

# *Certified Farmers' Markets*

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## *Summary of Basic Information for Certified Producers*

Certified Producer (Producer)—is a grower who sells agricultural products of their own production at Certified Farmers' Markets (CFM) directly to the consumer. The Producer will be issued a Certified Producer Certificate (CPC) listing all the products grown by the Producer. The CPC will be issued after an on-site inspection of the growing grounds by an Orange County Agricultural Inspector to verify that all products presented for sale are grown by the Producer.

The CPC must be conspicuously posted on the seller's booth at the CFM for potential buyers to read. The CPC is applicable only to the Producer/CFM program and is not required for sales directly from the farm.

Certified Farmers' Market (CFM)—is a market which is comprised of many Producers at one site offering a variety of agricultural products. Only Certified Producers are allowed to participate in CFM's. Other types of sellers may participate adjacent to the CFM at the discretion of the market operator. The CFM allows the Producer and consumer to be connected directly across the sales counter. Producers benefit from direct sales to customers, without the expense of a middle man, and consumers are able to purchase fresh produce from the person who grows it. Sales between Producers are not allowed. A Producer cannot buy agricultural products from another producer to sell to the public or anyone else.

The potential Producer should contact the Orange County Agricultural Commissioner Office to arrange for an on-site inspection of the growing grounds. The crops must be up and growing to a point at which they can be identified before an appointment for the inspection will be made. This inspection will verify that the products listed on the Certificate are in fact grown by the Producer. The Orange County Agricultural Commissioner Office will issue embossed copies of the CPC. Certificates are valid for the calendar year in which they are issued and must be renewed annually. Please refer to the fee schedule on our website, the link is provided below.

It is the responsibility of the Producer to contact the appropriate CFM operator(s) and apply for membership to sell at the market. A list of Orange County CFM operators and their contact information is available on our website, see the link below.

The majority of produce is sold by weight, although this is not a requirement. It is the responsibility of the Producer to obtain a scale that is certified for this specific commercial use. Before you buy a scale, be sure to check the link below to make sure you buy one that is approved for commercial use. Scales must be registered and sealed by the County Agricultural Sealer of Weights and Measures.

If any product sold at a CFM is pre-packaged in bags or other containers, it must be properly labeled with the Identity of the product, the contact information of the person Responsible for the product and the Quantity of product in the container. This is known by the acronym--IRQ.

If a Producer plans to produce and sell nursery stock, they will need to obtain a License to Sell Nursery Stock. The License to Sell Nursery Stock has a minimum annual fee of \$150.00 and is issued by the California Department of Food and Agriculture (CDFA). Nursery license

applications are available through the Orange County Agricultural Commissioner Office, or from the CDFA website.

CFM's are governed by State regulations which are enforced by the County Agricultural Commissioner Office. The respective CFM Boards of Directors have also developed rules to govern the members of their particular markets. It is the responsibility of the Producer to comply with all State and CFM Board rules.

Herbicides, insecticides, and fungicides are all different types of pesticides. Producers who use any type of pesticide (including organic pesticides) must obtain a Pesticide Operator Identification Number from the Orange County Agricultural Commissioner Office prior to the purchase and application of pesticides. Use of all agricultural pesticides must be reported to the County Agriculture Department by the 10th of the month following use.

Organic—is a term that is regulated by the California Organic Foods Act of 2003. In order for someone to use the term organic, they must comply with all the regulations contained in this act. The most basic requirement for the user of the term organic is to be registered with the California Department of Food & Agriculture's State Organic Program (CDFA SOP); the registration application is done online at the CDFA website, see link below. The minimum registration fee is \$75.00 and must be renewed annually. If the sales from the organic operation exceed \$5,000 per year, then the operation must also be "certified" by a third party organization which ensures that all required aspects of California Organic Foods Act of 2003 have been met. While many organic producers are participants in the CFM program, organic producers selling through venues other than CFM's do not need to be a Certified Producer, but they must be registered as organic producers.

#### **Contact Information:**

#### **Orange County Agricultural Commissioner/Sealer of Weights and Measures**

222 E. Bristol Lane

Orange, CA 92865-2714

Phone: (714) 955-0100 Fax: (714) 955-0125

[www.ocagcomm.com](http://www.ocagcomm.com) - **General Information**

<http://ocagcomm.com/services/markets> - **Link to list of O.C. CFMs and Fee Schedule for Certified Producers and Certified Farmers' Markets**

<http://ocagcomm.com/forms/> - **Orange County Nursery License**

**Application and Certified Producer Certificate Application**

#### **California Department of Food & Agriculture**

1220 N Street, Sacramento, CA 95814

916-654-0466 (Sacramento)

General Information <http://www.cdfa.ca.gov/is/i & c/cfm.html>

**CDFA Certified Farmers' Market Program** <http://www.cdfa.ca.gov/is/i & c/organic.html>

**CDFA Organic Program, and a link to the online organic registration.**

<http://www.cdfa.ca.gov/dms/programs/ctep/ctep.html> **CDFA DMS Approved Scales 'look up' link**

# CPC - Laws and Regulations

A certified producer is responsible for following all laws and regulations relating to participating in a certified farmers' market. The County Agricultural Commissioner Inspectors will check that certified producers are following the laws and regulations pertaining to direct marketing and organics. Failure to comply with laws and regulations could result in a notice of non-compliance/violation and possibly an administrative penalty (which could include a fine or suspension or both). The following is a summary of where the laws and regulations can be found.

