

RESOLUTION # 35

SAFE FOOD PRODUCTS AT COMMUNITY FARMERS MARKETS

1 **WHEREAS**, community farmers markets throughout New Jersey present an
2 excellent opportunity for New Jersey farmers to offer their products directly to
3 consumers, and at the same time interact with the public about their farm products,
4 growing methods and other aspects of agriculture in the Garden State; and

5 **WHEREAS**, the New Jersey Department of Agriculture has invested significant
6 time, effort and resources in helping communities to develop community farmers
7 markets across the state, and those markets now number approximately 140 statewide;
8 and

9 **WHEREAS**, community farmers markets provide a “drawing card” for many
10 communities to bring shoppers back to downtown areas and commercial districts that
11 had seen an exodus of consumers due to the development of mega-shopping centers
12 and the use of Internet shopping; and

13 **WHEREAS**, this reintroduction of large numbers of shoppers has a spillover
14 effect of increasing business for retailers located near community farmers markets, and
15 many, especially restaurants, become regular parts of the community farmers markets,
16 providing cooking demonstrations and other activities that link the downtown shopping
17 area to the community farmers market in consumers’ minds; and

18 **WHEREAS**, community farmers markets, though typically not permanent
19 structures, are governed as “retail food establishments” under Chapter 24 of the State
20 Code, which is overseen by the New Jersey Department of Health; and

21 **WHEREAS**, Chapter 24 specifically establishes the practices that must be
22 followed in order for a food product to be considered safe for sale at a retail food

23 establishment, including the manner in which it was prepared and displayed for sale at a
24 community farmers market; and

25 **WHEREAS**, the administration of Chapter 24 at community farmers markets is
26 conducted by local health officials, employed either by the municipality in which the
27 community farmers market exists or by the county of that municipality; and

28 **WHEREAS**, farmers have reported over the years that the interpretation of
29 Chapter 24 as regards community farmers markets varies greatly from municipality to
30 municipality and county to county, depending upon the health inspector(s) involved; and

31 **WHEREAS**, this leads to confusion about which interpretations of Chapter 24
32 apply, especially among farmers who participate in multiple markets across multiple
33 municipalities and counties, creating a situation in which a food product offered for sale
34 in one location may be disallowed in another and thus establishing an uneven playing
35 field for farmers depending upon these local and county interpretations; and

36 **WHEREAS**, the New Jersey Department of Health can provide guidance, but not
37 orders, to local and county health officers about their interpretations of Chapter 24,
38 thereby leaving no statewide authority to which farmers can turn for definitive answers to
39 these questions; and

40 **WHEREAS**, the Department of Agriculture has identified areas, including but not
41 limited to fresh seafood, not covered in a guidance document and chart created as a
42 joint effort with the Department of Health in 2008, that could be included in an updated
43 version of the document and chart; and

44 **WHEREAS**, the implementation of the Food Safety Modernization Act (FSMA)
45 necessitates a review of the existing document and chart to ensure consistency between
46 Chapter 24 and FSMA.

47 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 102nd
48 State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 8-9,

49 2017, do hereby urge the New Jersey Departments of Agriculture and Health to
50 continue collaborating on an updated document and chart, which would provide
51 community farmers market managers with specific references to Chapter 24 and FSMA
52 to use in discussions with local and county health officers regarding questions of
53 whether, and under what conditions, a given food product is allowed for sale at a
54 community farmers market.

55 **BE IT FURTHER RESOLVED**, that we urge the Department to investigate
56 whether federal funding it has recently received in order to begin devising and ultimately
57 implementing a produce-safety program can be used to update the chart and documents
58 created jointly with the Department of Health in 2008.