

## RESOLUTION # 39

### 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 consumers,  
3 and at the same time interact with the public about their farm products, growing methods and  
4 other aspects of agriculture in the Garden State; and

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

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

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

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

20           **WHEREAS**, Chapter 24 specifically establishes the practices that must be followed  
21 in order for a food product to be considered safe for sale at a retail food establishment,  
22 including the manner in which it was prepared and displayed for sale at a community farmers  
23 market; and

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

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

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

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

39           **WHEREAS**, the Department of Agriculture has identified areas, including but not  
40 limited to fresh seafood, not covered in a guidance document and chart created as a joint  
41 effort with the Department of Health in 2008, and the document is in the process of being  
42 updated to include those areas, as well as any changes to the laws since 2008; and

43           **WHEREAS**, the implementation of the Food Safety Modernization Act (FSMA)  
44 necessitated a review of the existing document and chart to ensure consistency between  
45 Chapter 24 and FSMA, and that review is ongoing as the FDA continues finalizing the  
46 appropriate FSMA rules.

47           **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 103<sup>rd</sup> State  
48 Agricultural Convention, assembled in Atlantic City, New Jersey, on February 7-8, 2018, do  
49 hereby urge the New Jersey Departments of Agriculture and Health to continue collaborating  
50 on an updated document and chart, which would provide community farmers market

51 managers with specific references to Chapter 24 and FSMA to use in discussions with local  
52 and county health officers regarding questions of whether, and under what conditions, a  
53 given food product is allowed for sale at a community farmers market.