

# Farmers Market Vendor Guide



**WEST VIRGINIA DEPARTMENT OF AGRICULTURE**

mailing address: 1900 Kanawha Blvd. East, Charleston, WV 25305-0170

physical address: 217 Gus R. Douglass Lane, Charleston, WV 25312

telephone: 304-558-3550 • fax: 304-558-2203

[www.agriculture.wv.gov](http://www.agriculture.wv.gov)

## **West Virginia Farmers Market Vendor Guide**

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This document is updated when revisions to legislation, rules or other authorities occur.

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# Introduction

The Farmers Market Vendor Guide was developed to provide standards, guidelines and consistent information for farmers, food vendors and inspectors about food items that may be sold at farmers' markets and conditions that must be met at the point of sale. The Guide represents a collaborative effort of the West Virginia Department of Agriculture (WVDA), the West Virginia Farmers Market Association and the West Virginia University Extension Service.

All Farmers Markets operating in West Virginia must register annually with the West Virginia Department of Agriculture (WVDA) at no cost. Consignment Farmers Markets, in addition to registering with the WVDA, are **REQUIRED** to obtain a food establishment permit from their local health department.

Depending upon the product sold, a vendor may be required to obtain a Farmers Market Vendor Permit from WVDA at a cost of \$35 per year, and/or a Food Establishment Permit from the local health department. Vendors are exempt from obtaining a farmers market vendor permit if they are delivering their products to a consignment farmers' market only, if they are selling fresh, uncut produce or non-potentially hazardous food products.

Contact the WVDA to determine if a Food Establishment Permit is required, or for a quick reference, please see the enclosed chart on page 2 for permit requirements.

# Guide to Farmers Market Vendor Permits

	Commodity	Farmer's Market Vendor Permit <b>WVDA</b>	Food Establishment Permit <b>DHHR</b>	Other Permits/ Requirements
<b>Non-Potentially Hazardous Foods</b>	Apple butter	Not Required	Not Required	Not Required
	Cakes	Not Required	Not Required	Not Required
	Candies & Confections	Not Required	Not Required	Not Required
	Cereals, trail mixes, granola	Not Required	Not Required	Not Required
	Coated or uncoated nuts	Not Required	Not Required	Not Required
	Commercially harvested mushrooms	Not Required	Not Required	Not Required
	Condiments – Non-Potentially Haz.	Not Required	Not Required	Not Required
	Dehydrated fruits and vegetables	Not Required	Not Required	Not Required
	Dog Food, Treats or Animal Feed	Not Required	Not Required	Must register with WVDA to produce pet products
	Fresh, uncut produce	Not Required	Not Required	Not Required
	Fruit Pies	Not Required	Not Required	Not Required
	Honey	Not Required	Not Required	Apiarist must be registered with WVDA
	Loaf Breads, rolls, biscuits	Not Required	Not Required	Not Required
	Molasses	Not Required	Not Required	Not Required
	Jams & jellies (made with standard fruits, i.e., grape, strawberry, raspberry, etc.)	Not Required	Not Required	Not Required
	Popcorn, popcorn balls, cotton candy	Not Required	Not Required	Not Required
	Sorghum	Not Required	Not Required	Not Required
	Tomato sauce & juice	Not Required	Not Required	Not Required
	Tree Syrup	Not Required	Not Required	Not Required
	Whole or chopped canned tomatoes	Not Required	Not Required	Not Required
<b>Potentially Hazardous Foods</b>	Acidified Foods	<b>Required</b>	Not Required	Process Authority and WVDA label review
	Condiments-Potentially Haz.	<b>Required</b>	See information to the right	If product is acidified then Process Authority and WVDA label review is required. If product is time-temperature controlled ONLY then a DHHR Food Establishment Permit AND WVDA label review is required.
	Cut Produce	<b>Required</b>	Not Required	Not Required
	Eggs	<b>Required</b>	Not Required	Must register with WVDA as egg producer
	Fermented products	<b>Required</b>	Not Required	Process Authority and WVDA label review
	Fish	<b>Required</b>	<b>Required</b>	If processed at a processing facility, then must register as fish processing facility with WVDA and obtain a "Fish Processing License"
	Meats	<b>Required</b>	<b>Required</b>	WVDA Distributors or commercial license or retail exemption
	Jams & Jellies (non-standard, i.e., basil, hot pepper, etc., no sugar added/artificially sweetened)	<b>Required</b>	Not Required	Process Authority and WVDA label review
	Other canned or preserved foods	Not Required	<b>Required</b>	Approved manufacturer from WVDHHR
	Pasteurized Milk and Cheese – Produced	<b>Required</b>	<b>Required</b>	Must be a Grade "A" Milk Producer
	Pasteurized Milk and Cheese – Retail Only	Not Required	<b>Required</b>	WVDA Dairy Distributor Permit Required
	Pickled products	<b>Required</b>	Not Required	Process Authority and WVDA label review
	Poultry	<b>Required</b>	<b>Required</b>	WVDA Distributors or commercial license or retail exemption
	Salsas	<b>Required</b>	Not Required	Process Authority and WVDA label review
	Sauces – hot sauce, marinara, spaghetti	<b>Required</b>	Not Required	Process Authority and WVDA label review

