

2023-24 OCPM Vendor Handbook



To help you become a part of this market experience, this packet contains:

- Market Rules, Regulations and Policies
- Listing of all permits/licenses/certificates required for Farmers' Market vendors
- Additional information

Please read all information carefully & if you have any questions, please email us at info@oneidacountymarket.com

Contact Beth Irons, Market Manager (phone: 315-798-3639 or 315-736-3394, ext. 103; email: info@oneidacountymarket.com OR egi3@cornell.edu) with any questions or concerns you may have about participation in the Oneida County Public Market.

The Oneida County Public Market is an economic development of Oneida County Executive Anthony J. Picente, Jr. under the auspices of Cornell Cooperative Extension of Oneida County.



Cornell Cooperative Extension | Oneida County

Programs for 20223-24

The Oneida County Public Market offers the following opportunities to support your success as a vendor.

Supplemental Nutrition Incentive Programs: Open to farmers and food producers

We are continuing participation in the Farmers Market Nutrition Program (FMNP) and the Senior Farmers Market Nutrition Program (SFMNP). These programs enable SNAP cardholders in the community to take advantage of the healthy local foods available at the Oneida County Public Market and offer a tool to help you expand your customer base. These programs do require an annual re-sign with the NYS Department of Agriculture & Markets to remain active. Please be sure to display the signage provided at your booth at each market session so our SNAP consumers can find you. Notify Market Management for signs or enrollment forms or support if needed.

Double Up Food Bucks: Open for produce farmers

This program, managed by Field & Fork Network, Buffalo, NY, matches SNAP benefits used at our market for SNAP eligible purchases of fresh fruits and vegetables dollar for dollar up to \$20 each market day. Eligible SNAP shoppers are issued a “Loyalty Card” by market management, and each participating produce vendor is issued a Fresh Incentive tablet to use for transactions during each market session. If you are interested in participating in this growing program, please contact market management.

Power of Produce Kids Club (POP)

We will continue with the popular **Power of Produce Kids Club (POP)**, supplemented by the Busy Bee and Curious Cardinal scavenger hunts. We will also continue to partner with SNAP ed of Cornell Cooperative Extension Oneida County to host market tours. We will also be hosting multiple language market tours periodically throughout the summer season with The Center’s Office of New Americans as part of the assimilation tours of Utica with our newest citizens.

If you have any ideas or suggestions that you think will add to the Oneida County Public Market experience, for the vendors or the customers, please do not hesitate to speak up! We strive to create a market space that all enjoy being part of.

Vendors Participating in Supplemental Nutrition Programs (SNAP/FMNP)

Food producers are eligible for participation in state and federally approved supplemental nutrition programs with which the Oneida County Public Market is certified. These include (but are limited to) the Supplemental Nutrition Assistance Program (SNAP,) Farmers Market Nutrition Program and Senior Farmers Market Nutrition Program (FMNP/SFMNP) coupons and the Double Up Food Bucks (DUFEB) program. These programs are designed to increase accessibility to fresh, local foods to nutritionally at-risk members of the community. They also afford participating food growers and producers an opportunity to grow your customer base at the market. **It is important to be aware of the following when participating in these programs:**

