

Policies, Rules and Regulations-Springdale Farmers' Market – 2019
www.springdale farmersmarket.org

The Springdale Farmers' Market is located on the Memorial Walk Plaza at the Jones Center for Families northwest of the intersection of East Emma Avenue and HWY 265N in Springdale, AR. The Market is open on Tuesday, Thursday and Saturday from 7 am-1 pm. The 2019 season begins Saturday, May 4 and ends Saturday, October 26.

1. Each vendor will pay a membership fee of \$25.00 per year, plus 5% commission on total gross sales on Tuesday and Thursday, and 7% commission on total gross sales on Saturday. A vending space will be assigned to each vendor at the Market site. There is a limit of one vehicle up to 2-ton-sized truck, plus trailer, per space. A tent or umbrella for shade is recommended & tables may be set up for products. Order & cleanliness are expected at the site, including cleanup at the end of the day. Care must be taken to prevent tire marks and oil spills on the concrete. Vendors must comply with all city, state & federal health and plant regulations, & rules of the Jones Center including no tobacco use on site.

2. All items sold must be produced in Benton, Carroll, Madison or Washington counties in AR unless otherwise approved by the Board. No flea market or resale items are allowed. All products sold must be of high quality. The Board reserves the right to ask a vendor to remove items of poor quality from the Market place. Vendors of plants must comply with AR State Plant Board regulations and have applicable permit. All frozen products must be kept frozen. No pets, animals, or fowl may be sold, displayed or given away in the Market area. Regular attendance is encouraged. Members must attend 15 Market dates per year to maintain active membership. Continuing public interest depends on regular attendance by vendors.

3. Sales are by member vendors, or their designated representative only. Vendors may sell only items they, or another SFM member, grow, produce or make. This includes vegetables, fruit, frozen meats, fresh herbs, nuts, eggs, honey, molasses, sorghum, jams, jellies, and fruit butters, bread, cakes, pies, cookies, and other pastries, plants, flowers, and crafts. **Whole, uncut fresh fruits and vegetables may be offered for sale without a permit or inspection by the Arkansas Department of Health (ASDH). Maple syrup, sorghum or honey that is produced by maple syrup or sorghum producer or beekeeper may be sold. A permit from the Arkansas Department of Health is required to sell shelled peas or nuts, shucked corn, sliced fruit or vegetable. No sale of raw milk, homemade cheese, wild harvested mushrooms or processed meats are allowed. Refer to the Farmers' Market Quick Reference for a complete list.**

4. Each vendor may establish his/her own prices. However, there is a longstanding agreement among vendors that no vendor may set their price below the generally agreed upon market price of the same product being sold by other vendors. All produce must be sold by measure (item, bunch, pint, quart, gallon, peck, bushel, etc.) rather than weight. No scales are authorized at the Market place. Vendors provide their own containers and bags. Fiber pint and quart boxes purchased by the Market may be bought by vendors at cost.

5. No individual vendor can have a program that creates an individual advantage over other vendors. This includes no give away programs. All vendors will visibly price the items they sell. The AR Agriculture Department requires that vendors have a business label at their table.

6. The Market will apply for authorization to accept Farmers' Market Nutrition Program WIC and Seniors coupons. Vendors who obtain approval from the state WIC office or the Area Agency on Aging (Harrison) respectively may accept these coupons for eligible products. The Market Manager or President will furnish appropriate forms for obtaining approval to accept these coupons. Vendors must display placards showing

they are approved to accept WIC and Seniors FMNP coupons. **WIC customers must show vendors their yellow folder with their name on it. Customers with seniors coupons must retain their booklet cover with their name on it.**

7. The Market Manager or the market President or Treasurer, or their representative, has a Market EBT Machine where customers may purchase vouchers with SNAP EBT card or debit card to buy products. The funds are deposited electronically into a Market bank account from which the Market Manager or Treasurer reimburses vendors by check. Debit customers may be required to pay a fee on amount obtained with a minimum charge of 50 cents.

8. The Springdale Farmers' Market participates in a Double Your Dollars program funded by a grant from the Walmart Family Foundation to Farmers' Markets in Washington and Benton Counties through the Northwest Arkansas Farmers' Market Alliance.

9. The Springdale Farmers' Market takes pride in the quality of products sold and courtesy shown to customers and to other vendors. We try to be helpful to each other. Reasonable standards of behavior & courtesy are expected of all vendors. Arguments in the Market place will not be tolerated. Questions or problems can be referred to the Market Manager, Market President or a Board member at the Market or by phone to the Market Manager at 479-856-8043.

10. Vendors of baked or processed foods must be in compliance with Arkansas Department of Health policies and the AR Cottage Food Law. AR Act 72 of 2010 defines a "Cottage food production operation" as production of non-potentially hazardous foods produced in a person's home kitchen, such as baked items, candies, fruit butter, jams and jellies. These are currently the only products identified in the Cottage Food Law. NOTE: Jams, jellies and fruit butters containing Splenda or similar sugar substitutes are considered potentially hazardous and may not be sold under the Cottage Food Law. Food items that must be refrigerated or hot may also not be sold as Cottage Food items. The Market Manager can provide a copy of the Cottage Food Law to anyone expecting to produce and sell foods under the Law.

Food Items that must be prepared or produced at ADH inspected facilities:

Acidified Foods: Acidified foods include pickled vegetables and most salsas.

