees County Agricultural Commissioners. Collects quarterly fees from certified farmers’ markets.</td>
<td>(925) 445-2180 x 3510 <a href="http://www.cdfa.ca.gov/is/fveqc/cfmprogram.htm">CDFA Division of Inspection Services</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>California Department of Aging</td>
<td>Authorizes farmers’ markets to accept Senior Farmers’ Market Nutrition Program (SFMN) benefits.</td>
<td>(916) 322-9184 <a href="http://www.aging.ca.gov">California Department of Aging</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>California Department of Social Services</td>
<td>Authorizes farmers’ markets to accept Women, Infants and Children Supplemental Nutrition Program (WIC) payments.</td>
<td>(916) 928-8513 <a href="http://www.wicworks.ca.gov/">California Department of Social Services</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Francisco Department of Public Health - Agricultural Commissioner</td>
<td>Certifies San Francisco producers and farmers’ markets. Collects annual fees.</td>
<td>(415) 285-9010 <a href="http://www.sfdph.org/eh/Default.htm">San Francisco Department of Public Health</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Francisco Police Department</td>
<td>Provides security at farmers’ markets by contract. Should be notified if a new market is starting in their neighborhood.</td>
<td>(415) 558-4010 <a href="http://www.sfgov.org/site/police_index.asp">San Francisco Police Department</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Francisco Fire Department</td>
<td>Permits weekly CFMs based on zoning requirements in their specific location. Must be contacted by every new market.</td>
<td>(415) 558-4020 <a href="http://www.sfgov.org/site/fire_index.asp?rid=4451">San Francisco Fire Department</a></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Agencies with Jurisdiction over Permitting Locations for Certified Farmers' Market Sites

<table>
<thead>
<tr>
<th>Department</th>
<th>Description</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Department</td>
<td>Every new CFM in San Francisco must contact the Planning Department, regardless of where their market site is located. Markets often have to apply for a conditional use permit <a href="http://www.sfgov.org/site/uploadedfiles/planning/cuapp.pdf">http://www.sfgov.org/site/uploadedfiles/planning/cuapp.pdf</a>.</td>
<td>(415) 558-6300</td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="http://www.sfgov.org/site/planning_index.asp">http://www.sfgov.org/site/planning_index.asp</a></td>
</tr>
<tr>
<td>Redevelopment Agency</td>
<td>There is no standardized process for having a market on Redevelopment land. The specific arrangement will vary according to site.</td>
<td>(415) 749-2442</td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="http://www.sfgov.org/site/sfra_index.asp">http://www.sfgov.org/site/sfra_index.asp</a></td>
</tr>
<tr>
<td>Port of San Francisco</td>
<td>There is no standardized process for having a market on Port land. The specific arrangement will vary according to site.</td>
<td>(415) 274-0413</td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="http://www.sfport.com/site/sfport_index.asp">http://www.sfport.com/site/sfport_index.asp</a></td>
</tr>
<tr>
<td>Department of Parking and Traffic</td>
<td>As of recently, DPT only handles street closures for events requiring single or few occurrences. In order to have a farmers' market that requires street closure regularly, permission must be obtained from the Board of Supervisors. This is a long process including public hearings etc. It is recommended that prospective market-starters have a good sense of community support before beginning the process. In order for the Board to agree to a new market, there must be near-consensus in the community.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="http://www.sfgov.org/site/dpt_index.asp">http://www.sfgov.org/site/dpt_index.asp</a></td>
</tr>
<tr>
<td>Department of Public Works</td>
<td>These Departments do not deal with street closures for farmers’ markets. (For more information, please see Parking and Traffic description above)</td>
<td></td>
</tr>
<tr>
<td>Recreation and Parks Department</td>
<td>Special Events Permit. Technically no commercial enterprise can be conducted on Parks and Recreation land, but exceptions can be made in certain cases. <a href="http://www.ci.sf.ca.us/site/uploadedfiles/recpark/Permits_and_Reservations/special_events.pdf">http://www.ci.sf.ca.us/site/uploadedfiles/recpark/Permits_and_Reservations/special_events.pdf</a></td>
<td>(415) 831-5500</td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="http://www.sfgov.org/site/recpark_index.asp">http://www.sfgov.org/site/recpark_index.asp</a></td>
</tr>
<tr>
<td>Real Estate</td>
<td>City owned land is under the jurisdiction of this agency.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="http://www.sfgov.org/site/realestate_index.asp?id=221">http://www.sfgov.org/site/realestate_index.asp?id=221</a></td>
</tr>
<tr>
<td>Schools</td>
<td>The process will vary according to school and season. Contact specific school to discuss the possibilities.</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="http://portal.sfusd.edu/template/default.cfm">http://portal.sfusd.edu/template/default.cfm</a></td>
</tr>
<tr>
<td>Private Property</td>
<td>These will vary case to case. Contact the owner to discuss the possibilities. Even though the market will take place on private property, communication with the Planning Department is still required to confirm that the zoning of the area allows for a market.</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NA</td>
</tr>
<tr>
<td>Other (e.g., the Presidio)</td>
<td>Presidio: Non-coastal areas: <a href="http://www.presidio.gov/Visiting/SpecialEventsPermits/">http://www.presidio.gov/Visiting/SpecialEventsPermits/</a> Coastal areas: <a href="http://www.nps.gov/goga/spug/index.htm">http://www.nps.gov/goga/spug/index.htm</a></td>
<td>NA</td>
</tr>
</tbody>
</table>
SF Police Stations

Central
(415) 315-2400
Mission
(415) 558-5400
Northern
(415) 614-3400
Southern
(415) 553-1373
Tenderloin
(415) 345-7300
Bayview
(415) 671-2300
Ingleside
(415) 404-4000
Park
(415) 242-3000
Richmond
(415) 666-8000
Taraval
(415) 759-3100
Appendix C. Resources

Books and Publications

*California Agricultural Directory*, published annually by the California Farm Bureau Federation


http://www.nationalaglawcenter.org/assets/articles/hamilton_farmersmarkets.pdf

*Fresh from the Farmers’ Market* / by Janet Fletcher

*A Guide to Managing Risks and Liability at California Certified Farmers’ Markets* / by Desmond Jolly and Chris Lewis / produced by the Small Farm Center and USDA Risk Management Agency

*The New Farmers’ Market: Farm-Fresh Ideas for Producers, Managers & Communities* / by Corum, Rosenzweig & Gibson

*Public Markets and Community Based Food Systems: Making Them Work in Lower-Income Neighborhoods* Prepared for the Kellogg Foundation by Project for Public Spaces

*Public Markets as a Vehicle for Social Integration and Upward Mobility* / Prepared for the Ford Foundation by Project of Public Spaces

*The Savory Way* / by Deborah Madison
http://www.randomhouse.com/features/deborahmadison/savory_way.html

Agencies

United States Department of Agriculture (USDA) Agricultural Marketing Service
http://www.ams.usda.gov/farmersmarkets/

USDA Community Food Projects Competitive Grants Program
http://www.csrees.usda.gov/funding/rfas/community_foods.html

USDA Food and Nutrition Services (for information about EBT, WIC, SFMNP)
http://www.fns.usda.gov/fns/

USDA Sustainable Agriculture Research and Education http://www.sare.org/

California Department of Food and Agriculture (CDFA) Division of Inspection Services (925) 445-2180 http://www.cdfa.ca.gov/is/fveqc/cfmprogram.htm
California Health and Human Services Agency  
http://www.chhs.ca.gov/

California Department of Health Services  
http://www.dhs.ca.gov/

California Department of Social Services  
http://www.dss.cahwnet.gov/cdssweb/default.htm