# Definitions and Common Abbreviations

A **Farmers' Market** is defined as

1. A traditional market in which two or more vendors gather to sell farm and food products directly to consumers.
2. An on-farm market or farm stand run by an individual producer that sells farm and food products.
3. An online farmers market in which two or more vendors collectively market farm and food products and retain ownership of these products until they are sold. Selling in this manner outside of WV requires use of a commercial kitchen for production and FDA-compliant label.
4. A consignment farmers market means a farmers market in which two or more vendors deliver their own farm and food products to a common location maintained by a third party that markets the vendors' products and receives a percentage share of the profits from sales, with the individual vendor retaining ownership of the farm and food product until it is sold.
5. A mobile farmers' market in which two or more vendors sell farm and food products directly to consumers from a mobile unit

A **Non-Potentially Hazardous Condiment** is a spice or sauce that is added to food, typically after cooking, to impart a specific flavor or complement a dish. These products must be non-potentially hazardous, shelf stable and needs no refrigeration. This does not include any product that requires time and/or temperature control. Examples may include salt, pepper, garlic, honey, syrups.

A **Farmers' Market Vendor** is defined as a person or entity that sells farm and food products at a Farmers' Market.

The **Farmers' Market Vendor Permit** is a permit that is required for a Farmers' Market Vendor that is selling a Potentially Hazardous Food. The permit can be obtained by registering with the WVDA on a form provided online and at the cost of \$35. This permit is valid April 1 – March 31 and can be used statewide at all farmers' markets. All vendors must display this permit in a conspicuous manner at the point of sale. Holders are subject to an annual/periodic kitchen inspection.

**Food Establishment** refers to an operation that stores, prepares, packages, serves, vends or otherwise provides food for consumption. Further clarification of the definition is available on the WV Secretary of State's webpage, Code of State Rule 64-17, Food Establishment Rule. Food Establishment is defined by the FDA Model Food Code, which was adopted by the West Virginia Legislature April 2, 2008.

The local health department can provide information about permit fees. Maximum allowable permit fees for Food Service Establishments may also be found on the Secretary of State's webpage, Code of State Rule 64-30, Fees for Permit Rule.

## Definitions and Common Abbreviations, cont.

**Food Process Control Authority** is defined as a qualified person who has the knowledge acquired through appropriate training and experience in thermal processing and the process of acidified foods OR evaluates the thermal process for food and must have expert knowledge of thermal processes, hermetically sealed containers, food microbiology, and have facilities to determine a safe process or process schedule for each product.

**“Homemade Food” or “Cottage Food”** is defined as a non-potentially hazardous food item, including a non-alcoholic beverage, that is produced and/or packaged at the private residence of the producer.

**MicroGreens** are soil or hydroponically-grown plants, usually around 2 weeks old, with a stem and true leaves to be consumed.

A **Non-Potentially Hazardous Food (NPHF)** is a food that does not require a time/temperature control for safety as determined through pH and/or aw (water activity) testing.

A **Potentially Hazardous Food (PHF)** is a food that requires time-temperature control to keep the food safe for human consumption. A PHF contains moisture (water activity > 0.85), protein and a pH between 4.6 and 7.5. OR are foods that require time-temperature control to keep them safe for human consumption. In general, foods with a water activity greater than 0.85, contain protein and/or are slightly acidic (a pH between 4.6 and 7.5)

A **Potentially Hazardous Condiment** is a spice or sauce that is added to food, typically, after cooking, to impart a specific flavor or complement a dish. This product will be acidified with a pH of 4.6 or below and water activity above 0.85. This product must have process authority, and a WVDA Certificate of Label Review. This product may require time and/or temperature control. Examples may include mustard, ketchup, horseradish, etc.

A **Sprouted Seed** refers to germinated seeds that are water grown with the stem and seeds to be consumed.

**Value-Added Food Products** are defined as crops or foods that have been enhanced through a variety of improvements, including processing, fortification, increased safety or nutrition, better packaging or extended storage. This term includes changes to a product form or added ingredients (i.e. maple syrup based fudge and candies, infused honeys and oils, comingled leafy greens to create a salad mix).

