



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

October 24, 2011

DM-11-005

TO: ALL COUNTY AGRICULTURAL COMMISSIONERS

In order to explain some of the basic information regarding the certified farmers' market program we have created the attached Certified Producer Information sheet. If you find this helpful please feel free to give it out to producers when they apply for a certified producer certificate.

We are also attaching the Certified Farmers Market – Field Notes sheet that we use when visiting a CFM for inspection. Please also feel free to use it if you find it useful. If you have any questions or would like either form emailed to you in Word form please contact me at sshelton@cdfa.ca.gov.

Sincerely,

Susan Shelton
Supervising Special Investigator

cc: Ed Williams, County Liaison
Andrew Valero, F&VQC Supervisor
Stacey Hughes, F&VQC Supervisor
Mario Cortez, F&VQC Supervisor





“Direct Marketing of agricultural products benefits the agricultural community and the consumer by, among other things, providing an alternative method for growers to sell their products while benefiting the consumer by supplying quality produce at reasonable prices.”

**- CA Food & Agricultural Code
Section 47000(a)**

What Can Be Sold in a Certified Farmers Market?

Certified Agricultural Products –fresh fruits, nuts, vegetables, shell eggs, honey, flowers, and nursery stock. All must be listed on the certified producer certificate (CPC) and grown by the producer (or secondary producer, see below)

NonCertifiable Agricultural Products –

Certified products that have been processed (such as jam, olive oil, etc) - all ingredients in processed product must be listed on your CPC unless the ingredient is used as a preservative, flavoring, or spice; and/or

Products other than certified agricultural products from any tree, vine or plant and their flowers, livestock, livestock products, and farm raised fish and shellfish - must be of your own production but will not be listed on your CPC

Flavorings and spices are allowed and are defined in regulation. Spices are granulated or powdered plant product (such as garlic, black pepper, ginger, etc). Flavorings are substances that impart flavor to a food without changing the consistency or rendering the product unidentifiable (such as soy sauce, vanilla, nut oil, etc)

Producer Requirements

Producer must grow all product sold at the certified farmers' market

- Failure to do so is a serious violation and will result in a fine of up to \$1,000 and/or suspension from participation in certified farmers' markets for up to 18 months

All products sold must be listed on your CPC

- Failure to list products on your CPC twice within 12 months may result in a fine of up to \$150

Must have a current embossed CPC

- Failure to obtain a CPC is a serious violation and will result in a fine of up to \$1,000 and/or denial of CPC for up to 18 months

Embossed CPC must be conspicuously posted at point of sale

- Failure to have valid CPC at the market twice within 12 months may result in a fine of up to \$150

All products sold in closed consumer containers (or pre-bagged) must be labeled with IRQ

Identity (I)—Name of product

Responsibility (R)—Name of producer, city, zip code (if producer cannot be found in a local phone book then street address must also be included)

Quantity (Q)—weight of package

- Failure to list IRQ twice within 12 months may result in a fine of up to \$150

The only people who can sell for the producer are immediate family members and/or actual wage employees

- Failure to have proper person selling twice within 12 months may result in a fine of up to \$150
- Commission sales/buying and selling between producers is a serious violation and will result in a fine of up to \$1,000

If selling product as organic there must be a state organic registration and certification (if applicable) posted with

the CPC

- **Failure to post state organic registration twice within 12 months may result in a fine of up to \$150**

If market rules allow you, as the primary producer, to sell for another certified producer (secondary producer), the following requirements must be met:

Cannot sell for more than two other producers

- **Selling for more than two other certified producers within a 12 month period may result in a fine of up to \$400**

Must be cross referenced on each other's CPCs and have secondary producer(s) CPCs posted at point of sale

- **Failure to be listed on each other's certificate may result in a fine of up to \$400**
- **Failure to post other producer's CPC at point of sale twice within 12 months may result in a fine of up to \$150**

Primary producer must begin with more product by weight or volume than the secondary producer(s)

- **Failure to have more product twice within 12 months may result in a fine of up to \$150**

Secondary producer's product must be separate and identifiable

- **Failure to separate product twice within 12 months may result in a fine of up to \$150**

Primary producer must keep record of dates and quantities sold for three years

- **Failure to keep records may result in a fine of up to \$150**

Repeat violations within 24 months can increase your fine amount above that which is stated in above scenarios.

If you are selling 25 pounds or more of any one commodity, or selling to an entity that will subsequently sell to the end user (such as a restaurant), you must furnish a memorandum along with the sale. The memorandum must list the identity of the producer, address of producer, identity of product(s) being sold, and quantity of product purchased

Market rules can be more restrictive than CDFA laws and regulations - be familiar with your market's rules. Market rules should have your appeal rights listed in case you are aggrieved by a market rule

All Health Department and local requirements must be met, contact your local municipalities and county health department for applicable laws and rules

Laws and Regulations

This publication is meant to give Certified Producers a brief overview of **some** of their roles and responsibilities when agreeing to participate in Certified Farmers' Markets. ***Failure to follow all applicable laws and regulation may result in fines, suspension, and/or revocation of your certified producer certificate.*** For a full listing of all laws and regulations pertaining to producer responsibilities please reference the following:

[CA Code of Regulations](#)

Title 3. Food and Agriculture

Division 3. Economics

Chapter 1. Fruit and Vegetable Standardization

Subchapter 4. Fresh Fruits, Nuts and Vegetables

Article 6.5. Direct Marketing

[CA Food & Agricultural Code](#)

Division 17. Fruit, Nut, and Vegetable Standards

Chapter 10.5 Direct Marketing

For more information contact your local county agricultural commissioner's office or California Department of Food and Agriculture at:

CDFA - Certified Farmers' Market Program

1220 N Street, Sacramento, CA 95814

cfm@cdfa.ca.gov

County _____

Routine Inspection

Follow-Up Inspection

Inspection Date _____

Time: _____ to _____
Total Time: _____

Market Name		Market Manager		Inspection Date		Time: _____ to _____ Total Time: _____								
Name/DBA	CPC#	Issuing County	CPC current, in possession, posted and embossed (1392.4d)	Selling product listed on CPC (1392.4a)	Selling product not of own production (1392.4a)*	IRQ's (Consumer Bags) (47002c)	CP representing more than 2 other CP (1392.4f, 1)	Failure to separate and ID and/or post other's CPC (1392.4f,2)	Failure to add name of other CP for whom producer is selling (1392.4f,3)	Failure to be added to other's CPC when selling on behalf (1392.4f,4)	Selling greater volume of product for 2 nd cert than primary product(1392.4f,5)	Failure to post organic reg and cert (when req) when selling organic (1392.4h)	Other	NC#/Comments
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
Proper person selling (1392.9a,1)			Failure to ensure all products being sold by producer are listed on CPC (1392.9a,4)			Failure to collect daily load lists, and/or incomplete load lists, and/or 18 mo retention (1392.9b)			NC#/Comments					
Failure to ensure producers only selling certified & non-certifiable products w/in CFM (1392.9a,2)			Failure to ensure producers selling only approved non-cert ag products (1392.9a,5)			Failure to present valid CFM certificate for review (1392.9d)								
Failure to ensure valid CPC in possession & posted (1392.9a,3)			Failure to ensure 2 nd cert requirements (1392.9a,6)											

*Selling product not of own production – processed product where not all ingredients are grown and/or produce not grown