- 1) **You must be approved annually by NYS Agriculture & Markets for participation in these programs.** Market management has the application (FMC-6) that must be submitted annually for participation. This application must be signed by a market manager each season.
- 2) Qualified vendors include farmers, growers and producers who present food products designed to be purchased at the market and taken home for preparation and consumption. This does not include foods prepared and sold for consumption while at the market (ready to eat), or non-food items.
- 3) As of 2021, the Oneida County Public Market no longer distributes EBT tokens to be used to make SNAP eligible purchases. However, we will continue to honor any previously distributed tokens and FMNP approved farmers and vendors are able to accept them as currency to make purchases of SNAP eligible items by market shoppers (the tokens never expire once distributed). **However—it is important to note the EBT/SNAP tokens are market specific, meaning tokens purchased at the Oneida County Public Market must be used ONLY at the Oneida County Public Market. With that said, tokens purchased at other farmers markets cannot be redeemed at the Oneida County Public Market. It is important to check ALL tokens given to you for a purchase to insure they are stamped “Oneida County CCE Farmers Market.” Any tokens presented by an Oneida County Public Market vendor that are not from this market will not be eligible for redemption.**
- 4) For those FMNP approved vendors accepting Fresh Connect checks and Health Bucks, it is important to review the coupon **to insure it has not expired** and to determine where to send it for redemption. Fresh Connect checks are redeemed through the Farmers Market Federation of NY. Redemption forms **MUST** be included with the checks in order for the Federation to know who to write the checks to and for what amount. These forms are available on the Federation website (www.nysfarmersmarket.com.) The Health Bucks are redeemed through the Food Bank of CNY, with instructions for redemption on the back of the coupon. Redemption information is printed on the back of each coupon to ensure it is sent to the correct office and your payment is not delayed.

Any questions or concerns regarding participation in these, or any, supplemental nutrition program can be directed to Market Management, the Farmers Market Federation of NY (315) 400-1447, or the Food Bank of CNY (315) 437-1899.

Want to join the Oneida County Public Market E-commerce Platform?

The Oneida County Public Market is pleased to inform you that we launched our E-commerce platform in November 2021. Below are details about how the E-commerce platform works. You can view the platform at: oneidacountymarket.localfoodmarketplace.com or scan the QR code.

Who can participate?

As of March 1, 2023, the platform is open to any local or regional produce or food producer that wishes to participate. Contact Olivia Raynard, Online Sales Coordinator at omr4@cornell.edu to sign up.



What is the E-commerce platform?

The E-commerce platform is a website that was developed to sell local vendor's products online as a preordering system. Each producer gets their own producer page to manage.

What is the schedule for the platform?

- Online Storefront opens for customer shopping a Monday before a market at 5PM
- Online Storefront closes on Thursday at 5PM
- Pick Tickets are sent to Vendor's email Thursday evening, with ordered items detailed
- Vendor drops ordered items to the E-commerce table Saturday between 8:00-9:00am
- Orders are packed at the table and customers pick them up between 10AM-12:30PM

Is there a vendor fee to use the platform?

There is no fee to be listed on the platform at this time.

How do we get paid for our ordered items?

Payments from orders placed are processed on Saturday after the orders have been picked up. Those payments are then transferred into a Cornell Cooperative Extension Bank Account the following Monday. Our finance department deposits checks on Thursdays, so we would request your bank account information to direct deposit the amount owed to you on the following Thursday.

If you are interested in joining the platform or would like more information,

please contact our Online Sales Coordinator, Olivia Raynard

Email: omr4@cornell.edu Phone: (315)736-3394 Ext. 253

EXPANDED POLYSTYRENE FOAM CONTAINER AND LOOSE FILL PACKAGING BAN REQUIREMENTS



EFFECTIVE JANUARY 1, 2022:

Covered food service providers and stores (retail or wholesale) will no longer be allowed to sell, offer for sale, or distribute disposable expanded polystyrene foam food service containers in New York State. In addition, no manufacturer or store will be allowed to sell, offer for sale, or distribute polystyrene loose fill packaging (commonly referred to as packing peanuts) in the state.



AFFECTED BUSINESSES AND ORGANIZATIONS

COVERED FOOD SERVICE PROVIDERS: Any person engaged in the business of selling or distributing prepared food or beverages for on-premises or off-premises consumption, including but not limited to:

- Restaurants
- Grocery stores
- Delis
- Coffee shops
- Caterers
- Food trucks & street vendors
- Hospitals
- Schools
- Adult care facilities/ nursing homes
- Cafeterias
- Hotels, motels, & inns
- Community meal programs
- Sporting venues
- Amusement parks
- Summer camps
- Correctional facilities
- Faith-based organizations

STORES: Retail and wholesale establishments, including container and packaging distributors, that sell or distribute single-use food service containers, polystyrene foam packing peanuts, or other polystyrene foam loose fill packaging in New York State.

