

Regulations and Licenses Galore To Sell At a Farmer's Market

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What if you want to sell “processed food” like jam or bread, or dilly beans? How about selling leftover seedling plants? How about using the word organic when you sell your produce?

I am Rhonda Case, and it has been my pleasure over the past 20 years to be a part of a number of events that have worked to promote community interaction, as well as cultural and economic development in Douglas and surrounding counties. I am thrilled to be kicking off the 2010 Market at the Mill season as Market Manager, and I am looking forward to working with you to create a successful and lasting outlet for local farmers and artisans in the Villa Rica area.

As Market Manager it is my job to insure that The Market at the Mill operates in compliance with city, county, state, and federal laws. To insure that The Market, it's vendors, and customers remain within the bounds of what is legal I've have supplied, with the invaluable help of Ms. Wendy Crager of the Cotton Mill Farmer's Market in Carrollton, an article containing all the rules and information that farmers/growers/vendors will need to participate in The Villa Rica, Market at the Mill.

First is the **Live Plant License**. This is a State of Georgia Department of Agriculture (GDOA) license that anyone selling a potted plant must acquire. Even hobby growers must apply and pay the lowest fee of \$75. Schools and non-profits must also apply and have the fee waived. The application can be viewed and downloaded at http://arg.georgia.gov/00/article/0,2086,38902732_0_41319844,00.html.

You are required to charge **sales tax**. Fresh produce is exempt from the state 4% portion of sales tax but you are still required to collect, report, and pay the local portion which is 1%-3%, depending upon your county. “The tax applies to retail sales of farm products, whether sold by peddlers or at a public market, roadside stand, farm, or an other place.” There is no exemption granted to churches, charitable, civic, and other non-profit organizations. Contact the Georgia Dept. of Revenue at 404-417-4490 or to go http://www.etax.dor.ga.gov/Bustax_salestax.aspx

For all the following permits and licenses, begin the process by calling the closest Consumer Protection Division district office of the GDOA. Offices are in Gainesville, Albany, Forest Park, Jesup, and Thomson. The central Atlanta office number is 404-656-3627. The district offices are listed on the GDOA web site at http://www.agr.state.ga.us/html/district_offices.html. Each district office has a toll free number. The district office for Carrollton is in Forest Park at the State Farmers Market. It's toll free number is 800-359-3287.

What if you want to sell your produce by the pound instead of by volume like pints, quarts, or bags? According to the GDOA, **portable scales must be “legal for trade”**. When you buy a scale, those exact words will be on the scale. The GDOA district office will schedule an inspector to check out your scale and apply an inspection sticker.

Processed food sales requires different steps for different foods. **The Food Sales Establishment License** is the final green piece of paper you get once you jump through all the hoops based on the type of processed food you are producing. This includes jams, jellies, pickles, and other products that are sealed and have a “shelf life”. It also includes breads, baked goods, and sauces that are fresh. Before you start, call GDOA. Our tax dollars pay for them to assist you. They will walk you through every step. You don’t want to skip a step, which could prove to be a costly mistake.

One of the first requirements states that you must use a “**certified kitchen**” to concoct your delicacy. It may NOT be the family kitchen, although it may be in your home. Churches and communities centers often have certified kitchens. You may be able to rent time in one instead of building your own. GDOA is responsible for certifying process facility kitchens. If it is a restaurant or institutional kitchen, then a different agency handles the certification. That agency is Georgia Department of Human Resources and your county health department.

Once you’ve perfected your recipe, you must submit to the University of Georgia Extension Food Science Department a list of ingredients, your step-by-step process, pH results, and a sample of the product. They will test the product and submit process approval or denial to the GDOA. If you make any nutritional claims then you must also have UGA perform a nutritional analysis.

The following link has the instructions and forms for food process approval and nutritional labeling:
<http://www.efsonline.gua.edu/services/services.htm>

Do you want to sell **fresh eggs**? Again, call your district GDOA office. You must take a **grading and candling** course and pass a test. You must adhere to strict rules about packing, dating, and refrigerating your eggs. If you sell at your farm only, then the course and test do not apply to you.

There’s a registration required by the U.S. Food and Drug Administration. All food processors, including farmers who make **value-added food products** such as jams and salsas must **register with the federal government**. There is NO fee for this. Contact the F.D.A. at 888-INFO-FDA (888-463-6332) or <http://www.fda.gov>

Finally, If you want to grow and sell **organic produce** and therefore have permission to utter that word “organic” when referring to your product, then you must abide by the very complex new **National Organic Standards**. Check out the National Organic Program at <http://www.ams.usda.gov/nop/indexIE.htm>. To see a list of approved materials for use in organic agriculture go to the Organic Materials Review Institute at <http://www.omri.org/>. You must also register with the Georgia Dept. of Agriculture although it is not a certifying agency. Their forms can be found at:

http://arg.georgia.gov/00/article/0,2086,38902732_0_41319844,00.html.

Farms with gross proceeds of less than \$5000.00 may label their products as organic without obtaining certification, BUT must adhere to the National Organic Standards and the Georgia organic law. The GDOA office is responsible for organic registrations is in Thomson, 706-595-3408 OR 800-786-0175.

Addendum April 2008: New guidelines have been adopted by the Georgia Dept. of Agriculture regarding food sales at farmers markets. These are new and untested. Rules have been loosened exempting the sale of jams, jellies, cakes, cookies, breads, pies, and honey from the Georgia Food Act. Under specific circumstances these items maybe sold without a Food Sales Establishment License in a non-certified kitchen.

The title of the document is “**GUIDELINES FOR FOOD PRODUCTS SOLD AT EVENTS SPONSORED BY NON-PROFIT ORGANIZATIONS**”. At the end of the document it states, “For assistance or questions concerning Food Sales Exemptions, please contact the Georgia Dept. of Agriculture-Consumer Protections Division AT 404-656-3627.”