**WVDA** refers to the West Virginia Department of Agriculture.

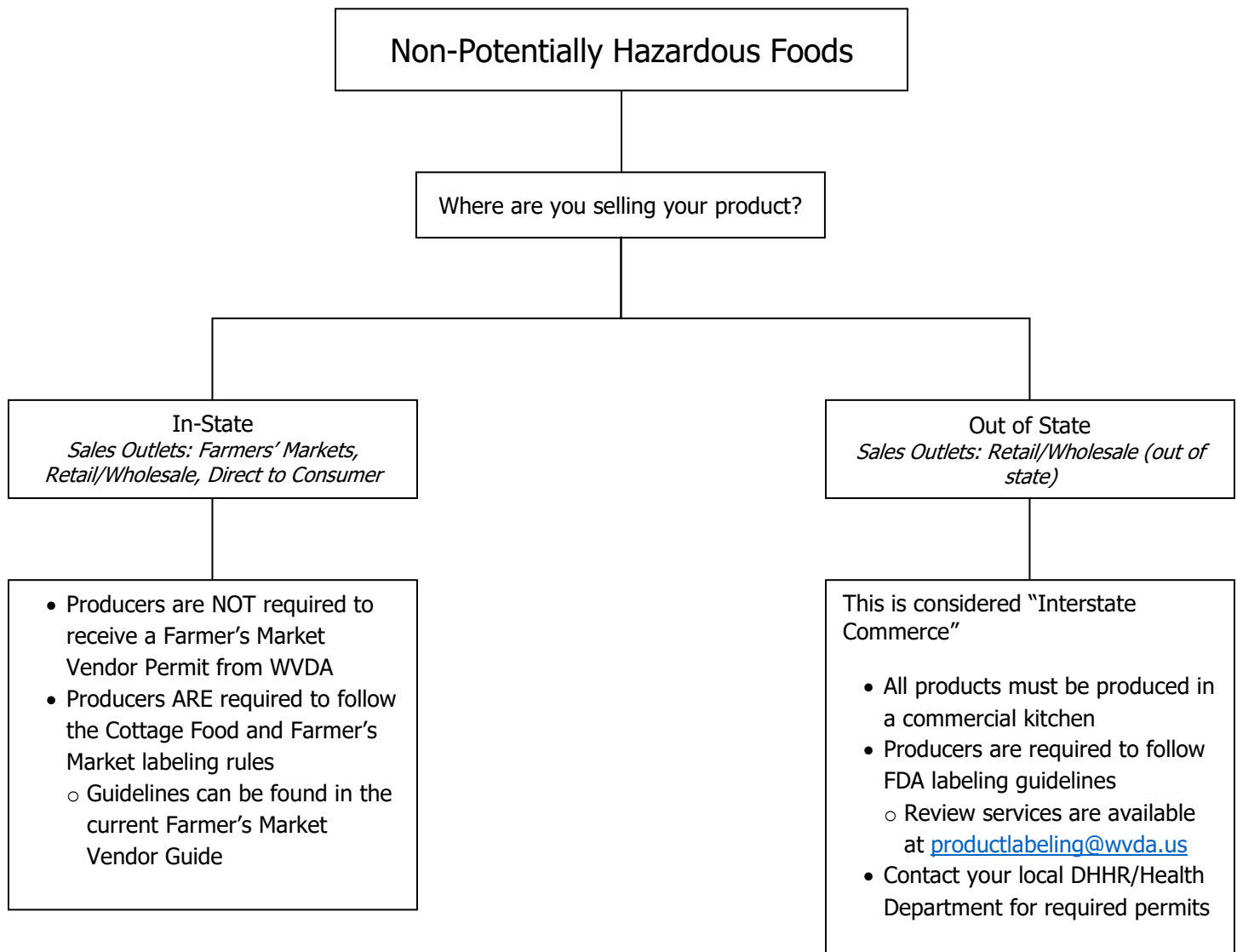
**WVDHHR** refers to the West Virginia Department of Health and Human Resources.



The background of the slide is a collage of food items. At the top left, there is a glass jar filled with chocolate chip cookies. To the right, there are some bread rolls. Below the jar, there are more bread rolls. At the bottom, there is a wooden crate filled with bread rolls. The crate has the word "BAKED" written on it in large, bold, black letters. The text "Non-Potentially Hazardous Foods" is overlaid on the center of the image in a large, bold, orange font.

# Non-Potentially Hazardous Foods

A **Non-Potentially Hazardous Food (NPHF)** is a food that does not require a time/temperature control for safety determined through pH and/or aw (water activity) testing.



**If your product does not meet the definition of a “Cottage” or “Homemade” Food, please refer to Basic Labeling Guidelines on page 16.**

### Cottage Food Labeling Requirements

Products falling under the “Cottage” or “Homemade” Foods definition shall also meet the following conditions applying to the sale and delivery of these food items:

1. The homemade food item must be sold by the producer to the consumer, whether in person or remotely, or by an agent of the producer or a third-party vendor; and
2. The homemade food items must be delivered to the consumer by the producer, an agent of the producer, a third-party vendor, or a third-party carrier.

**Labeling requirements for Cottage Foods include:**

1. The name, home address, and telephone number of the producer of the homemade food item;
2. The common or usual name of the homemade food item;
3. The ingredients of the homemade food item in descending order of predominance; and
4. The following statement: "This product was produced at a private residence that is exempt from State licensing and inspection. This product may contain allergens."

**The information must be provided:**

1. On a label affixed to the package, if the homemade food item is packaged;
2. On a label affixed to the container, if the homemade food item is offered for sale from a bulk container;
3. On a placard displayed at the point of sale, if the homemade food item is neither packaged nor offered for sale from a bulk container;
4. On the webpage on which the homemade food item is offered for sale, if the homemade food item is offered for sale on the Internet; or
5. On a receipt or other document provided to the customer with the homemade food item.

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## NON-POTENTIALLY HAZARDOUS FOODS

### Apple Butter, Sorghum, Molasses and Tree Syrups

Due to the high sugar content and the high temperature of the product when it is jarred, such products are considered to be non-potentially hazardous.