MANUFACTURERS: Manufacturers who make and sell polystyrene foam packing peanuts or other polystyrene foam loose fill packaging.



BANNED ITEMS

- Any single-use, disposable expanded polystyrene foam food service containers used for prepared food and beverages, including but not limited to: bowls, cartons, clamshells, cups, lids, plates, and trays
- Packing peanuts or other void-filling, loose fill packaging products made of expanded polystyrene foam



EXEMPTIONS

THE STATE LAW DOES NOT APPLY TO:

- Containers used for raw meat, pork, seafood, poultry, or fish sold for the purpose of cooking or preparing off-premises by the customer;
- Prepackaged food filled or sealed prior to receipt at a covered food service provider;
- Hard plastic food service containers marked with a number 6 (Polystyrene-PS) that are not foam; and
- A city with a population of 1 million or more that has a local expanded polystyrene ban in place, including New York City. (Other local laws are preempted by state law unless certain conditions are met.) See DEC's website for more details.



FINANCIAL HARDSHIP WAIVER ELIGIBILITY

- Any facility operated by a not-for-profit corporation, federal, state, or local government agency that provides food/meals to food-insecure individuals may apply for a renewable 12-month financial hardship waiver.
- Covered food service providers that have an annual gross income under \$500,000 per location, do not operate 10 or more locations in New York, and are not franchises may apply for a renewable 12-month financial hardship waiver.



ALTERNATIVES

Any container or packaging that does not contain expanded polystyrene foam, such as aluminum, rigid plastics, paper, glass, biobased, and compostable items may be used as an alternative. New York encourages the use of reusable, recyclable, compostable, and recycled-content containers and packaging where possible. Check DEC's website for resources:

<https://on.ny.gov/FoamFreeNY>.

For more information, visit <https://on.ny.gov/FoamFreeNY>



The Oneida County Public Market is owned by the County of Oneida and managed through Cornell Cooperative Extension of Oneida County. The mission of this market is to draw on our region's historic, cultural and agricultural resources to create an atmosphere where vendors, community members and businesses can sell, shop and support locally. Our targeted objectives are: to provide a venue for farmers to sell their product directly to consumers; to create access to fresh, healthy and locally grown foods to consumers; to provide health, nutrition and economic benefit to the community; to serve as a catalyst of economic benefit to surrounding businesses and venues; and to create and enhance a sense of community, positioning the market as a gathering place that fosters community pride and spirit.

All management aspects of the Public Market are handled by Beth Irons, Market Manager. This includes: coordination of all activities related to the weekly functioning of the Market; the implementation of market rules and regulations; oversight of the Market set-up and clean-up; daily assignments; collection of required fees and registration information, assuring vendor compliance with cleanup, and addressing issues and concerns and answering questions. The Market Manager also acts as a liaison of information from the vendors and customers to the Cooperative Extension Ag team and the Market Board of Directors. The Market Manager has complete authority to interpret and implement policy on the market site. In the event there is an issue with a possible rule violation, vendor dispute, consumer issue or concern, weather/emergency concern/incident or any other issue/concern that may impact the smooth operation of the market, please contact the Market Manager as soon as possible.

The Oneida County Public Market is located at Union Station, 321 Main Street, Utica, NY 13501. For 2023 this market operates every Saturday, May 20th through October 28 from 9:00am to 1:00pm behind Union Station at the employee parking lot and the REA wing of Union Station; and every other Saturday January 6th through April 27, 2024 in the Main Lobby of Union Station.

The following are the market rules and regulations. These are subject to change as conditions change or situations arise that demand amendments. In that event, the Market Manager will communicate any relevant changes to you verbally and in writing. As a participating Oneida County Public Market vendor you are expected to read, understand and adhere to all rules and regulations; and will be subject to the repercussions, up to and including expulsion from the market, in the event you are found in violation of the rules and regulations.