San Francisco Planning Department  
http://www.sfgov.org/site/planning_index.asp

San Francisco Department of Public Health- Environmental Health Section  
http://www.sfdph.org/eh/Default.htm

-Agricultural Commissioner, Fernando Ona  
http://www.sfdph.org/eh/agr/Index_agriculture.htm

-San Francisco Food Systems  
http://www.sfdph.org/eh/agr/Index_agriculture.htm

-San Francisco Food Alliance  
http://www.sffoodsystems.org/pages/foodalliance.html

Agricultural Organizations
Berkeley Ecology Center http://www.ecologycenter.org/ (510) 548-3333  
California Certified Organic Farmers (CCOF) http://www.ccof.org/  
California Food Policy Advocates http://www.cfpa.net/  
Community Alliance with Family Farmers (CAFF) http://www.caff.org/  
Community Food Security Coalition (CFSC) http://www.foodsecurity.org/  
Ford Foundation http://www.fordfound.org/  
Kellogg Foundation http://www.wkkf.org/  
Small Farm Center (SFC) http://www.sfc.ucdavis.edu  
University of California Sustainable Agriculture Research and Education Program (UC SAREP) http://www.sarep.ucdavis.edu/  
Local Harvest http://www.localharvest.org

Farmers’ Market Organizations
California Farmers’ Markets Association (CFMA) http://www.cafarmersmkts.com/  
California Federation of Certified Farmers’ Markets http://www.cafarmersmarkets.com  
Farmers’ Markets Online http://www.farmersmarketonline.com/Openair.htm  
Marin County Farmers’ Market Association (MCFMA) http://bayareafarmersmarkets.com/  
National Association of Farmers’ Markets http://www.farmersmarkets.net/starter/  
Pacific Coast Farmers’ Market Association (PCFMA) http://www.pcfma.com/  
Southland Farmers’ Market Association http://www.cafarmersmarkets.org/  
Urban Village Farmers’ Market Association: http://www.urbanvillageonline.com/

Farmers’ Market Conferences
California Farm Conference http://www.californiafarmconference.com/  
North American Farmers’ Direct Marketing Association http://www.nafdma.com/
Appendix D. Links to Background Materials

Existing Farmers’ Markets’ Rules and Regulations and Applications to Sell
Ferry Plaza Farmers’ Market Rules and Regulations
Pacific Coast Farmers’ Market Association Rules and Regulations
Pacific Coast Farmers’ Market Association Application to Sell
Davis Farmers’ Market Rules, Regulations, and Application to Sell

List of San Francisco Bay Area Farmers’ Markets
http://www.sfgate.com/eguide/food/farmersmarkets/

Southland List of 17 proposed basic reforms to the California Certified Farmers’ Market Program
http://www.cafarmersmarkets.org/documents/MemoforAnnualMeetingregardinglegislativeproposal.doc

Frequently asked questions about CDFA’s Direct Marketing Program
http://www.cdfa.ca.gov/is/fveqc/CFMP/cfmpfaq.htm

Relevant State Codes
Direct Marketing Code
Food and Agriculture Code
Health Code: California Uniform Retail Food Facilities Law
http://www.dhs.ca.gov/ps/fdb/PDF/CURFFL2004.PDF

Please visit www.cafarmersmarkets.com for more information on relevant legislation.

Websites about How to Start a Farmers’ Market
http://edis.ifas.ufl.edu/FY639
http://www.mfma.org/Starting%20your%20own%20Farmers%20Market.htm
http://www.organic-growers.com/start_a_farmers_market_1.htm
http://www.cafarmersmarkets.org/aboutsfma/how2start.shtml
http://www.sfc.ucdavis.edu/pubs/SFNews/archive/93012.htm
http://www.farmersmarket.org/Health/LA_Health.htm
http://www.attra.ncat.org/attra-pub/farmmrkt.html

Appendix E. CDFA Direct Marketing Program Attachments (on pages to follow)
Summary of California’s Certified Farmers’ Market Program
Current California Farmers’ Market Advisory Committee Roster
Quarterly Remittance Form for a CFM
Application for certification of a CFM
Application for certification of a producer to sell direct at a CFM
Certified Farmers’ Market Summary

The intent of the Certified Farmers’ Market program is to enable growers to sell directly to the public under a controlled setting that assures that the products sold to the public in a Certified Farmers’ Market are truly grown by the grower. The program exempts the producer from standard containers, labeling, and produce size requirements. Quality requirements are still required.

Numerous Farmers’ Markets also have other products and vendors associated with the market that truly makes it a community "event". Approximately half of the markets run year round with the remainder operating from approximately April through October.

Listed below is a summary of the steps in starting a Certified Farmers’ Market:

1. Obtain a location for the market (community center, park, senior center, parking lot, etc).

2. Designate an individual to be the “Market Manager”. This individual can obtain the "Certified Farmers’ Market" certificate application form (form enclosed) from the local agricultural commissioner's office in the area where the market will be located. There is a fee for the certification of the market.

3. Develop a set of market rules, establish the day of the week to conduct the market, establish a fee structure to pay for your administration of the market (some set fees on a daily basis, some set it on a percentage of sales) and solicit producers, growers to sell at the market.

4. In administering the market, it is the responsibility of the market manager to assure that each vendor has obtained a “Certified Producer’s Certificate” (form enclosed) from the county where the agricultural products are grown. In addition, the certificate must be posted in their sales location at the market.

5. Contact the local county Health Department for authorization for your market to participate in the WIC Farmers’ Market Nutrition Program (FMNP) providing coupons for low-income shoppers. Once your market is designated as a FMNP market, each vendor is required to post a FMNP poster in his or her sales location.

6. Each Certified Farmers’ Market is required to remit to the State, 30 days after the end of each quarter, a fee equivalent to $.60 per certificate for each certified producer per market day. (Remittance form enclosed)
7. Each certified producer can only sell for himself/herself and two other certified producers in a twelve-month period. These other producers will be listed on the "Certified Producer's Certificate". This is the responsibility of the market manager to monitor.

8. Products that can be sold under the Certified Farmers' Market Program include: Fresh fruits and vegetables, honey, nuts, eggs, cut flowers and nursery stock (if nursery stock is sold, a nursery license must be obtained from CDFA, Nursery, Seed, and Cotton program). Additionally, non-certified agricultural products such as processed products, fruit and vegetable juices, shelled nuts such as hickory or roasted nuts, jams and jellies, fish from a controlled water pond, livestock and poultry products can be sold at the market within the boundaries of the market. Non-agricultural products such as food vendors, bakery items, craft items, etc. are not allowed within the boundaries of the market.