Canned Food: Fruits, vegetables and certain meats

Smoked, cured or dried meats

Sprouted Seeds such as beans, alfalfa, clover, sunflower, broccoli, mustard, radish, garlic, dill, pumpkin, mung bean, kidney bean, pinto bean, navy bean, soybeans, and wheat berries.

Processed fruits and vegetables that are not in a whole, raw, uncut form must be processed at an ADH inspected food service establishment or food processing plant. This includes dried fruit, vegetables, herbs, and spices, shelled peas and nuts, shucked corn, sliced fruits and/or vegetables including those offered as samples, milled grain/flour/meal, and juices.

Farmers' Market Quick Reference

No Permit Required to Sell

Bakery Products: Brownies, Cakes without cream icing, candy, cookies, farm fresh eggs (Must be refrigerated). * frozen meat (Must be processed at a USDA inspected facility and kept frozen), fruit butter, honey, jam jelly, maple syrup, sorghum, whole uncut fruits/vegetables, commercially processed non-hazardous foods.

ADH Permit Required to Sell

Canned foods, cheesecake, cream cheese-based frosting or filling, cream pies, cream filled items, cured meats, custard pies, dried fruit/vegetables/herbs/spices, dried meats, juices, meringue pies, milled grain/flour/meal, pickled vegetables, salad, shelled peas or nuts, sliced fruits/vegetables including those used for samples, smoked meats, sprouted beans, sprouted seeds, salsa,. Anything requiring bagging, dividing, portioning, weighing, etc.

Prohibited from Selling: Homemade cheeses, raw milk, wild mushrooms.

11. Arkansas Livestock and Poultry Commission Requirements for Sale of Eggs

An egg producer shall be permitted to sell ungraded eggs to a retailer or at a farmers' market provided the producer owns less than 200 hens and the following requirements are met:

Eggs are washed and clean

Eggs are prepackaged and identified as ungraded with the name and address of the producer affixed.

Used cartons are not used unless all brand markings and other identification are obliterated/covered.

Retailer must keep invoice for two (2) years indicating from whom the eggs were purchased, date, and amount of eggs bought.

Eggs must be refrigerated and maintained at a temperature of forty-five degrees Fahrenheit (45degrees F) or below

Refrigeration is defined as “an operable refrigeration unit that will maintain a temperature of 45 degrees F or below”.

Containers for storage of eggs refrigerated by means of ice, dry ice, or other non-powered refrigeration container are not acceptable. This section of the regulation includes such locations as flea markets, farmers' markets, fruit stands, etc. For additional information regarding the sale of farm fresh eggs, please contact the AR Livestock and Poultry Commission at 501-907-2400 or at <http://www.arlpc.org/index.asp>

Refrigerator for eggs must have an operable thermometer that registers the temperature.

12. Commercially pre-packaged meat including beef, chicken and swine may be sold at Farmers' Markets with the following requirements:

- a. All animals must be commercially slaughtered under USDA inspection, passed, and labeled. Each item sold must be commercially packaged and bear the mark of USDA inspection.
- b. All products must be kept frozen in a freezer unit capable of keeping all products frozen until sold.
- c. All products must be held, stored and transported in a clean, sanitary environment to keep products wholesome.
- d. All products must be labeled in accordance with USDA requirements including common name of product, net weight of product, and USDA handling instructions.

NOTE: Electricity is available on site. Vendors may need an extension cord.

13. Arkansas State Plant Board Regulations Requirements:

Any person selling, offering for sale, or transporting for sale any vegetable or other plant for garden or truck patch including sweet potato and strawberry plants to be planted within Arkansas must meet all AR Plant Board requirements.

If selling woody plants, including trees, shrubs, and woody vines at farmers’ markets, any person or organization conducting sales must be licensed and inspected and have a Nurseryman’s License from the State of Arkansas. Vegetable plants in non-soil-less mix, native soil, or potting mix containing native soil are included in this rule. Annuals, perennials, herbs, tropical plants, bulbs, and vegetable plants in a soil-less mix may be sold without a license. This latter rule may not be gotten around by labeling plants otherwise when they are not growing in a soil-less mix. If you are selling plants that may go out of state, you must have them inspected and tagged as inspected.

13 cont. Sales must be made in containers conspicuously labeled to show the grower’s:

- a. Arkansas State Plant Board Permit number, if applicable
- b. Name and address of grower
- c. Varietal name
- d. Number of plants per container/bundle
- e. Number of bundles or small containers in a flat. Does not apply if sold as individual plants, bundle or container.

14. Use of the Term “Organic”:

The Organic Foods Production Act of 1990 mandated the creation of the National Organic Program (NOP) and the passage of uniform organic standards. All organic certifiers, producers, processors, and handlers must be in full compliance with the NOP. NOP labeling requirements apply to raw, fresh products and processed products that contain organic agriculture ingredients. Agricultural products that are sold, labeled or represented as organic (“100% organic”, “organic”, or “made with organic ingredients or food groups”) must be produced and/or processed in accordance with the NOP standards. Except for operations with gross income from organic sales totaling \$5,000 or less, farm and processing operations that grow and process organic agricultural products must be certified by USDA-accredited certifying agents.

References:

1. SFM Board of Directors Minutes
2. Farmers’ Market Vendor Guide- A Guide for Farmers and the Consumer – Arkansas Department of Health and Arkansas Agriculture Department, April 2014
3. Arkansas Livestock and Poultry Commission <http://www.arlpc.org/index.asp>
4. Arkansas Department of Health Cottage Food Guide, May 2012