2023 Market Rules and Regulations

- 1) For all participating vendors, **a minimum of 50% of all items must be raised, baked, prepared and/or made by the vendor.** Management reserves the right to determine the appropriateness of product(s) sold. **In the event that the vendor is handling the sale of a product that is not self-grown, the product and its source must be identified and labeled as such.** Use signage to clearly display pricing, products or promotions. Labeling for all food products must adhere to USDA and NYS Ag & Markets requirements.
- 2) All vendors must submit a completed and signed application (including licenses/permits/inspections required), agree to abide by Market rules, read and sign the COVID Attestation, and receive approval from management prior to market day in order to participate. See information provided in this application for required licenses/permits based on nature of product(s) sold.
- 3) Vendors must carry a liability policy (\$1,000,000 minimum) listing Oneida County (800 Park Avenue, Utica, NY 13501) and Cornell Cooperative Extension of Oneida County (121 Second Street, Oriskany, NY, 13424) **as additionally insured.** This policy must be current and in effect for the duration of participation.
- 4) Vendors are responsible for all apparatus they deem necessary for booth set up (table, chairs, canopy, etc.) If a booth with electric hook up is utilized, the vendor is responsible for providing their own extension cords. All cords must be UL approved and in good working condition. **Tents/canopies used must be weighted for stability and safety.**
- 5) **Vendors must display company sign, sales tax certificate, FMNP/WIC certificates (if applicable.)**
- 6) All items sold must be licensed in accordance with the following where applicable: Article 14 of the Agriculture and Markets Law of the NYS Dept. of Ag & Markets; the NYS Department of Taxation; Oneida County Department of Health; City of Utica ordinances and regulations. Any applicable costs are the responsibility of the vendor.
- 7) Vendors are required to use good judgment and take appropriate actions if dangerous weather conditions threaten, including ceasing operations, packing up loose items if possible and seeking shelter. If management judges that weather conditions are too dangerous to continue safe operations, vendors must cease operation, pack loose items, seek shelter.
- 8) Vendors will be assigned booths by Market management. Booths will be clearly marked.
- 9) All participating summer market vendors are to enter and stage from Second Street at east end of the REA wing. After unloading, vehicles will be parked outside the market space at available spaces located around the REA wing and Union Station.
- 10) **All vendors must be on-site by 8:30am. Management reserves the right to fill any and all vacant booth spaces at their discretion after 8:30am.** Vehicle movement is prohibited in the market space between 8:30am and 1:00pm as a public safety precaution. Those arriving after 8:30 for set up will be required to hand carry all items for their booth to their assigned booth space.

PUNCTUALITY: All vendors with assigned booth space must be at their booth by 8:30a.m. or have made prior arrangements prior to market day of that week with the Market Manager by calling (315) 765-1865. Violations of this policy may result in loss of assigned booth.

- 11) **Set-up must be completed and staging vehicles removed by 8:30am. Vehicle movement within the market area after 8:30 creates an unacceptable public safety issue.** Booths will be set up facing the walking areas for customer convenience. **All vendors are required to remain in their designated market space and set up for operation until 1:00pm.** In emergency situations, contact management to leave market space early. It is the responsibility of each participating vendor to leave the booth space clean and litter free.
- 12) Vehicles may be used for displaying/selling product in designated outdoor booths only. Vehicles may not idle during the operating market hours and will be clean with truck beds facing the center of the Market area for shopping.
- 13) Public drinking of alcohol, smoking, amplified music (other than market entertainment), and fragrance that can be detected significantly beyond the booth space featuring the product are prohibited.
- 14) Oneida County Public Market is a pet friendly market. However, all animals will be leashed and controlled at all times. All pets are expected to act courteously with no lifting of the leg or depositing of any waste in or around the vicinity of the market space. Clean up of all “accidents” are the responsibility of the pet owner. Pets not controlled by owners will be removed from the market space.
- 15) Vendors will be respectful and courteous to customers, market staff, volunteers and fellow vendors at all times. No shouting, hawking, offensive language or behavior will be tolerated. Issues between vendors will not be addressed during market hours so as not to disturb market operation or impact the experience of consumers, but will be addressed by market management at the conclusion of the market session after the public is cleared of the market space. Each participating vendor will be aware of and review the Conflict Resolution and Harassment policies attached. Any participating vendors found in violation of these or any Oneida County Public Market policy or procedure will be addressed directly by market management and may be dismissed from further participation on the Public Market. Any remaining fees already paid will be forfeited.
- 16) There will be no advocating between market vendors during the market hours. It is understood that vendors will be participants in multiple markets throughout the region, with some possibly serving in management roles at other markets. Advocating on behalf of another market while participating in this market will not be tolerated.
- 17) Failure to abide by these Rules and Regulations will result in a vendor being denied continued participation in the Market. Any remaining unused paid vendor fees will be forfeited and future participation by said vendor may be impacted.