9. Contact the local county Health Department for appropriate health permits associated with farmers' markets.
**Certified Farmers’ Market Advisory Committee**  
*Updated 04/04/05*

**Composition as specified by Code:**

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<td><strong>Dexter Carmichael</strong></td>
<td>1-23-05</td>
<td>1-22-07</td>
</tr>
<tr>
<td>California Farmers’ Markets Association</td>
<td>3000 Citrus Circle, Suite 111</td>
<td>Walnut Creek, CA 94598</td>
<td>Center for Urban Education About Sustainable Agriculture</td>
<td>One Ferry Building, Suite 50</td>
<td>San Francisco, CA 94111</td>
</tr>
<tr>
<td>Home: (925) 858-6117</td>
<td>Work: (925) 465-4690</td>
<td>Fax: (925) 465-4693</td>
<td>Home: (415) 699-1923</td>
<td>Work: (415) 291-3276, ext. 102</td>
<td>Fax: (415) 291-3275</td>
</tr>
<tr>
<td>E-mail: <a href="mailto:doughayden2@yahoo.com">doughayden2@yahoo.com</a></td>
<td>Website: cafarmersmkts.com</td>
<td>Email: <a href="mailto:dexter@cuesa.org">dexter@cuesa.org</a> OR <a href="mailto:dexdah@yahoo.com">dexdah@yahoo.com</a></td>
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<tr>
<td><strong>Joan Taramasso</strong></td>
<td>1-23-05</td>
<td>1-22-07</td>
<td><strong>Nancy Pleibel</strong></td>
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<tr>
<td>Common Greens</td>
<td>4104 Old Sonoma Road</td>
<td>Napa, CA 94559</td>
<td>229 Bryant Street</td>
<td>Palo Alto, CA 94301</td>
<td></td>
</tr>
<tr>
<td>Home: (707) 257-7666</td>
<td>Work: (707) 252-7142</td>
<td>Home: (650) 328-2827</td>
<td>Fax: (650) 328-2827</td>
<td>Email: <a href="mailto:nplei27@aol.com">nplei27@aol.com</a></td>
<td></td>
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<tr>
<td>Fax:</td>
<td>E-mail: <a href="mailto:jtaramasso@aol.com">jtaramasso@aol.com</a></td>
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<tr>
<td><strong>Harry Brown-Hiegel</strong></td>
<td>1-23-04</td>
<td>1-22-06</td>
<td><strong>Pompea Smith</strong></td>
<td>1-23-04</td>
<td>1-22-06</td>
</tr>
<tr>
<td>Business: (323) 735-2586</td>
<td>Fax:</td>
<td>Home: (818) 222-1459</td>
<td>Email: <a href="mailto:pompea@SEE-LA.org">pompea@SEE-LA.org</a></td>
<td></td>
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<tr>
<td>E-mail: <a href="mailto:h.brownhiegel@comcast.net">h.brownhiegel@comcast.net</a> or <a href="mailto:hiegel@westsiderc.org">hiegel@westsiderc.org</a></td>
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<tr>
<td><strong>Greta Dunlap</strong></td>
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<td>1-22-06</td>
<td><strong>Jane Allen</strong></td>
<td>1-23-04</td>
<td>1-22-06</td>
</tr>
<tr>
<td>Beverly Hills CFM</td>
<td>455 North Rexford Drive, Room 100</td>
<td>Beverly Hills, CA 90210</td>
<td>17400 Victory Blvd.</td>
<td>Van Nuys, CA 91406</td>
<td></td>
</tr>
<tr>
<td>Home: (661) 799-3693</td>
<td>Business: (310) 550-4796</td>
<td>Home: (818) 343-1439</td>
<td>Business: (818) 708-6611</td>
<td></td>
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</tr>
<tr>
<td>FAX: (310) 858-9238</td>
<td>E-mail: <a href="mailto:gdunlap@beverlyhills.org">gdunlap@beverlyhills.org</a></td>
<td>FAX: (818) 708-6620</td>
<td>E-mail: <a href="mailto:jallen@onegeneration.org">jallen@onegeneration.org</a></td>
<td></td>
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</tr>
<tr>
<td>Major CFM Representatives</td>
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<td>Term Expires</td>
<td>Alternate</td>
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<tr>
<td>Howell Tumlin</td>
<td>1-23-05</td>
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<td>Mary Hillebrecht</td>
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<tr>
<td>Southland Farmers’ Market Association</td>
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<td></td>
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</tr>
<tr>
<td>PO Box 858</td>
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<td></td>
<td>Escondido, CA 92030</td>
<td></td>
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<tr>
<td>Topanga, CA 90290</td>
<td></td>
<td></td>
<td>Phone: (760) 741-3763</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home: (310) 455-0824</td>
<td></td>
<td></td>
<td>Cell: (619) 972-1940</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phone: (310) 455-0181</td>
<td></td>
<td></td>
<td>Email: <a href="mailto:mchillebrecht@aol.com">mchillebrecht@aol.com</a></td>
<td></td>
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<tr>
<td>Fax: (310) 481-0171</td>
<td></td>
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</tr>
<tr>
<td>Email: <a href="mailto:howell@sfma.net">howell@sfma.net</a></td>
<td></td>
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<tr>
<td>Mary Lou Weiss</td>
<td>1-23-05</td>
<td>1-22-07</td>
<td>John Silveira</td>
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<tr>
<td>Torrance Certified Farmers’ Market</td>
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<td>Pacific Coast Farmers’ Market Association</td>
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<tr>
<td>3031 Torrance Blvd.</td>
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<td></td>
<td>5056 Commercial Circle, Suite E</td>
<td></td>
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<tr>
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<td></td>
<td></td>
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<td></td>
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<tr>
<td>Home: (310) 379-1488</td>
<td></td>
<td></td>
<td>Home: (925) 577-0413</td>
<td></td>
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<tr>
<td>Work: (310) 781-7520</td>
<td></td>
<td></td>
<td>Business: (925) 825-9090</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fax: (310) 328-1746</td>
<td></td>
<td></td>
<td>Fax: (925) 825-9101</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Email: <a href="mailto:mweiss@torrnet.com">mweiss@torrnet.com</a></td>
<td></td>
<td></td>
<td>Email: <a href="mailto:john@pcfma.com">john@pcfma.com</a></td>
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<tr>
<td>County Agricultural Commissioners</td>
<td>Appointed</td>
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<td>Earl Mc Phail</td>
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<td>Kurt Floren</td>
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<td>Ventura County Agricultural Commissioner</td>
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<tr>
<td>PO Box 889</td>
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<td></td>
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</tr>
<tr>
<td>Santa Paula, CA 93061</td>
<td></td>
<td></td>
<td>12300 Lower Azusa Road</td>
<td></td>
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</tr>
<tr>
<td>Home: (805) 525-3009</td>
<td></td>
<td></td>
<td>Arcadia, CA 91006</td>
<td></td>
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</tr>
<tr>
<td>Business: (805) 933-8415</td>
<td></td>
<td></td>
<td>Home: (818) 568-6644</td>
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</tr>
<tr>
<td>Fax: (805) 525-8922</td>
<td></td>
<td></td>
<td>Work: (626) 575-5451</td>
<td></td>
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<tr>
<td>Email: <a href="mailto:earl.mcphail@ventura.org">earl.mcphail@ventura.org</a></td>
<td></td>
<td></td>
<td>Fax: (626) 350-3243</td>
<td></td>
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<tr>
<td>Scott Hudson</td>
<td>1-23-05</td>
<td>1-22-07</td>
<td>Rick Landon</td>
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<td>San Joaquin Agricultural Commissioner</td>
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<tr>
<td>Stockton, CA 95201-1809</td>
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<td>70 Cottonwood Street</td>
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<tr>
<td>Home: (209) 333-2593</td>
<td></td>
<td></td>
<td>Woodland, CA 95695</td>
<td></td>
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<tr>
<td>Work: (209) 468-3300</td>
<td></td>
<td></td>
<td>Phone: (530) 666-8154</td>
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<tr>
<td>Fax: (209) 468-3330</td>
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<td>Fax: (530) 662-6094</td>
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<tr>
<td>Email: <a href="mailto:shudson@sjgov.org">shudson@sjgov.org</a></td>
<td></td>
<td></td>
<td>E-mail: <a href="mailto:rick.landon@yolocounty.org">rick.landon@yolocounty.org</a></td>
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<tr>
<td>Public Member</td>
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<td><strong>Karol Jo Kappel</strong></td>
<td>1-23-05</td>
<td>1-22-07</td>
<td><strong>Amelia Saltsman</strong></td>
<td>1-23-05</td>
<td>1-22-07</td>
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<tr>
<td>205 Reed</td>
<td></td>
<td></td>
<td>5 Latimer Road</td>
<td></td>
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<td>Mill Valley, CA 94941</td>
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<td>Santa Monica, CA 90402</td>
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<tr>
<td>Phone: (415) 381-0292</td>
<td></td>
<td></td>
<td>Home: (310) 459-9581</td>
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<tr>
<td>Cell: (415) 515-5531</td>
<td></td>
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<td>Business: (310) 459-9495</td>
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<tr>
<td>Fax: (415) 388-3311</td>
<td></td>
<td></td>
<td>Fax: (310) 459-9722</td>
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<tr>
<td>E-mail: <a href="mailto:karoljo@comcast.net">karoljo@comcast.net</a></td>
<td></td>
<td></td>
<td>Email: <a href="mailto:amelia@ameliasaltsman.com">amelia@ameliasaltsman.com</a></td>
<td></td>
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</tr>
</tbody>
</table>
Market Sponsor | Market Certificate Number (if applicable)
---|---
Market Name | Market Contact Person
P.O. Box/Street Address | City, State, and Zip Code
Market Days of Operation | Market Hours of Operation
Area Code and Telephone Number | Area Code and Fax Number | E-mail Address (if available)