**Fruit butter** is a smooth and creamy spread that is created by slow-cooking fruit and sugar until it reaches the right consistency; these types of spreads are not always translucent and are often opaque. Fruit butters are best used as a spread and a filling.

Products that contain additional ingredients (i.e. peppers, nuts, infused vinegars, artificial sweeteners or added fruit juice or oils) are not included in this provision. They fall under the 'Potentially Hazardous' category. These items need additional analysis to determine their salability at WV markets.

### Baked Goods

Baked goods and candy prepared in a home kitchen may be sold at a farmers market without a Farmer's Market Vendor Permit as long as they are NOT potentially hazardous. Potentially hazardous baked goods include the following that must be time and/or temperature controlled:

- Meringue, custard or cream pies
- Cheesecake
- Cream-filled cupcakes, donuts, pastries
- Cream cheese-based frostings or fillings.

Products that are allowed for sale include cakes, fruit pies, yeast and fruit breads, and candy because these items are considered shelf-stable without refrigeration.

Whether these products do or do not present a hazard from a bacteriological standpoint, the food may be contaminated with filth or other extraneous matter. Therefore, the WVDA reserves the right to inspect the home kitchens based on observed health hazards or complaints from consumers.

WVDA requires that baked goods be pre-wrapped or protected from contamination during display and properly labeled as required by WVDA.

### Fruits and Vegetables

To meet the current FDA Food Safety Modernization Act (FSMA) Produce Safety Rule requirements, farmers selling fresh produce must display a sign at their stall or table, visible to patrons, indicating the name of the grower or farm and their related contact information.

Fresh, uncut fruits and vegetables are considered non-potentially hazardous foods and can be sold without a Farmers Market Vendor Permit.

Microgreens can be sold at a farmers' market, however, sprouted seeds are not permitted. Refer to **Definitions** page for further descriptions of both.

Other foods may or may not be allowed for sale. Approval for questionable products is at the discretion of the Commissioner of the West Virginia Department of Agriculture or his/her designee.

### Honey

The sale of honey is permitted at farmers' markets. The apiarist must be registered with WVDA. The product must be labeled with the following information:

- Common name of the product
- Name and address of processor
- Net weight in U.S. and metric equivalency.
- Ingredients: Needed ONLY if there are other ingredients added to the honey (e.g. honey infused with orange)
- Producers must include the statement "Please do not feed to infants under 1 year of age."

If a producer wishes to sell value-added honey products such as toppings or honey infused with other products, these would fall under the 'Potentially Hazardous' products category and they must obtain a WVDA Farmers Market Vendor Permit and have an annual kitchen inspection.

### Jams and Jellies

**Jam** is a mixture of fruit, sugar, and sometimes pectin, which is used as a thickener. It all gets boiled quickly until the fruit breaks down just enough to soften but still holds much of its shape. The result is something that is thick and spreadable but a bit clumpy here and there.

**Jelly** is made from sugar, pectin, acid, and fruit juice and is a clear spread that is firm enough to hold its shape. Jellies can also be made from ingredients other than fruit, such as herbs, tea, wine, liqueurs, flowers, and vegetables.

The biggest difference with jelly is it's made with fruit juice instead of actual fruit. Fruit juice is boiled with sugar and pectin to form a translucent spread that's semi-firm. Since whole fruit isn't used to make jelly, there won't be mashed pieces of fruit in it, like there typically is in jam. Jelly can also be made with other ingredients, such as herbs, wine, or flowers. It's best used as a spread or a condiment for things like cheese or even meat, depending on what it's made from.

**Marmalade** is a citrus spread made from the peel and pulp of the fruit. Marmalades are cooked for a long time and have no pectin and are used as spreads and glazes.

**Preserves** are spreads that have chunks of fruit surrounded by jelly.

The sale of home-processed standard jam and jelly is permitted at farmers markets without acquiring for a WVDA Farmers' Market Vendor Permit as these products are not considered potentially hazardous. Fruits and berries usually associated with jams and jelly are grape, strawberry, raspberry, peach, orange, etc.

No sugar-added and artificially sweetened products do not fall into this category.

So, what's a gelée? It's just the French word for "jelly."

## Mushrooms

Mushroom species picked or foraged in the wild shall not be offered for sale by a farmer's market vendor.

1. This guideline does not apply to:
  - a. Cultivated mushroom species that are grown, harvested and processed in an operation that is regulated by the West Virginia Bureau of Public Health-Office of Environmental Health (i.e. commercial kitchen);
  - b. Mushroom species if they are in packaged form and are the product of a food processing plant that is regulated by the West Virginia Bureau of Public Health-Office of Environmental Health
2. List of approved cultivated mushroom species\* that can be sold at West Virginia farmers markets with spore source documentation:

<b>Blewit</b> ( <i>Lepista nuda</i> ) <b>Button</b> ( <i>Agaricus bisporus</i> ) <b>Cauliflower Mushroom</b> ( <i>Sparassis crispa</i> ) <b>Chestnut Fungi</b> ( <i>Pholiota adiposa</i> ) <b>Chicken of the Woods</b> ( <i>Laetiporus spp</i> ) <b>Clemson</b> ( <i>Stropharia rugoso-annulata</i> ) <b>Cremini</b> ( <i>Agaricus bisporus</i> ) <b>Enoki</b> ( <i>Flammulina velutipes</i> ) <b>Lion's Mane Mushroom</b> ( <i>Hericium spp</i> ) <b>Maitake</b> ( <i>Grifola frondosa</i> )	<b>Matsutake</b> ( <i>Tricholoma matsutake</i> ) <b>Morel</b> ( <i>Morchella esculenta</i> ) <b>Nameko</b> ( <i>Pholiota nameko</i> ) <b>Oyster or Pleurotte</b> ( <i>Pleurotus ostreatus</i> ) <b>Portobello</b> ( <i>Agaricus bisporus</i> ) <b>Shiitake</b> ( <i>Lentinus edodes</i> ) <b>Straw or Chinese</b> ( <i>Volvariella volvaceae</i> ) <b>Truffle</b> ( <i>Tuber spp</i> ) <b>White</b> ( <i>Agaricus bisporus</i> ) <b>Wood ear</b> ( <i>Auricularia auricular-judae</i> )
*Other mushrooms may be allowed as other spawns/spores become available, but producer must be able to provide documentation of the purchase of the spawns/spores.	



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## NON-POTENTIALLY HAZARDOUS FOODS

### Sauces, Condiments\*, Preserved and Canned Foods

The sale of home-canned, preserved or processed foods, including non-potentially hazardous jams and jellies is permitted at farmers' markets.

\*Note: Only condiments that do NOT require time and temperature control and do not require to be acidified are exempt.

If the firm is selling at farmers markets and at outlets other than farmers markets (i.e. stores, wholesale, mail order/online across state lines), they may be engaged in interstate commerce and may be required to meet other testing, education and commercial kitchen utilization requirements.

#### **Unsure of where your product fits in?**

Call the WVDA Regulatory & Environmental Affairs Division, 304-558-2227, to determine eligibility for sale through all market channels.





# Potentially Hazardous Foods

A **Potentially Hazardous Food (PHF)** is a food that requires time-temperature control to keep the food safe for human consumption or a food that contains moisture (water activity  $> 0.85$ ), protein and a pH between 4.6 and 7.5.

# POTENTIALLY HAZARDOUS FOODS

For potentially hazardous products to be sold at farmers markets in West Virginia, basic requirements must be followed to ensure the products are safely handled and prepared. An outline of this may be found on page 15. but requirements set forth in WV 61CSR38 include:

**Letter of Process Authority Approval:**

A copy of the letter from a process authority must be supplied to the WVDA to sell certain potentially hazardous foods, such as sauces, salsas, fermented and pickled products. A list of these may be found on page 31.

**Training:**

Certificate of attendance from a good manufacturing practices (GMP) or better process control school.

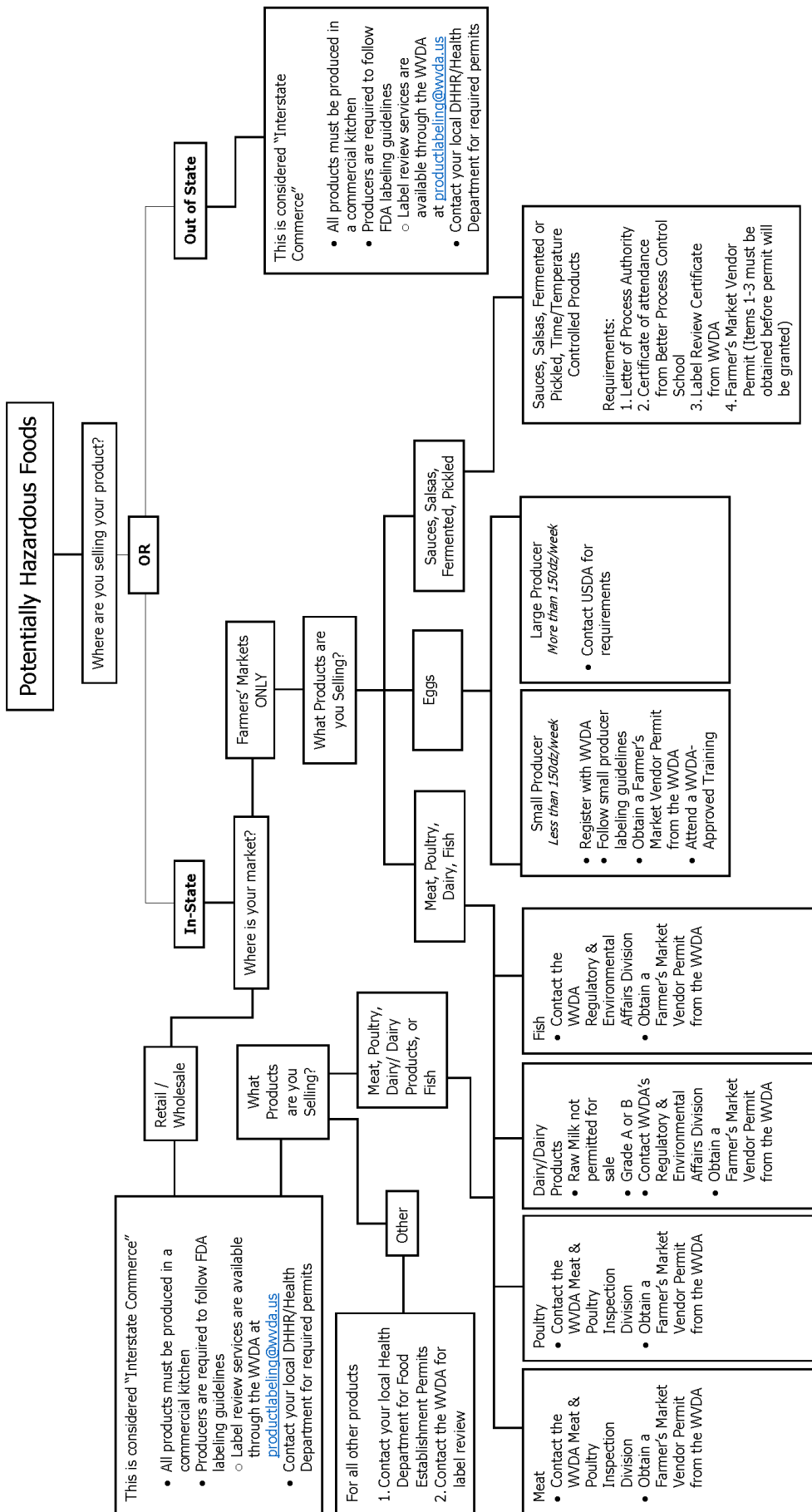
**Label Review Certificate from the WVDA:** Note the label requirements are listed on page 16 of this guidance document.