Contact Market Management with any questions or concerns regarding

Markets Rules and Regulations at 315-798-3639 or

by email at info@oneidacountymarket.com OR egi3@cornell.edu

Oneida County Public Market Vendor Absentee Policy

Attendance is expected at every market committed to in the application. Market management expects every effort to be made by the vendor to have someone work your table for you if you are unavailable for a particular market day. Our market is close knit and missing vendors affects the consumer experience and the market's overall success.

Vendors are afforded 3 **excused** absences during the market season. An excused absence is defined as notifying the market manager at least 24 hours in advance. Repeatedly not attending the market without notifying the market manager, or with notice less than 24 hours in advance can result in the vendor being asked not to return for the remainder of the season.

Vendors not able to attend a market day should telephone, message or email market management at least 24 hours in advance. I am available by the following:

Market office (Union Station): 315-798-3639

Cornell Cooperative Extension office: 315-736-3394, ext. 103

Cell phone: 315-765-1865

Market email: info@oneidacountymarket.com

Cornell office email: egi3@cornell.edu

Personal email: egirons@hotmail.com

Public Market Facebook messenger

NOTE: If on market day you are unable to attend due to unexpected occurrences, please use the cell number above to notify market management directly that you will not be attending.

Market Management reserves the right to dismiss any vendor and/or remove any product being sold that does not adhere to the rules and procedures as outlined in the 2023-24 Vendor Application, current New York State Agriculture and Markets rules or mandates, New York State government rules, mandates or laws and USDA rules, mandates or laws.

Violation of Oneida County Public Market Rules and Regulations will result in the following:

First offense: Verbal warning

Second offense: Written warning

Third offense: Suspension from market

Fourth offense: Termination from market

Oneida County Public Market Harassment Policy

The Oneida County Public Market strictly prohibits vendors from committing harassment and/or any discriminatory practices, including, but not limited to, sexual harassment. Any harassment, whether verbal, physical or environmental, is unacceptable and will not be tolerated, whether it occurs on Public Market property or away from said property. Any form of harassment of any Public Market employee, applicant, intern (paid or unpaid), volunteer, customer, vendor, contractor, subcontractor, consultant or any other person providing services pursuant to a contract with the Public Market will not be tolerated. The Oneida County Public Market prohibits vendors from engaging in unlawful harassment and discrimination of any kind, including that based on race, creed, color, religion, national origin, sexual orientation, gender identity or expression, sex, disability, military status, familial status, marital status and domestic violence victim status.

Any vendor that violates this policy will be subject to immediate suspension of their participation privileges until the matter is reviewed by the Cornell Cooperative Extension Board of Directors. The matter will be solely resolved by the determination of the Board of Directors which may include, but is not limited to, termination of the vendor's Public Market participation privileges.

The following are some of the types of acts that may that are strictly prohibited by the Public Market, but in no way is this intended to be an exhaustive list of prohibited conduct:

- Unwanted physical contact such as touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body as well as rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions such as requests for sexual favors accompanied by implied or overt threats concerning the victim's license, permit, job performance, evaluation, a promotion or other benefits or detriments, subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile environment.
- Sexual or discriminatory displays or publications anywhere on County property, or within the Public Market space such as: displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on cell phones and sharing such displays while on County property or within Public Market space.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as: interfering with, destroying or damaging a person's stall, tools or equipment, or otherwise interfering with the individual's ability to conduct his or her business at the Public Market; bullying, yelling, name-calling.
- Sex stereotyping which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

Harassment is not limited to the Public Market space itself. Calls, texts, emails, and social media usage can constitute unlawful harassment, even if they occur away from the Public Market space.