☐ Check this box if any of the above information is incorrect (please make the appropriate changes)

**REPORTING QUARTER (Please check one of the following boxes):**

<table>
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<tr>
<th>Quarters</th>
<th>Operational</th>
<th>Nonoperational</th>
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<tr>
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<tr>
<td>THIRD</td>
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</tr>
<tr>
<td>FOURTH</td>
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To calculate the market fee due, use the following formula:

(See reverse for more detailed instructions)

Total number of certified producer certificates and other agricultural procedures. \( \square \) x $0.60 = $\square \) Quarterly Market Fee

| Quarterly Market Fee | $ | |
| Penalty | $ | |
| Total Amount Due | $ | |

PAYABLE TO CASHIER - CDFA
Direct Marketing Program

I hereby certify that to the best of my knowledge and belief, this report is true and complete. I understand that records from which this report was compiled are subject to audit by the Department of Food and Agriculture per Sections 42808(a)(3) of the California Food and Agricultural Code.

PRINT NAME OF PERSON COMPLETING REPORT | SIGNATURE | DATE
---|---|---

Instructions Included
INSTRUCTION SHEET
CERTIFIED FARMERS' MARKET REMITTANCE FORM
Form 51-064

MARKET SPONSOR/GOVERNING BODY RESPONSIBILITY
Sponsor/Governing Body must complete the form and return with payment, providing all necessary information accurately. Failure to complete the form and return with payment may result in penalties and the denial of the market certificate renewal.

NOTE: Check the box if any of the information in the top portion of the form is incorrect and make the appropriate changes.

A. REPORTING QUARTER: Check the box to indicate the market was operational or non-operational during the appropriate reporting quarter. If the market was non-operational during the reporting quarter, skip to the bottom portion of the form and print the name of the person completing the report with their signature and the date.

If Non-Operational return the form to: Department of Food and Agriculture
Certified Farmers' Market Program
1220 N Street
Sacramento, CA 95814

B. TOTAL NUMBER OF CERTIFIED PRODUCERS AND OTHER AGRICULTURAL PRODUCERS: Enter the total number of certified producers represented by each certified producer's certificate and other agricultural producers participating in the market on each market day for the entire reporting quarter. Multiply this total amount by the market assessment fee ($0.60). Write in the amount of the quarterly market fee.

C. PENALTY: Any market that does not pay the fee within 30 days of the date on which the fee is due shall pay one and one half (1 1/2) per cent per month compounded at the end of each subsequent month on the unpaid balance(Quarterly Market Fee). When the submitted payment is postmarked prior to the delinquent date, no penalty is due. However, if the submitted payment is postmarked on or after the delinquent date, the penalty shall be applied until the payment has been received. Write in the amount of the penalty and interest owed. If none, enter 0.

D. TOTAL AMOUNT DUE: Enter the sum of all amounts including penalties, if applicable. This is the amount to send to the Cashier - CDFA, Direct Marketing Program. The sixty cent ($0.60) fee pays for general program operations ($0.50) and administrative/legal costs for informal hearings and advisory opinions ($0.10).

E. PERSON COMPLETING REPORT: To certify that the report is true and complete, print the name of the person completing report with their signature and date. Return form with payment.

F. PAYMENT: Make check payable to CASHIER - CDFA Direct Marketing Program
To ensure proper credit to the program, please include 40.11.04 on your check.

G. Mailing Address: Remitting quarterly market fee:
Cashier -CDFA
Direct Marketing Program 40.11.04
P.O. Box 942872
Sacramento, CA 94271-2872

General Information: Janice L. Price - Supervisor (916) 445-2180
CDFA - Direct Marketing Program
1220 N Street
Sacramento, CA 95814
DEPARTMENT OF FOOD AND AGRICULTURE  
FRUIT, VEGETABLE, AND EGG QUALITY CONTROL  

APPLICATION/CERTIFICATE FOR CERTIFIED FARMERS’ MARKET  
51-047 (Rev. 5/01)  

APPLICANT IS (CHECK ONE)  
☐ Certified Producer(s)  ☐ Local Government Agency  ☐ Nonprofit Organization  

<table>
<thead>
<tr>
<th>NAME OF APPLICANT</th>
<th>BUSINESS PHONE (   )</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAILING ADDRESS</td>
<td>RESIDENCE PHONE (   )</td>
</tr>
<tr>
<td>CITY</td>
<td>FAX NUMBER (   )</td>
</tr>
<tr>
<td>ZIP</td>
<td>OTHER NUMBER (   )</td>
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<tr>
<td>RESIDENCE</td>
<td>E-MAIL ADDRESS</td>
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<tr>
<td>CITY</td>
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<table>
<thead>
<tr>
<th>MARKET NAME **</th>
<th>BUSINESS PHONE (   )</th>
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<tr>
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<td>CITY</td>
<td>FAX NUMBER (   )</td>
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<tr>
<td>ZIP</td>
<td>MARKET MANAGER NAME</td>
</tr>
<tr>
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MAGET LOCATION (Include City and Cross Streets)  

<table>
<thead>
<tr>
<th>CITY</th>
<th>ZIP</th>
<th>COUNTY</th>
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PLANNED SCHEDULE OF OPERATION  

<table>
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<tr>
<th>MONTHS TO</th>
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<tbody>
<tr>
<td>HOURS TO</td>
<td>EST. # OF PRODUCER STALLS PER QUARTER</td>
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As the applicant, I hereby certify that the information provided on this application is true and that the Certified Farmers’ Market will be operated in compliance with the Direct Marketing regulations as provided in Title 3, Chapter 3, Group 4, Article 6.5 of the California Code of Regulations.

PRINTED NAME ___________________________  
SIGNATURE ______________________  
DATE ______________________

FOR OFFICIAL USE ONLY  

☐ Approved  ☐ Disapproved  
Issue Date __________  Exp. Date __________

Certificate Number __________

Approving Officer’s Signature ______________________  
Title ______________________  
Date ______________________

If not approved, state reasons:

__________________________

__________________________

__________________________

* Letter of exemption issued by Franchise Tax Board, or Articles of Incorporation certified by the Secretary of State, or certified producer association constitution and by laws must accompany application.