**Farmers Market Vendor Permit:**

All potentially hazardous foods that are prepared and sold for human consumption at WV farmers markets shall apply for and receive a WV Farmers Market Vendor permit, prior to the sale of the PHF.

Note: The first three items must be completed prior to submission for the vendor permit along with the associated \$35 annual fee.

*Note: For any potentially hazardous food that requires a time or temperature control, if the vendor is using another agent for the sale of the TTC product, it is also the responsibility of the agent to ensure proper storage and handling temperatures are maintained.*



## Basic Labeling Guidelines

WVDA reviews food product labels for compliance with FDA Guidelines. This section is a basic guideline. Required label information can vary from product to product. Please contact the WVDA Business Development Division at 304-558-2210 or [productlabeling@wvda.us](mailto:productlabeling@wvda.us) for labeling guidance.

General requirements are:

- **Statement of Identity:** The common name of the product
- **Farm/Business/Producer Contact Information:** Name and physical address are required. Email, website and other information can be added here as well
- **Net Quantity Statement:** In the lower 1/3 of the Principal Display Panel (main panel), producers must list the weight in U.S., and metric equivalencies
- **Allergen Statement:** List any of the 8 major allergens that are present in the product.
  - Major allergens are
    - Peanuts
    - Soybeans
    - Milk
    - Eggs
    - Fish – list species or common name (i.e., cod, salmon)
    - Crustaceans – list species or common name (i.e., crab, lobster)
    - Tree Nuts – list species or common name (i.e., almonds, peanuts)
    - Wheat
- **Ingredients Listing:** Listed in descending order of predominance based on weight. All sub-ingredients must be listed in parentheses

**A FDA Guide on Labeling can be found at:** <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-food-labeling-guide>

- All farm and food products **that require a Farmers Market Vendor permit** shall include on the label the words "MADE IN A WV \_\_\_\_\_ KITCHEN" in capital, bold, 10-point type or larger, with the blank space to state whether the product was made in a *home, farm, community* or *commercial kitchen*.
- For labeling questions or to request a label review, contact the WVDA at [productlabeling@wvda.us](mailto:productlabeling@wvda.us) or call 304-558-2210.

## **Baked Goods**

Potentially hazardous baked goods include the following that must be time and temperature controlled:

- Meringue, custard or cream pies
- Cheesecake
- Cream-filled cupcakes, donuts, pastries
- Cream cheese-based frostings or fillings.

To sell baked goods and other cottage foods that are considered potentially hazardous, the vendor must obtain a Farmers' Market Vendor Permit with the WVDA by March 1 to avoid a late fee, or before the date of sale.

Whether these products do or do not present a hazard from a bacteriological standpoint, the food may be contaminated with filth or other extraneous matter. Therefore, the WVDA reserves the right to inspect the home kitchens based on observed health hazards or complaints from a consumer.

WVDA requires that baked goods be pre-wrapped or protected from contamination during display and properly labeled as required by WVDA (refer to Basic Labeling Guidelines)

## **Dairy Products**

Pasteurized milk, cheese and other dairy products may be sold at farmers markets if the following guidelines are followed:

- Vendor has an approved dairy processing plant
- Product is pre-packaged
- Product is kept at appropriate temperatures in coolers, refrigerated vehicles, or freezers with calibrated thermometers
- The vendor must have a valid Food Establishment Permit from the local health department before the date of sale.