If you feel you have been subject to sexual harassment, or any form of harassment, report it to Market management, so it can be investigated and any needed corrective action can be taken.

Market management cannot prevent or remedy harassment unless it knows about it. Anyone who has been subjected to behavior that may constitute harassment is encouraged to report such behavior. If the complaint pertains to Market management, or the person complaining is not satisfied with how the matter is handled, the complaint may be made directly to the Cornell Cooperative Extension Executive Director. Anyone who witnesses or becomes aware of potential instances of harassment should report such behavior.

No vendor shall be discriminated against or have market participation terminated because the vendor reasonably made a good faith report of an incident of sexual harassment, discrimination or any form of harassment, or provided information or otherwise assisted in any investigation of such a complaint.

The Public Market does not tolerate retaliation against anyone who reasonably and in good faith complains or provides information about suspected sexual harassment, discrimination or other forms of harassment.

Anyone who retaliates against anyone involved in such an investigation will be subject to immediate termination of their participation privileges until the matter is reviewed by the Board of Directors. The matter will be solely resolved by the determination of the Board of Directors.

Anyone who believes they have been subject to retaliation should inform the Market management. If Market management is alleged to have retaliated or you're not satisfied with the response, you may complain directly to the Executive Director of Cornell Cooperative Extension.

Grievance Procedure

Aside from complaints made under the Harassment Policy, any vendor of the Public Market who has a complaint concerning another vendor must address that complaint in writing to the Market Manager.

A \$25.00 deposit must accompany all complaints.

The complaint will be thoroughly investigated and if determined to be legitimate, the vendor who filed the complaint will be reimbursed the \$25.00 deposit and shall be granted all or that portion of the relief sought determined by the Market Manager to be fair and reasonable.

If the complaint is found to be without foundation or to be frivolous, the vendor who filed the complaint agrees to forfeit the \$25.00 to the Public Market operating funds and the complaint will be dismissed.

Any vendor of the Public Market who has a complaint concerning the applicability and/or the administration of the foregoing Rules and Regulations and/or the disciplinary action imposed may, within five (5) business days of the time he or she became aware of the occurrence or the cause of the complaint, submit his or her complaint, and the relief sought, in writing, to the Market Manager, for consideration.

The written complaint will be reviewed and responded to within ten (10) business days to the complaint. If the vendor has any further complaint, he or she may put the continued complaint, along with determination of the market management, in writing addressed to the Executive Director, Cornell Cooperative Extension. The Executive Director will review the complaint and the Market Manager's response and determine if the issue should be brought to the attention of the Board of Directors at the next regularly scheduled meeting, or let the decision of the Executive Director stand.

Permits/Licenses/ Certificates Required for Farmers' Market Vendors 2023-24

The following is a checklist that will help you to understand the permits, licenses and certificates that are required of sellers of various products commonly found in farmers' markets. This checklist is not exhaustive, but is a general guideline. Each vendor is solely responsible for determining what permits, licenses and certificates are required for each of his/her products. Please consult the inspection agencies listed at the end for further assistance.

All food items offered for sale (excluding whole fruits and vegetables) MUST be pre-packaged.

Fresh Produce: No permits, licenses or certificates required, if raw, uncut, and unprocessed.

Plant Sales: Only one nursery license is required and must be posted in public view at the time of sale.

- NYS Department of Agriculture & Markets Nursery Growers License, if engaged in the production of plant material intended for sale. A nursery grower is also permitted to purchase and resell plant material under this same license.
- NYS Department of Agriculture & Markets Nursery Dealers License, if purchasing and reselling plant material only and the vendor is not involved in any growing of potted plant material
- Valid NYS Sales Tax Certificate

Eggs: No permits, licenses or certificates required, for cleaned shell eggs maintained at 45 degrees F or less. Eggs must be from farm owned hens (not purchased eggs).