** Map of Certified Farmers’ Market location must accompany application. Show market perimeters with nearest cross streets.
CERTIFIED PRODUCER'S CERTIFICATE

ISSUING COUNTY: ____________________________

CERTIFIED PRODUCER

NAME: ____________________________

DBA: ____________________________

ADDRESS: ____________________________

CITY AND ZIP: ____________________________

PHONE: (RES.) ____________________________

PHONE: (BUS.) ____________________________

FOR OFFICIAL USE ONLY

CERTIFICATE NUMBER: ____________________________

COUNTY FEE: ____________________________

ISSUING DATE: ____________________________

EXPIRATION DATE: ____________________________

AMENDED DATE: ____________________________

COPIES ISSUED: ____________________________

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

<table>
<thead>
<tr>
<th>PRODUCTION SITE(S)</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
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<tr>
<td>2.</td>
</tr>
<tr>
<td>3.</td>
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<td>5.</td>
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STORAGE LOCATION (A)  MONTHS IN STORAGE  STORAGE LOCATION (B)  MONTHS IN STORAGE

<table>
<thead>
<tr>
<th>SITE #</th>
<th>COMMODITY</th>
<th>VARIETY/TYPE</th>
<th>AMOUNT/UNIT GROWN</th>
<th>HARVEST SEASON</th>
<th>EST. PRODUCTION (LBS., CTN.)</th>
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</table>

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

Names of the Producer(s) that the Certificate Holder May Sell For: Certificate Number  Date Declared  Name(s) of the Producer(s) Authorized to SELL the Certificate Holder's Product: Certificate Number  Date Declared

I have reviewed this certificate and certify that the information provided is true and correct. I further certify that persons representing me are family members, or employees as defined by the regulations cited herein, or a certified producer I have authorized to sell on my behalf. I understand that violations of these regulations may subject me to criminal and/or civil penalties, including fines up to $1,000.00 per violation, and/or suspension or revocation of this Certificate and/or my privilege to participate in certified farmers' markets. This certificate is valid when issued by the issuing county.

Certified Producer's Signature

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

ORIGINAL TO COUNTY

Page 1 of _____  YELLOW TO STATE
§ 1390.10. Permittee Operation Pending Disposition of Application.

This article does not allow a permittee or applicant to operate pending the disposition of his application or petition.


Historical
1. Editorial correction adding NOTE filed 8–23–83 (Register 83, No. 35).

§ 1390.11. Permit Suspended or Revoked.

This article does not prevent the commissioner from suspending or revoking a permit forthwith, and without notice or hearing. Such peremptory action shall, however, be supported by previous investigation, the results of which reasonably indicate to the commissioner that to allow an existing permit to remain in use pending a hearing would encourage, allow, or permit additional or other violations of any provision of this group.


Historical
1. Editorial correction adding NOTE filed 8–23–83 (Register 83, No. 35).

§ 1390.12. Permit Inspection.

A permit shall be submitted for inspection upon demand of any enforcing officer.


Historical
1. Editorial correction adding NOTE filed 8–23–83 (Register 83, No. 35).

§ 1390.13. Permit Records.

Every person who sells, delivers, or receives any fruits, nuts, or vegetables which do not conform to the standards prescribed by this group shall keep an accurate record of all such transactions in such form as the commissioner shall require. All such records shall be kept for at least one year and shall be delivered to the commissioner for inspection on demand at any time within that period.


Historical
1. Amendment filed 8–23–83; effective thirtieth day thereafter (Register 83, No. 25).


Any person, under a permit issued pursuant to Section 1390.15, may transport out of state any commodity that falls to comply with the quality, packing, container, or marking requirements of this group, except as provided in Sections 1420, 1434, 1434.2, 1436, 1438.33, and 1466.1. Such commodity shall be used for commercial processing, preserving, or manufacturing on the purchaser’s premises. The requirements are:

(a) The permit shall be issued for and accompany each load or lot which is transported; and

(b) The commodity shall be loose in containers holding 200 pounds or more in bulk.


§ 1390.15. Out-of-State Permit Requirements.

Except as otherwise provided in Section 1390.17, a permit may be issued by the enforcing officer if there is satisfactory verification by a like official in the state of destination that the produce is to be transported to a purchaser for commercial processing, preserving, or manufacturing on the premises of the purchaser.


Historical
1. New section filed 8–23–83; effective thirtieth day thereafter (Register 83, No. 35).

§ 1390.16. Proof of Compliance.

The permittee shall, upon request of the enforcing officer, furnish such affidavits, receipts, and other evidence as is necessary to prove that the commodities have been disposed of in accordance with the terms of the permit issued pursuant to Section 1390.15.


Historical
1. New section filed 8–23–83; effective thirtieth day thereafter (Register 83, No. 35).

§ 1390.17. Permit Not Authorized.

No permit issued pursuant to Section 1390.15 shall authorize any person to sell, buy, receive, transport, deliver, or cause to be transported fruits, nuts, or vegetables which are in conflict with orders or regulations which are issued by the director pursuant to the California Marketing Act of 1937, Chapter 1 (commencing with Section 58601), Part 2, Division 21 of the Food and Agricultural Code, or a marketing program issued pursuant to the Agricultural Producers Marketing Law, Chapter 2 (commencing with Section 59501), Part 2, Division 21 of the Food and Agricultural Code.


Historical
1. New section filed 8–23–83; effective thirtieth day thereafter (Register 83, No. 35).

Article 6.5. Direct Marketing

§ 1392. Intent.

The intent of this article is to facilitate the sale of agricultural products from producers and certified producers within the state directly to consumers while maintaining sufficient regulatory control to ensure that the agricultural products are of acceptable quality and that the selling activities are conducted honestly and fairly.


Historical
1. New article 6.5 (sections 1392–1392.21) filed 3–31–77; effective thirtieth day thereafter (Register 77, No. 14).
2. Amendment filed 3–30–79; effective thirtieth day thereafter (Register 79, No. 13).
3. Amendment of section filed 7–26–91; operative 7–26–91 pursuant to Government Code section 11345.2(d) (Register 91, No. 47).

§ 1392.1. Direct Marketing Authorized.

(a) Notwithstanding other provisions of this Group, this article authorizes producers or certified producers of certified or noncertifiable agricultural products to sell their products, as defined in this article, directly to consumers, subject to the provisions of this article.

(b) A certified producer may sell agricultural products, which he/she has produced, at a certified farmers’ market.

(c) A producer may only sell noncertifiable agricultural products which he/she has produced, at a certified farmers’ market, or agricultural products which he/she has produced, at or near the point of production.
(d) Fresh fruits, nuts, and vegetables may be sold directly to consumers exempt from size, standard pack, container, and labeling requirements only by:

(1) The certified producer of the agricultural products at a stand at a certified farmers' market; or

(2) The producer of the agricultural products at a retail stand located at or near the point of production.

(e) All fresh fruits, nuts, and vegetables sold pursuant to this article shall comply with the regulations of the California Code of Regulations, title 3, subchapter 4, beginning with section 1359, governing maturity and quality.

(f) Excluding fresh fruits, nuts, and vegetables, agricultural products, as defined in this article, which are sold or offered for sale at a certified farmers' market or at or near the point of production, must comply with all applicable laws and regulations pertaining to quality and labeling.

(g) This article does not supersede the provisions of federal marketing orders, state marketing orders, state laws and regulations enforced by any state agency, or any other local health and safety laws, regulations, or ordinances.

NOTE: Authority cited: Sections 407, 42681, 42682, 42684, 47000, 47001 and 47003; Food and Agricultural Code. Reference: Sections 42941, 47002 and 47003; Food and Agricultural Code.

1. Amendment and numbering of undesignated introductory paragraph as subsection (a), repealer of remaining paragraphs with new subsections (b)-(e) and NOTE: filed 2-4-2002 as an emergency; operative 2-4-2002 (Register 2002, No. 6). A Certificate of Compliance must be transmitted to OAL by 6-6-2002 or emergency language will be repealed by operation of law on the following day.