Specific Requirements for the operation of a certified farmer's market are found in:

CA Food & Agricultural Code

Division 17. Fruit, Nut, and Vegetable Standards

Chapter 10.5 Direct Marketing

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=fac&#38;codebody>

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

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I6BF78E10D45811DEB97CF67CD0B99467&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I6BF78E10D45811DEB97CF67CD0B99467&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

Code of Federal Regulations (CFR)

TITLE 7 - Agriculture

PART 205 - NATIONAL ORGANIC PROGRAM

<https://www.law.cornell.edu/cfr/text/7/part-205>

CA Food & Agricultural Code

Division 17. Fruit, Nut, and Vegetable Standards

Chapter 10. Organic Foods

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fac&group=45001-46000&file=46000-46029>

CA Retail Food Code

Chapter 12

<http://www.cdph.ca.gov/services/Documents/fdbRFC.pdf>

**Copies of these can be provided to you by request.**

**This penalty matrix summarizes the penalty range for violations found during a CFM inspection by the County Agricultural Commissioner and includes only those pertaining to producers. A full list can be found in CCR 1392.4.1.**

		VIOLATION TYPE		
		MINOR Fine Range	MODERATE Fine Range	SERIOUS Fine Range
Code Section	Description of Violation	\$50-\$150	\$151-\$400	\$401-\$1000
<b>Section I</b>	<b>Certified Producer Violations</b>			
1. FAC 47002	Transport, pack, or sale of nonconforming products, i.e. Minimum Grade Stds., Minimum Maturity Stds., Closed Consumer Cont.(IRQ), Egg Labeling Requirements	2nd NC in 12 months		
2. FAC 47002(e)	Failure to provide to purchaser of product a memorandum/receipt which includes all required information	X		
3. FAC 47022	Failure to conform to the provisions of this chapter or the regulations adopted thereunder	2nd NC in 12 months of same violation		
4. FAC 47022.1	Deceptive pack	2nd NC in 12 months		
5. FAC 47022.2	Mislabel/Misleading statement	2nd NC in 12 months		
6. FAC 47022.3	Falsify documents or make false statements regarding size, maturity, condition, or quality of products offered for sale			X
7. FAC 47022.4	Unlawfully removing warning tag or product held under NC	-	-	X
8. FAC 47022.5	Refusing to submit for inspection or stop any vehicle for inspection	-	-	X
9. FAC 47022.6	Refusing to allow inspection of property, storage etc.	-	-	X
10. FAC 47022.7	Alteration of any documents issued by an enforcing officer			X
11. CCR 1392.1(d)	Selling product exempt from size, standard pack, container, and labeling requirements at a certified farmers' market without being a certified producer		-	X

12. CCR 1392.1(e)	Failure to sell fresh fruits, nuts, and vegetables in compliance with maturity and quality requirements	2nd NC in 12 months		
13. CCR 1392.1(f)	Failure to sell agricultural products in compliance with quality and labeling requirements - (excludes fresh fruits, nuts, and vegetables)	2nd NC in 12 months		
14. CCR 1392.1(g)	Products sold that are not under exemption must comply with all regulations regarding quality and labeling	2nd NC in 12 months		
15. CCR 1392.4(a)	Certified producer selling product(s) not of their own production	-	-	X
16. CCR 1392.4(a)	Certified producer selling product(s) which they produced but do not have listed on their certified producer's certificate	2nd NC in 12 months		
17. CCR 1392.4(b)	Selling products at a certified farmers' market not in compliance with specified California Health and Safety Code Requirements	X		
18. CCR 1392.4(c)	Selling nonagricultural products in the certified section of a certified farmers' market	-	X	
19. CCR 1392.4(d)	Producer not having a valid Certified Producer's Certificate	-	-	X
20. CCR 1392.4(d)	Certified producer's embossed certificate not in possession and/or not conspicuously posted	2nd NC in 12 months		
21. CCR 1392.4(e)	Failure to use approved scale or sealed scale	-	X	
22. CCR 1392.4(f)1	A certified producer representing or being represented by more than two other certified producers in a 12-month period		X	
23. CCR 1392.4(f)(2)	Failure to separate and identify, at the point of sale, one's own products from that of another Certified Producer from whom one is selling	2nd NC in 12 months		
24. CCR 1392.4(f)(2)	Failure to post Certified Producer Certificate of producer for whom another Certified Producer is selling	2nd NC in 12 months		

25. CCR 1392.4(f)(3)	Failure to add name of another certified producer that the producer is selling for to his/her certificate	-	X	
26. CCR 1392.4(f)(4)	Failure to have the name of the certified producer who is selling the products of another certified producer appear on the certificate of the person for whom the certified producer is selling	-	X	
27. CCR 1392.4(f)(5)	A certified producer offering for sale product for another certified producer in greater volume than the certified producer is offering for sale	2nd NC in 12 months		
28. CCR 1392.4(f)(7)	Commission sales / buying and selling between certified producers	-	-	X
29. CCR 1392.4(f)(9)	When selling on behalf of another producer, failure to keep required records for a period of three years	X		
30. CCR 1392.4(f)(10)	Failure to produce records for inspection upon demand	X		
31. CCR 1392.4(h)	Failure to post organic registration and/or documentation of organic certification when representing product as organic	X		
32. CCR 1392.4(i)	Failure to post organic registration and/or documentation of organic certification for product of other Certified Producer when selling for another and representing product as organic	X		
33. CCR 1392.4(j)	Sale of sprouts with less than 50% having emerged	X		
34. CCR 1392.4(k)(l)	Not providing memorandum with required information		X	
35. CCR 1392.4(m)	Does not have required documentation on processed products		X	
36. CCR 1392.5(c)	Refusing to provide documentation	-	-	X
37. CCR 1392.9.2(d)	Failure to report to County Agricultural Commissioner any change in Farm Lease Agreement and/or surrender invalid certificates to CAC	-	X	