

Guidelines for Agricultural Products

Ithaca Farmers' Market Agriculture Committee

(Revised 1/09)

The mission of this committee is to maintain standards of agricultural excellence and integrity. These *guidelines* attempt to establish an understanding of what products will be approved as “agricultural” and the steps used to ensure compliance.

General Rules

This guide applies only to agricultural products, and does not include all of the rules and policies for the market. Please refer to the member guide for a complete set of market rules. All agricultural vendors must comply with the general rules as follows.

All items must be grown and processed by the producer/vendor on land within the official 30-mile radius of Ithaca. Farm must be rented or owned by the producer. Exceptions need to be approved by the Agriculture Committee. Only items listed on your application can be sold. Additional items need to be approved by the Agriculture Committee. The market manager must receive, in writing, at least one week before the crop is brought to market, a list of any additional crops a producer is planning to sell if they are significantly different from your usual products.

Approved Agricultural Products

Agricultural products which do not need to be approved are those which are in their natural state. They may be packaged (bagging or cutting) and minimally processed without any additional ingredients (drying, juicing, freezing, or pressing). These products usually require special licenses, permits, or labeling. Please refer to local and state regulations for details.

Approved agricultural products for sale at the market:

- Christmas Trees
- Cider
- Eggs
- Fish
- Flowers and Vines: fresh or dried bunched
- Fruits and Vegetables: fresh, dried, or frozen
- Gourds
- Grains
- Fruit Juice
- Herbs: fresh, dried or frozen
- Honey and other bee products such as beeswax, pollen, propolis, and royal jelly
- Livestock: raised on your farm from weaning or born/hatched on your farm
- Maple Syrup
- Milk and Cream: bottled with the appropriate license
- Meat: cut and packaged from animals raised from weaning, poults, or chicks. Due to USDA regulations meats may be processed beyond the 30-mile radius if necessary.
- Plants from your field or greenhouse Nursery license necessary- contact Dick Watson (607) 564-7090
- Sheepskins and Hides
- Wood: from your own woodlot
- Wool: from your own animals

The Agriculture Committee must approve any item not listed above.

Enhanced agricultural products

Enhanced agricultural products are those which are processed beyond cutting, drying, freezing, pressing, or packaging. These products have added ingredients not produced on your farm and may be cooked, smoked, cultured, canned, bottled or aged. Roughly 50% of the ingredients must be produced on your farm. Under this designation *you* must be the enhancer: the processing must be done by the farmer or employee within the 30-mile radius. Exceptions are granted for processed meats done at a USDA facility. We encourage you to purchase other ingredients from other market vendors or local businesses if possible.

Enhanced agricultural vendors are solely responsible for having their products juried by the Agriculture Committee and obtaining proper permits and licenses. Plan ahead to have enhanced agricultural products juried before they are presented for sale and allow 4-6 weeks for the jurying process. Criteria and applications for enhanced agricultural products are available on the IFM website.

Examples of Enhanced Agricultural Products and what the farmer is expected to provide from their own land whenever possible:

- Baked Goods: must include a large proportion of farm grown ingredients (milk, butter, eggs, fruits, or vegetables)
- Beer: all barley and hops must be farm grown
- Candy: milk in fudge must be farm produced
- Cosmetics: beeswax, milk, fats, herbs, and flowers must be farm grown
- Dairy Products: cheese, butter, kefir, and yogurt-all milk must be farm produced
- Dried Flower Arrangements/Wreaths: all flowers and plant material must be farm grown
- Garlic braids: all garlic and floral decorations must be farm grown
- Herbal teas: all herbs must be farm grown
- Jams/Preserves: all fruits must be farm grown
- Leather Products: all hides and fleeces must be from farm raised animals
- Salad dressing/Herbal vinegars: all herbs, garlic, or flowers must be farm grown
- Salsa: all vegetables and herbs must be farm grown
- Soap: all fats (i.e. lard), herbs, and flowers must be farm grown
- Sauerkraut/Pickles: all cabbage and other vegetables must be farm grown
- Pesto: all herbs, vegetables, and garlic must be farm grown
- Potpourri: all flowers, herbs, and non-spice plant materials (i.e. cones, twigs, and leaves) must be farm grown
- Wine: all grapes and other fruits must be farm grown
- Wood Products: all wood must be farm produced
- Yarn/Knitting: all wool must be farm produced

The classification of a product as enhanced agriculture is left to the discretion of the Agriculture Committee. ***The Agriculture Committee must approve any enhanced agricultural products.*** If a product is submitted to the Agriculture Committee for approval as an enhanced agriculture product and the Agriculture Committee decides that the product is ineligible, the vendor will be given written notification of the reason(s) enhanced agriculture status was denied. All products deemed ineligible for enhanced agriculture status may be resubmitted to the Agriculture Committee, when the vendor feels that appropriate changes have been made. In the event that agreement cannot be reached between a vendor and the Agriculture Committee, the vendor may appeal the decision of the Agriculture Committee to the Board of Directors. In an effort to encourage creativity and teach direct marketing skills, the Agriculture Committee exempts farmer's children (under the age of 18) from the above rules; provided that the product

is in good taste, similar to the vendors other products, made primarily by the child, and constitutes a small (<10%) proportion of the vendors products. These products must be sold under adult supervision at the vendor's stall.