2. Amendment of subsection (d) and NOTE: filed 7-3-2002 as an emergency; operative 7-3-2002 (Register 2002, No. 27). A Certificate of Compliance must be transmitted to OAL by 10-31-2002 or emergency language will be repealed by operation of law on the following day.


§ 1392.2. Definitions.

Unless the context otherwise requires, the following definitions govern the construction of the language in this article.

(a) Certified Farmers' Market. A location approved by the county agricultural commissioner of that county where agricultural products are sold by producers or certified producers directly to consumers. A certified farmers' market may be operated by one or more certified producers, by a nonprofit organization, or by a local government agency.

(b) Certified Farmers' Market Certificate. A certificate issued by the county agricultural commissioner authorizing the location where agricultural products are sold by the producers directly to consumers. The certificate is valid only when bearing the original signatures of the county agricultural commissioner and the authorized representative of the certified farmers' market.

(c) Land Which the Producer or Certified Producer Controls. Land that the producer or certified producer farms and owns, rents, leases, or shares-crops.

(d) Producer. A person or separate entity that produces agricultural products by practice of the agricultural arts upon land which the person or separate entity controls. Producer may be, for the purposes of this article, a person, partnership, corporation or any other entity.

(e) Certified Producer. A producer authorized by the county agricultural commissioner to sell certified agricultural products, produced by practice of the agricultural arts upon land which the certified producer controls, directly to consumers at a certified farmers' market.

(f) Certified Producer's Certificate. A certificate issued by the county agricultural commissioner in the county of production authorizing the transportation and sale of certified agricultural products pursuant to this article.

(g) Consumer. A person who purchases and receives agricultural products at or near the point of production or at a certified farmers' market. It excludes a person who purchases fresh fruits, nuts, and vegetables for commercial resale unless such products comply with all applicable size, standard pack, containers, and labeling requirements.

(h) Direct Marketing. The sale:

(1) At a certified farmers' market of agricultural products by a certified producer to a consumer; or

(2) At a certified farmers' market of noncertifiable agricultural products by a producer to a consumer; or

(3) At or near the point of production of agricultural products by a producer to a consumer.

(i) Immediate Family. Parents, children, grandparents, or grandchildren of the certified producer or a family member regularly residing in the certified producer's household.

(j) Employee. Any person employed by a certified producer at a regular salary or wage, on either a full or part time basis. It does not include any person who is reselling or whose compensation is primarily based on a commission of sales.

Notwithstanding the above, an employee of an agricultural cooperative organized under the laws of California may sell the agricultural products of one of its members in accordance with the provisions of this article.

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

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

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

(n) Nonprofit Organization. An organization which qualifies for nonprofit status for California income tax purposes.

(o) Market Manager. A person or persons empowered to implement the rules, regulations, policies, and directives of the governing body of a certified farmers' market.

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

(q) Notice and Hearing Process. A process initiated at the discretion of a county agricultural commissioner after alleged violation(s) of the provisions of this article has occurred.

(r) Agricultural Production and Practice of the Agricultural Arts. To be involved in and make decisions regarding all phases of producing an agricultural product, which includes, but is not limited to, planting, growing, fertilizing, irrigating, cultivating, pest control, and harvesting.

(s) Partnership. A partnership is a separate entity distinct from its individual members. As a separate entity, a partnership must obtain a certified producer's certificate to market, directly to consumers, its agricultural products, which shall be produced by practice of the agricultural arts upon land that the partnership, as a separate entity, exclusively controls.

NOTE: Authority cited: Sections 407, 42682, 47000, 47001, 47002, 47003 and 47004; Food and Agricultural Code. Reference: Sections 42391, 47000, 47001 and 47003; Food and Agricultural Code.

HISTORY

Amendment of subsection (a) filed 3-30-79; effective thirteenth day thereafter (Register 79, No. 13).

Amendment of undersigned paragraph and subsection (a), amendment and renumbering of subsections (b), (c), (d) to (o) (Register 79, No. 13).
3. New subsection (a) and amendment of NRS; filed 12–9–99; operative 1–8–2000 (Register 99, No. 50).

4. Amendment of subsections (d) and (f), new subsection (e) and amendment of NRS; filed 2–1–2002 as an emergency; operative 2–4–2002 (Register 2002, No. 6). A Certificate of Compliance must be transmitted to OAL by 6–4–2002 or emergency language will be repealed by operation of law on the following day.

5. Amendment of subsections (d) and (f), new subsection (e) and amendment of NRS; filed 3–3–2002 as an emergency; operative 7–2–2002 (Register 2002, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–31–2002 or emergency language will be repealed by operation of law on the following day.


§ 1392.3. Where Direct Marketing Permitted.

HISTORY

§ 1392.4. Conditions of Direct Marketing.

(a) Except as provided in subsection (f) below, producers or certified producers may sell or offer to sell only agricultural products which they have produced to consumers at a certified farmers’ market. The certified producer’s immediate family or employee(s) may also act for and sell the certified producer’s agricultural products. No certifiable agricultural products may be sold at a certified farmers’ market unless such products are listed on the certified producer’s certificate.

(b) All agricultural products, when sold or offered for sale at a certified farmers’ market or at or near the point of production, shall comply with all applicable requirements of Article 1 (beginning with Section 115700), 2, 3, 4, 5, 6, 7, 11, 13, and 15 of Chapter 4 (California Uniform Retail Food Facilities Law), Division 104, Part 7, of the California Health and Safety Code, and Chapters 1 (beginning with Section 109875), 2, 4, 5, and 8 (California Sherman Food, Drug, and Cosmetic Law), and Division 104, Part 5, of the California Health and Safety Code.

(c) Only agricultural products may be sold or offered for sale at a certified farmers’ market. The sale of nonagricultural products shall not be permitted in the area designated as a certified farmers’ market.

(d) The certified producer’s embossed photocopy certificate shall accompany the certified agricultural products during transportation and shall be conspicuously posted at the point of sale.

(e) When any agricultural products are sold by weight, the type of scale used shall be approved by the Department of Food and Agriculture, and shall be tested and sealed for use by the county sealer-director of weights and measures.

(f) A certified farmers’ market may allow, or prohibit, a certified producer or his/her immediate family member or employee to sell at that market certified agricultural products on behalf of a maximum of two other certified producers including, but not limited to, separate entities, such as partnerships, in which the certified producer has an interest as an individual member. If such a practice is allowed, the following provisions shall be met by the certified producer and shall be specified in the certified farmers’ market’s rules and regulations:

- A certified producer shall not represent, nor be represented by more than two other certified producers in a 12-month period.
- Each certified producer’s certified agricultural products to be sold or offered for sale shall be separately identified and identifiable by each certified producer’s valid certificate at the point of sale.
- The name of the certified producer for whom another certified producer is selling shall appear on the certificate of the certified producer so conducting sales at a certified farmers’ market.
- The name of the certified producer who is selling the products of another certified producer shall appear on the certificate of the person or entity for whom the certified producer is selling.
- The certified producer selling for another certified producer shall be selling or offering for sale, at the same certified farmers’ market on the same day, certified agricultural products which the certified producer producing the sale has produced and which are in greater volume than a volume offered for sale for the other certified producer. For purposes of this section, the volume shall be measured by the weight or dollar value of the products at the time and point of sale. This volume requirement shall apply only at the beginning of each day of sale.
- The producer applying for certification shall obtain and submit to the agricultural commissioner, prior to certification, written authority from said other certified producers to sell on their behalf.
- Commission sales and buying and selling between certified producers is prohibited. Any payment made for the service of one certified producer selling for another certified producer shall not be related to the volume or value of the products sold.
- The operator of a certified farmers’ market may prohibit or otherwise establish rules regarding sales permitted under this section that are more restrictive, provided that such prohibition or restriction is contained in the market’s written rules and regulations.
- A certified producer who sells certified agricultural products on behalf of another certified producer or whose products are sold by another certified producer at a certified farmers’ market shall keep for a period of not less than three years, the following records relating to such products:
- The date and time of transfer to seller and accurate amount of products, by weight, dry measure, or count, transferred. Each separate product and amount shall be recorded according to variety.
- The date and time of sale and accurate amount of products, by weight, dry measure, or count, sold. Each separate product and amount shall be recorded according to variety.
- Names of both certified producers involved.
- A certified producer subject to this subdivision shall produce, for inspection, records required by this section upon demand of a representative of the department or county agricultural commissioner.
- The provisions of this section, and any amendments thereof, shall apply to all new certified producer’s certificates, including renewals, upon filing with the Secretary of State, unless another effective date has been designated by the Office of Administrative Law. Certified producer’s certificates already issued shall conform to the requirements of this section, and any amendments, within twelve (12) months of the certificate issue date.


HISTORY
1. Amendment of subsection (a) filed 3–30–79; effective thirtieth day thereafter (Register 79, No. 13).
2. Amendment of subsection (a) filed 4–4–79; effective thirtieth day thereafter (Register 79, No. 13).
3. Amendment of subsection (a) filed 2–3–82; effective thirtieth day thereafter (Register 82, No. 6).
4. Amendment of subsection (a), amendment and numbering of subsections (b) to (e), (g) to (i), with new subsections (b), (c), (d) and (g) filed 7–26–91; operative 7–26–91 pursuant to Government Code section 11346.2(d) (Register 91, No. 47).
5. Amendment of subsections (g)–(j) and amendment of NRS; filed 1–30–97; operative 3–1–97 (Register 97, No. 3).
6. Amendment of subsections (a) and (g), new subsections (g)(1), (g)(3) and (g)(4), subsection renumbering, amendment of subsections (g)(7)–(10) and amendment of NRS; filed 12–9–99; operative 1–8–2000 (Register 99, No. 50).
7. Amendment of section and NRS filed 5–4–2001 as an emergency; operative 5–4–2001 (Register 2001, No. 18). A Certificate of Compliance must be transmitted to OAL by 5–4–2001 or emergency language will be repealed by operation of law on the following day.
10. Amendment of subsections (d) and (j)(3)–(5), new subsection (g) and amendment of NRS; filed 2–4–2002 as an emergency; operative 2–4–2002 (Register 2002, No. 6). A Certificate of Compliance must be transmitted to OAL by 2–4–2002 or emergency language will be repealed by operation of law on the following day.
11. Amendment of subsections (d) and (j)(3)–(5), new subsection (g) and amendment of NRS; filed 7–3–2002 as an emergency; operative 7–3–2002 (Register 2002, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–31–2002 or emergency language will be repealed by operation of law on the following day.
§ 1392.5. Producer Certification Procedures.

(a) A producer may become certified by applying to the agricultural commissioner of the county where the producer’s farm is located. A producer who farms in more than one county must be certified in each county where he/she produces certifiable agricultural products for sale at a certified farmers’ market.

(b) The certificate and application shall be on a form authorized by the director and include an agreement signed by the applicant that the applicant will comply with the terms of this article.

(c) Any producer shall provide, upon request by an enforcing officer or market manager, certificates, documentation, information, or any other identification that may be reasonably required to show that the conditions of this article are being met.

(d) The county agricultural commissioner shall issue only one original certificate, which bears the signatures of the agricultural commissioner and the certified producer, and the name of each destination county where the certified producer will be selling. The original certificate shall be maintained in the issuing county agricultural commissioner’s office.

(e) The county agricultural commissioner shall issue an embossed photocopy of the original certificate to the certified producer, which will serve as the valid certified producer’s certificate. Certified producers who intend to sell at more than one certified farmers’ market must obtain the necessary number of embossed photocopies of the original certificate to comply with the provisions of this article.

(f) The issuing county agricultural commissioner shall send a photocopy of the original certificate to each destination county listed on the certified producer’s certificate.


HISTORY
1. Amendment of heading, amendment and numbering of first three undesignated paragraphs as subsections (a)–(e), with repeal of remaining undesignated paragraphs, and new subsections (d)–(g) and NOTE filed 7–26–91; operative 7–26–91 pursuant to Government Code section 11346.2(d) (Register 91, No. 47).

§ 1392.6. Certification Requirements of a Certified Farmers’ Market.

(a) A county agricultural commissioner may issue a certified farmers’ market certificate, which specifies a location where agricultural products may be sold or offered for sale. The certificate shall indicate that the marketplace is a certified farmers’ market.

(b) Application shall be made by the proposed operator(s) of a certified farmers’ market and shall include a signed agreement by the operator(s) to comply with the terms of this article. The application and certificate shall be on a form authorized by the director.

(c) The county agricultural commissioner shall not issue a certificate for a certified farmers’ market when notified that a permit for the operation of such market has been denied by an agency of local government.

(d) The governing body of a certified farmers’ market operation for or by more than one certified producer shall promulgate a set of market rules and regulations which specify procedural criteria pertaining to:

1. Admission of any producer to the market(s).
2. Admission of any agricultural products to the market(s).
3. Removal of any producer from the market(s).
4. Allowance of a certified producer selling on behalf of another certified producer as provided in Section 1392.4.

(e) The governing body of a certified farmers’ market has authority to establish specific rules and regulations for any market(s) under its control which regulate the:

1. Type and number of producers and certified producers admitted.
2. Type and number of certified and noncertifiable products admitted.

3. Methods of selling certified and noncertifiable agricultural products.

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

5. A current copy of the certified farmers’ market’s rules and regulations shall be sent to the Department of Food and Agriculture, Fruit and Vegetable Quality Control—Standardization, and to the agricultural commissioner of the county in which the certified farmers’ market is located.


HISTORY
1. Amendment of heading, repeal of undesignated 1st, 3rd and 4th paragraphs, amendment and numbering of undesignated second paragraph as subsections (b) and (c), and new subsections (a), (d)–(g) and NOTE filed 7–26–91; operative 7–26–91 pursuant to Government Code section 11346.2(d) (Register 91, No. 47).
2. New subsection (d)(4) and amendment of NOTE filed 1–30–97; operative 3–1–97 (Register 97, No. 5).

§ 1392.7. Certificates Issued.

(a) A county agricultural commissioner shall issue a certified producer’s certificate upon application and determination that the applicant meets the requirements of a certified producer. When issuing the certified producer’s certificate, the county agricultural commissioner should:

1. Consider seasonal production and varieties of the products when listing the products.

2. Insofar as practicable, include an on-site inspection of the land controlled by the producer.

(b) A county agricultural commissioner shall issue a certified farmers’ market certificate upon review of application and determination that the applicant meets the requirements to operate a certified farmers’ market.

(c) A certified producer’s certificate shall be valid for not more than 12 months from the date of issue.

(d) A certified farmers’ market certificate shall be valid for 12 months from the date of issue.


HISTORY
1. Amendment of subsection (a), amendment and renumbering of subsection (b) to (c), and new subsections (b) and (d), and NOTE filed 7–26–91; operative 7–26–91 pursuant to Government Code section 11346.2(d) (Register 91, No. 47).

§ 1392.8. Fees.

The county agricultural commissioner may charge a fee for issuing, modifying, verifying, or renewing any certificate, including embossed photocopies, as set by the board of supervisors of that county.