Honey, Maple Syrup: No permits, licenses or certificates required, if single ingredient products.

- Article 20C License from NYS Dept. of Agriculture & Markets, if additional ingredients are added to the products; i.e. maple mustard, maple cotton candy, etc.

Baked Goods:

- 20C Exemption from NYS Dept. of Agriculture & Markets if home baked, non-hazardous; ie. Bread (no breads containing fruits or vegetables), rolls, cookies, cakes, brownies, fudge & double crust fruit pies. Quickbreads are considered potentially hazardous and cannot be done under 20C Exemptions.
- Article 20C License from NYS Dept. of Agriculture & Markets on all other baked products provided the business does 51% of its sales at wholesale. (Requires a separate, commercial kitchen.)
- All other baked goods must come from a licensed NYS Department of Health facility.
- For more information to go agriculture.ny.gov/food-safety/home-processing

Cider/Fruit Juice

- Article 20C License from NYS Dept. of Agriculture & Markets for manufacturers/bottlers.
- All cider and fruit juices must be pasteurized, UV treated or high pressure treated.

Mushrooms

- Cultivated mushrooms, sold whole or otherwise processed, require no license
- Cultivated mushrooms, sliced, chopped, washed and identified as ready to eat or any other processing requires a 20C license

Mushroom species picked in the wild shall be obtained from a source where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert prior to sale. At this time (2022), there are no approved mushrooms experts in New York State. New York State Agriculture &

Markets, while not being able to approve an individual as a mushroom identification expert, will accept certification given through Mushroom Mountain, LLC only. This jurisdiction over wild foraged mushrooms by NYS Ag & Markets is limited to retail sales only. NYS Department of Health is responsible for sales to institutional food vendors (restaurants, schools, etc.)

New York State Micro-breweries

- Must obtain a no-fee permit from NYS Liquor Authority.
- If offering sampling prior to purchase of a bottle, must have a tasting permit from the State Liquor Authority (SLA) on site
- Specially licensed New York State "farm breweries" that source 20% or more of their brewing ingredients (e.g. hops and grains for malt) from New York State farms do not require an SLA permit to sell their "NYS-labeled beer"
- Available at <http://www.sla.ny.gov/system/files/BrewerOffPremisesPermit.pdf>

New York State Wines

- Farm Winery Permit, issued by the NYS Liquor Authority
- If offering sampling prior to purchase of a bottle, must have a tasting permit from the State Liquor Authority (SLA) on site
- Valid NYS Sales Tax Certificate

New York State Distilleries

- New York State "farm distilleries" producing distilled spirits from New York State grown ingredients can sell by the bottle at designated farmers' markets with a permit from the SLA.

Processed Foods

- 20C Home Exemption from NYS Dept. of Agriculture & Markets, for non-hazardous foods only, including traditional high-acid fruit jams, jellies and marmalades; candy (excluding chocolate); spices and herbs (repackaging only); and snack items such as popcorn, caramel corn and peanut brittle. To register as a Home Processor in New York, go to <http://www.agriculture.ny.gov/FS/consumer/processor.html>.
- Home processing of canned fruits and vegetables is not permitted. All canned fruits and vegetables must be done under 20C License and registered with the Federal government as a food processor.
- Article 20C License from NYS Dept. of Agriculture & Markets, prepackaged and labeled in accordance with NYS Food Labeling Law: Identity of food in package form; name of manufacturer, packer or distributor; place of business; ingredient declaration in descending order of predominance by weight; and net quantity of contents.
- County Board of Health Permit if processing is on-site; i.e. cutting of baked goods to be sold by the piece, slicing of cheese to be sold by the pound; cooking and selling ready-to-eat foods.
- Article 20C License from NYS Dept. of Agriculture & Markets is required for dehydrating herbs and spices or for the blending of any spices for repackaging.