Inspection and Rule Violation Policy

The Ithaca Farmers' Market provides a central place for local producers to sell their products. It is not a place for local producers to sell anyone else's products, which would limit fair competition. The Agriculture Committee has developed the following guidelines (with many thanks to Greenmarket) to ensure that these rules are enforced.

Inspections

The Ithaca Farmers' Market reserves the right to inspect the farm, growing and storage areas of the grower. The inspection will be conducted with 24-hours notice unless otherwise permitted by the grower. The inspection will be made with a farm representative present unless otherwise permitted by the grower. Refusal to permit a farm inspection can result in a suspension from market and/or a termination of membership.

Inspection criteria will be based on the grower's market application. Are they growing the crops listed on their application? Are they growing amounts that correspond to what is sold at market?

These inspections will be used to investigate suspected violations and to assist farmers in their success at market. Having farmers visit farmers will encourage idea exchange and mentoring, particularly for new producers.

Inspection procedure

Each year the Agriculture Committee will appoint a person or team of persons and randomly choose up to four farms to visit during the growing season. In addition to these random selections the Agriculture Committee reserves the right to visit the farm of any new vendor.

The Agriculture Committee reserves the right to inspect the premises of the farms, as well as to have access to expense and sales records and harvest records.

Suspected Violations

Violations are determined when the following occurs:

- Farm inspection shows that crops sold are not being grown, or are not in sufficient quantity compared to what is sold at market.
- Farmer is witnessed purchasing products that later appear at market or it is confirmed that the grower purchased products that later appeared at market.

Market members who suspect that another grower is purchasing products for resale at market can request that the farm be inspected. A written complaint must be submitted to the chair of the Agriculture Committee stating the name of the farm, the product(s) he or she is suspected of buying, and the reason that purchasing is suspected.

The member filing a complaint may be asked to pay a \$25 fee to cover the cost of the investigation, which may include an inspection. If the complaint is found to be justified the \$25 fee will be refunded. The Agriculture Committee reserves the right not to inspect the suspected violator.

The grower will be notified of the complaint, and an inspection, if deemed necessary, will be made within 14 days of receipt of the letter. The member filing the complaint will remain anonymous.

Growers Found in Violation

In the event that a grower is found to be in violation by the inspector(s) or refuses to provide access to their farm and/or records, they will be afforded a hearing before the Agriculture Committee, at which time the grower found in violation can present evidence to support a defense. After the hearing, the Agriculture Committee will recommend disciplinary action to the Board of Directors.

Disciplinary actions include but are not limited to: recommendation to the Board of Directors that vendor's membership be terminated, temporary suspensions from the farmers market, and fines. If the membership is terminated, fines will be taken out of the members returned share value at the discretion of the Board of Directors.

Any grower can make an appeal of the Agriculture Committee's decision to the Ithaca Farmers' Market Board of Directors.

Other Information

Agricultural Standards

Agricultural products should be free of visible defects, disease, or insect problems, and should meet standards for quality, freshness, size, and grade.

Pre-Propagated Plant Materials

Pre-propagated plant materials can be used but must be well rooted. Annuals & perennials must be held at least six weeks before sale. Woody plants such as trees and shrubs must be held for a minimum of four months prior to sale.

Organically Grown

If you are planning to use the word organic to describe your product be aware that starting in 2002 any farmer using the word "organic" will be required to be certified organic. Certain exemptions may apply. Please see the new National Organic Standards and contact the following organizations for more information.

NOFA-NY OCIA

840 Upper Front St 1001 Y Street, Suite B

Binghamton, NY 13905 Lincoln, NE 68508-1172

Price Fixing

As a guide, produce sold at the market should be priced at a reasonable level. Price fixing is not permitted.

Food Donations

Produce vendors are encouraged to donate items left at the end of the market day to needy groups such as Loaves and Fishes Soup Kitchen. These groups pick up donated produce at the end of each market. Please drop it off by 2:30 PM.