HISTORY
1. Amendment of heading and section with new NOTE filed 7–26–91; operative 7–26–91 pursuant to Government Code section 11346.2(d) (Register 91, No. 47).

§ 1392.8.1. Certified Farmers’ Market Fees.

(a) Every operator of every certified farmers’ market shall remit to the Department of Food and Agriculture sixty cents ($0.60) for each certified producer represented by each certified producer’s certificate and other agricultural producers participating in the market(s) on each market day for the entire quarter. The fee shall be submitted within 30 days after the end of each quarter with a form containing the following information:

1. Name of market sponsor
2. Market certificate number
3. Name and address of the market
4. Name of market contact person
§ 1392.10 Penalties.

(a) Any county agricultural commissioner may, at any time, initiate a notice and hearing process to determine whether a violation of these provisions has occurred. The hearing process may review the actions of:

(1) The certificate holder;

(2) A family member, employee, or another certified producer acting on behalf of the certificate holder; or

(3) Any other person whose actions may have resulted in the violation.

(b) The notice of hearing shall be on a form approved by the director and contain:

(1) Specific provisions violated; and

(2) A warning to cease such violations; and

(3) A hearing date to determine if the certificate(s) involved in the violations or participation privileges should be revoked.

(c) The county agricultural commissioner, upon determination that a violation has been made in accordance with (a), above, may:

(1) Suspend and/or refuse, for a period of up to 18 months, to issue a certificate to the violator; and/or

(2) Suspend, for a period of up to 18 months, the privilege of participation, under the provisions of this article, of any person whose action resulted in the violation.


HISTORY

1. Repealer with new subsections (a)-(c) and NOTE filed 7-26-91; operative 7-26-91 pursuant to Government Code section 11346.2(d) (Register 91, No. 47).

§ 1392.11 Appeals.

Any person may appeal to the director for a hearing if aggrieved by any one of the following actions or decisions:

(a) Denial of any certificate.

(b) Suspension of any certificate.

(c) Suspension of participation privileges.

(d) Adoption of more stringent rules or regulations pertaining to the operation of certified farmers' markets.

In all cases, the appeal must be submitted to the director in writing within 30 days of the date the action or decision was made. The director’s proceeding shall, insofar as practicable, comply with the provisions of the Administrative Procedure Act (Government Code, Section 11500, et seq.), except that a department hearing officer may be used.


HISTORY

1. Repealer with new redesignated introductory paragraph, subsections (a)-(d), and redesignated final paragraph and NOTE filed 7-26-91; operative 7-26-91 pursuant to Government Code section 11346.2(d) (Register 91, No. 47).

§ 1392.12 Emergency Declaration.

(a) The director may, on an as-needed basis, waive or modify specific restrictions within this Article on the direct marketing of agricultural products, including, but not limited to, restrictions or limitations on production acreage and commodities, as well as certification requirements, if a declared plant, pest or animal quarantine, or a declared state of emergency, as defined by Government Code Section 8558, interferes with the normal operative effect of the rules.

(b) Any waivers or modifications shall be consistent with any quarantine, and the response to any declared state of emergency as defined by Government Code Section 8558.

(c) Prior to the utilization of any waivers or modifications, certified producers and certified farmers' markets shall enter into compliance agreements with California Department of Agriculture through the county agricultural commissioner in the county in which their certificates have been issued.


HISTORY

1. New section filed 12-24-2002 as an emergency; operative 12-24-2002 (Register 2002, No. 52). A Certificate of Compliance must be transmitted to OAL by 4-23-2003 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 12-24-2002 order, including amendment of subsections (a) and (b), transmitted to OAL 4-15-2003 and filed 5-28-2003 (Register 2003, No. 22).

Article 7. Apples

§ 1400. Apples, Standards.


HISTORY

1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).

2. Amendment filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

3. Editorial correction (Register 81, No. 34).

4. Repealer filed 2-22-85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.1 Apples, Exceptions for By-Product Use.


HISTORY

1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).

2. Amendment filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

3. Repealer filed 2-22-85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.2 Apples, Permit By-Product Use.


HISTORY

1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).

2. Amendment filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

3. Editorial correction (Register 81, No. 34).

4. Repealer filed 2-22-85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.3 Apples, Exceptions.

Except for maturity, grade, and labeling requirements, Lady and crab apples are exempt from the requirements of this article.

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(e) Market day(s) and hours of operation.
(f) Telephone number and fax number through which the market representative can be reached during normal work hours.
(g) Quarterly period for which the report is submitted.
(h) Total number of certified producer certificates and other agricultural producers participating on each market day of the entire quarter.
(i) Amount of fees submitted.
(j) Signature of authorized market representative.
(2) Any operator who fails to pay the required fee within thirty (30) days after the end of the quarter in which it is due shall pay a late monthly interest penalty of one and one half (1 1/2) percent monthly amount on the unpaid balance.


HISTORY
1. New section filed 12-30-89 as an emergency; operative 1-1-2000 (Register 99, No. 53). A Certificate of Compliance must be transmitted to OAL by 5-1-2000 or emergency language will be repealed by operation of law on the following day.

§ 1392.9. Direct Marketing, Compliance Requirements for the Operator of a Certified Farmers' Market.

(a) The operator of a certified farmers' market shall ensure that each person participating in the sale of agricultural products in the area designated as a certified farmers' market:
(1) Is a producer, certified producer, or their immediate family member or employee.
(2) Sells only certified and noncertifiable agricultural products.
(3) Has in their possession, in the case of certifiable agricultural products, a valid certificate that is posted at the point of sale.
(4) Has each certifiable agricultural product in their possession listed on the certified producer's certificate.
(5) Who sells noncertifiable agricultural products sells only those products which were produced in accordance with the certified farmers' market's rules and regulations.
(6) Who represents another certified producer under an additional certificate, separates and identifies the items listed on each respective certificate, and that the name of the certified producer they are selling for appears on both of the certificates.
(b) The operator of a certified farmers' market shall obtain from each person participating in the sale of agricultural products in the area designated as a certified farmers' market an itemized list of all products sold at the certified farmers' market each market day.
(1) The product list shall state the name of the certified producer, the identity of each product sold as it appears on the certified producer's certificate, and the quantity of each product sold at the market.
(2) The market operator shall keep the list of products sold for a period of not less than eighteen months.


HISTORY
1. New section filed 12-9-99; operative 1-8-2000 (Register 99, No. 50).
2. Amendment of subsection (a), new subsection (a)(5) and amendment of Note filed 2-4-2002 as an emergency; operative 2-4-2002 (Register 2002, No. 6). A Certificate of Compliance must be transmitted to OAL by 6-4-2002 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsection (a), new subsection (a)(5) and amendment of Note refiled 7-3-2002 as an emergency; operative 7-3-2002 (Register 2002, No. 27). A Certificate of Compliance must be transmitted to OAL by 10-31-2002 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-3-2002 order, including further amendment of subsections (a)(1) and (a)(5), transmitted to OAL 10-25-2002 and filed 12-2-2002 (Register 2002, No. 49).

§ 1392.9.2. Direct Marketing. Requirements for Farm Leases.

(a) Every person or entity who enters into a farm lease with another person(s) or entity and who applies for a certified producer's certificate under such agreement shall provide the issuing agricultural commissioner, at the time of application, with a copy of the current written lease agreement which shall contain the following:
(1) A clear, concise and accurate description of the leased property. The description shall include the present use of the property, the dimensions of the leased property and the location; and
(2) The purchase price (cost) of the lease; and
(3) The date of the agreement and the signatures of all parties involved; and