Meats: License is required if grinding or processing. License is not required for cutting.

Red Meat (Beef, lamb, goat)

- USDA slaughtered and/or processed must have USDA legend
- Article 28D License required if warehousing for wholesale

- Must be maintained at 0°F or below and sold frozen.

Poultry (MUST be frozen)

- License not required to sell 250 turkeys or 1000 birds of other species (quail, guinea, chicken.)
- No license required if USDA slaughtered.
- Article 28 License if warehousing for wholesale accounts.
- Article 5A license required if selling over 250 turkeys or 1000 birds of other species processed annually.

Exotic Meat (MUST be frozen)

- Must be slaughtered at an Article 5A licensed establishment.
- Must be labeled “Processed at an NYSDAM facility”.
- Article 28 License required if warehousing for wholesale accounts, if not licensed under Article 5A.

Processed Meats (Shelf stable processed meats (dry, fermented sausage) only)

- Article 20C license from the NYS Dept. of Agriculture & Markets

Fish (if processed (fileted, etc.) MUST be frozen)

- No permit, license or certificate is required if a freshwater fisherman is selling only whole, non-protected species.
- Article 20C License from NYS Dept. of Agriculture & Market if fish is pan-ready.
- NYS DEC hatchery permit required if selling protected freshwater species.
- NYS DEC permit required if re-selling any protected freshwater species.
- NYS DEC Food Fish License to catch and sell marine fish.
- NYS DEC Food Fish and Crustacean Dealers & Shippers License to resell marine fish purchased from a licensed fisherman

DAIRY

Cheese & Other Dairy Products (such as yogurt, butter, sour cream)

- For producers, Part II Permit, issued by the NYS Dept. of Agriculture & Markets Division of Milk Control and Dairy Services.
- If cut and wrapped cheese, need Part II Permit issued by Division of Milk Control and Dairy Services unless part of a food establishment regulated by Division of Food Safety, in which case just need Article 20C License.

Milk and Fluid Milk Products (such as 2%, 1% and non-fat milk)

- Milk must be pasteurized.
- Producer must have Part II Permit issued by Division of Milk Control and Dairy Services.
- Producer and any distributor must have a Milk Dealers license issued by Division of Milk Control and Dairy Services unless amount handled is less than 3000 pounds per month.

Grains and Legumes (pre-packaged – cannot be packed on site): No permits, licenses or certificates.

Fresh Cut/ Dried Flowers: Valid NYS Sales Tax Permit

Crafts: Valid NYS Sales Tax Permit

For additional information, call:

NYS Dept. of Agriculture & Markets, Division of Food Safety:

Albany Region: 518-457-5459

Syracuse Region: 315-487-0852

Rochester Region: 585-427-2273

Buffalo Region: 716-847-3185

New York City: 718-722-2876

NYS Dept. of Agriculture & Markets, Division of Milk Control & Dairy Services:

Albany: 518-457-1772

NYS Dept. of Agriculture & Markets, Division of Plant Industry:

Albany: 518-457-2087

NYS Dept. of Agriculture & Markets, Division of Food Safety and Inspection:

Albany: 518-457-4492

NYS Dept. of Environmental Conservation, Permitting Office: 631-444-0471

Sales Tax (for cut flowers, gourds, ornamental corn, candy, crafts, antiques)

NYS Tax Department Taxpayer Services (<http://www.tax.state.ny.us/sbc/>)

Harriman Campus Building 8, 9th Floor

Albany, NY 12227

1-800-225-5829

Office of Weights and Measures (for scales) <http://www.agmkt.state.ny.us/WM/WMHome.html>

Herkimer County, Michael Talaba, Director

Oneida County, Brian Barile, Director

Email: mtalaba@herkimercounty.org

Email: bbarile@ocgov.net

Phone: 315-867-1203

Phone: 315-793-6246

Fax: 315-867-1360

Fax: 315-768-6299

Compiled/updated by the Farmers' Market Federation of New York, 2009

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