Proper dairy product labels must include the following information:

- Fluid milk container must state "Grade A"
- Common name of the hooved mammal producing the milk shall precede the name of the milk or milk product when the product is or is made from other than cattle's milk, e.g., goat cheese
- Net quantity of contents
- Ingredient list in decreasing order of weight
- Allergens listed
- Milk plant name and address, or plant code.

Aged cheese may be made from raw milk (unpasteurized) as long as the cheese is processed in an approved processing facility and aged for at least 60 days at a temperature of 35°F or greater. Aging time and temperature may vary depending upon the type of cheese processed. Contact the WVDA for individual cheese aging requirements.

The sale of raw milk (unpasteurized) for humans or pets is prohibited under West Virginia regulations.

## **Eggs**

A small producer may market up to 150 dozen eggs or less per week of their own production. The producer must register with the WVDA. Small producers must label their cartons with:

- The name and address of the person producing and selling the eggs
- The date the eggs are packed
- The words "Ungraded Eggs" in print of at least five-eighths (5/8) inch

Eggs shall be clean and free of debris and adhering dirt. Eggs shall be transported at no more than 45°F, unless the time for transportation is less than three hours. Eggs are to be stored and displayed at the farmers' market in cold-holding equipment capable of holding 41°F or less. The eggs must reach the 41°F temperature within four hours of receipt at the market.

Small producers are permitted to pack in recycled or used cartons when the original distributor's name, address, expiration date, size and grade are marked out and replaced with the labeling required for small producers. Cartons shall be clean and free of odor or debris. More information may be obtained by contacting WVDA.

Any vendor selling eggs shall have a valid Farmers' Market Vendor Permit from the West Virginia Department of Agriculture and be registered with WVDA as an egg vendor/producer.

Reference: §61CSR19 Egg Marketing Rule, §64CSR30

## **Fish**

Commercially raised and harvested fish may be offered for sale at farmers' markets. Wild caught fish are NOT allowed. Fish vendors must provide to market managers a certificate of wholesomeness that states for all species of product that the product was farm raised, at what farm it was raised, and whether or not the product was administered FDA-approved medication. These documents must be provided every time fish is brought to the market. The required water tests shall be submitted once per year per water source to insure safe water samples. Markets shall keep a copy of these for two years.

Additional requirements are:

- Raw products must be kept in cold holding equipment capable of holding 41°F or less
- Annual scale certification
- Fish must be gutted at an approved facility
- Fish products must be held, stored and transported in a clean sanitary environment to keep products wholesome.

The vendor shall receive a Farmers' Market Vendor Permit from WVDA and a food establishment permit from the local health department by March 1 to avoid a late fee or before the date of sale. As part of the routine inspection, the local health department may inspect the storage space of the product off premises of the sales area. Off-premise storage should be in separate designated cold holding equipment that is stored in a clean, safe, and secure environment.

Labels must be provided for the product that include common name and net weight of the product.

Refer to §61CSR23A West Virginia Fish Processing Rules under WVDA for additional information.



## **Fruits and Vegetables**

To meet the current FDA Food Safety Modernization Act (FSMA) Produce Safety Rule requirements, farmers selling fresh produce must display a sign at their stall or table, visible to patrons, indicating the name of the grower or farm and their related contact information.

Once cut, many fruits and vegetables are considered potentially hazardous foods. Melons and tomatoes are two examples. These products, once cut, must be held below 41°F. Therefore, if offering cut fruits or vegetables, the vendor would have to obtain a WVDA Farmers' Market Vendor Permit by March 1st to avoid a late fee or before the date of sale.

Sprouted seeds are germinated seeds that are water grown with the stem and seeds to be consumed. Sprouted seeds are NOT allowed for sale at a farmers' market.

Micro-greens, soil or hydroponically grown plants, usually around 2-weeks old, with the stem and leaves to be consumed, ARE allowed to be sold at Farmers' Markets.

Other foods may or may not be allowed for sale. Approval for questionable products is at the discretion of the Commissioner of the West Virginia Department of Agriculture or his/her designee.

## **Non-Standard Jams, Jellies and Vegetable Butters**

Any jams or jellies not produced from the standard fruits (apple, grape, strawberry, etc.) are required to be sent to Process Authority for approval. Examples of this may include basil jelly, hot pepper jelly, dandelion and mint jelly.

Hot pepper and some non-typical fruit butters and jellies (i.e. pumpkin and vegetable butters, hot pepper jelly, etc.) are acidified and may require additional ingredients or steps to prevent microbial growth. A Farmers' Market Vendor Permit issued by the WVDA is required. While these foods may or may not present a hazard from a bacteriological standpoint, the food may be contaminated with filth or other extraneous matter. Therefore, the WVDA reserves the right to inspect the home kitchens based on observed health hazards or complaints from a consumer.

Pumpkin butter and other vegetable butters are dense, low-acid foods and the home canning process does not kill off pathogens in the center of the jar, even when pressure canning.