1. **Insurance:** consult your insurance company to see that you are properly protected—consider a complete liability policy including personal and product liability.

3. **Products**

A. **Fruits and Vegetables**

Bulk displays of unpackaged fresh fruit and vegetables are not subject to grading, packaging and labeling.

Closed packages of fresh produce including honey, cider, and maple syrup require:

1. name of product (e.g. peppers)
2. name and address of producer
3. declaration of quantity
4. declaration of quality required for the following products when packaged:
 - potatoes: grade
 - apples: variety, grade, NY or “New York” label
 - lettuce: cull lettuce must be identified as such
 - maple syrup: grade
 - grapes: grade marked unclassified
 - onions: grade if advertising price

B. **Dairy Products**

- . All fluid milk products must be packaged in properly labeled, commercial containers at a facility having a permit from the Dept. of Agriculture and Markets, Division of Milk Control.
- . Butter and cheese must be prepackaged and properly labeled. Refrigeration below 40 degrees F is required
- . Frozen desserts (ice cream) must be packaged and in commercial containers and labeled (permit required-Ag & Markets, Milk Control). Refrigeration is required.
- . Serving frozen desserts for immediate consumption is under the jurisdiction of the local Health Department.

Labeling requirements:

- name of product
- list of ingredients
- name and address of manufacturer
- net contents
- nutritional labeling if dietary claims are made

C. **Eggs**

Cartons must be marked with exact grade, size, name of producer, and contents. Individual eggs must be weighed, graded and candled. Bulk displays require size and grade. Eggs must be stored in a cool place out of the sun.

D. **Meat and Poultry**

Meat and Poultry may be sold at the market if frozen (below 32 degrees F), wrapped, USDA approved, and stamped or tagged (*farm-processed poultry under 1,000 per year is exempt under NY Ag. And Markets Article 5A, Section 96-C*). The package must be identified, labeled with weight, and the producers name and address.

E. **Fish**

Fish cleaned and packaged at an approved location may be sold at the market if it is frozen (below 32 degrees F).

F. Processed foods

No unlicensed, home processed canned, low acid or acidified foods such as home canned beans, peas, corn, meat, meat sauces, pickles, etc. may be sold at the market.

*Manufacturers of processed foods are required to hold a Food Establishment license Article 20C.

*Apple cider manufacturers are required to hold a 20C license. Jams, jellies, honey, maple products are exempt.

G. Plants and Nursery Products: includes annuals, perennials, fruit trees, vegetable plants and nursery stock. Annual registration with the Dept. of Ag & Markets—Division of Plant Industry is required. Houseplants and cut flowers are excluded. Growers are subject to plant inspection.

A. Wine

All licensed wineries are permitted to sell NY State labeled wines by the bottle and conduct tastings at the market. You must have a copy of the farm winery license with you and display a sign that states STATE LAW REQUIRES THAT CONSUMERS BE AT LEAST 21 YEARS OF AGE, PROOF REQUIRED.

DECEPTIVE PACKAGING IS ILLEGAL.

For further information on grading, packaging, and labeling, contact:

Division of Milk Control: 518-457-5363

Division of Dairy Industry Services: 518-457-4142

Division of Food Inspection: 518-457-5380

Local Inspectors:

Dept. of Ag & Markets: Jim Coats, 844-4507

Health Dept.: Ellie Levingood, 273-7272

Plants & Nursery Products: Dick Watson, 564-7090

4. Weights and Measures

Scales must be checked annually and sealed by an official of the Bureau of Weights and Measures. The weight given on packaged goods must be accurate. To contact the local inspector of Weights and Measures, call 274-5523.

Volume Sales: Members selling by volume are required to use standard size containers such as pint, quart, ½ peck, peck, ½ bushel, bushel.

5. State Sales Tax

Not charged on: fruit, vegetables, cider, grape juice, honey, maple syrup, baked goods, eggs, egg products, fresh cut herbs.

Charged on: candy (including maple candy), soda, fruit juices with less than 10% real juice, prepared meals, cut flowers, plants, shrubs and other nursery products, Christmas trees, wreaths, ornamental gourds, all hand crafted items.

If you sell any of the above taxable items you must file a Certificate of Registration with the NYS Sales Tax Bureau. Call 1-800-342-3536 for information, for forms call 1-800-462-8100.

6. Food Stamps

The Ithaca Farmers' Market is authorized to accept food stamps collected by appropriate vendors. Talk to the Market Manager about this!

Summarized by Monika Roth, Cooperative Extension Association of Tompkins County.

From: New York State Direct Marketing Regulatory Guide

Revised by K.Glos, Sept. 19, 2001