## **Meats**

Fresh or frozen meats may be sold at farmers markets if the following guidelines are followed:

- All products must be commercially slaughtered under USDA or WVDA inspection, passed, and labeled
- Raw products must be kept in cold holding equipment capable of holding the product at 41°F or less
- Meat products must be held, stored, and transported in a clean sanitary environment to keep products wholesome

The vendor shall receive a Farmers' Market Vendor Permit from the WVDA and a food establishment permit from the local health department before the date of sale. As part of the routine inspection, the local health department may coordinate with WVDA and/or inspect the storage space of the product off-premises of the sales area. Off-premise storage should be in separate designated cold holding equipment that is stored in a clean, safe, and secure environment.

Labels must be provided for the product that include:

- Common name of the product
- Net weight of the product
- Other information as required by WVDA and USDA safe handling instructions.

Cured, smoked or dehydrated meats for sale at Farmers Markets shall be USDA or WVDA inspected. See 9 CFR 303.1 The vendor must supply appropriate documentation at the point of sale proving the product has been approved.

Producers can contact the Meat and Poultry Division of the WVDA for further questions at 304-558-2206.

## **Poultry**

- Fresh or frozen poultry may be sold at farmers markets if the following guidelines are followed:
  - All poultry products must be either:
    - Commercially slaughtered under USDA or WVDA inspection, passed, and labeled, or
    - Produced under and meeting the requirements of either of the two poultry exemptions recognized in West Virginia.
- Raw products must be kept in cold holding equipment capable of holding the product at 41°F or less
- Poultry products must be held, stored, and transported in a clean sanitary environment to keep products wholesome

The vendor shall receive a Farmers' Market Vendor Permit from WVDA and a food establishment permit from the local health department by March 1st to avoid a late fee or before the date of sale. As part of the routine inspection, the local health department may coordinate with WVDA and/or inspect the storage space of the product off premises of the sales area. Off-premise storage should be in separate designated cold-holding equipment that is stored in a clean, safe, and secure environment.

Labels must be provided for the product that include:

- Common name of the product
- Net weight of the product
- Other information as required by WVDA and USDA-safe-handling instructions.

### **WV 1,000 POULTRY PER YEAR EXEMPTION**

1. Poultry must be healthy
2. Birds must be slaughtered and dressed in a sanitary manner
3. Birds must be slaughtered on same premises where grown
4. Cannot cross state line
5. May sell to distributor
6. May sell to restaurant
7. May sell to any customer within the state
8. Label must have:
  - Processor's name
  - Processor's address
  - Product name
  - Net Weight
  - Safe handling instructions (uninspected product)
  - Pack date
9. Producer must record number of birds raised and to whom they were sold.

## **WV 20,000 POULTRY PER YEAR EXEMPTION**

1. The producer/grower slaughters/processes no more than 20,000 healthy birds of his/her own raising, on his/ her premises in a calendar year.
2. The producer/grower sells/distributes only poultry products he/she prepares under the Producer/Grower 20,000 Poultry Limit Exemption. He/she may not buy or sell poultry products prepared under another exemption in the same calendar year.
3. The poultry products can be sold only within the State of West Virginia. The poultry products may not move in interstate commerce.
4. The poultry are healthy when slaughtered.
5. The slaughter and processing at the producer/grower's premises is conducted under sanitary standards, practices and procedures that result in products that are sound, clean, fit for human food and not adulterated. (Basic Sanitary Standards)
6. The producer/grower only distributes poultry products he/she produced under the Poultry/Grower Exemption. Note: The producer/grower can also distribute poultry products that he/she raised and had slaughtered /processed under USDA inspection.
7. With the exception of mobile slaughter units, the facility/location used to slaughter or process the poultry is not used to slaughter or process another person's poultry unless the State Director of Meat and Poultry Inspection grants an exemption.
8. All poultry or poultry products produced under this exemption must be labeled with the following:
  - Processor's name
  - Address
  - Product name
  - Net weight
  - Safe Handling Instructions (uninspected product)
  - Pack date
9. The producer/grower must keep accurate and legible records for at least two years necessary for the effective enforcement of the Act.
10. A poultry producer who otherwise meets the requirements of the exemption and that slaughters or processes 20,000 or fewer birds per calendar year under the federal Poultry Products Inspection Act, 21 64(c)(3), may not keep a poultry flock of more than 3,000 birds at any one time.

Cured, smoked or dehydrated poultry for sale at Farmers Markets shall be either USDA or WVDA inspected or produced under a food establishment permit from the local health department. See 9 CFR 303.1 The vendor must supply appropriate documentation at the point of sale proving the product has been approved.

Refer to §CSR19 and WVDA for further information.

Producers can contact the Meat and Poultry Division of the WVDA for further questions at 304-558-2206.

## **Rabbits**

### **WV 20,000 RABBITS PER YEAR EXEMPTION**

1. Up to 20,000 rabbits per calendar year may be slaughtered and processed at the premises where they were raised. The resulting rabbit meat products may be sold without inspection within West Virginia. These sales include, but are not limited to, direct sales to individuals, at farmer's markets, restaurants, grocery stores, and wholesales/distributors.
2. Premises where rabbits are raised and procedures used for slaughtering and processing the rabbits must be registered annually with the West Virginia Department of Agriculture (WVDA).
3. No person with a contagious disease can process rabbits.
4. Only healthy rabbits are eligible for processing/sale.
5. Rabbits must be slaughtered using a humane method.
6. Rabbits must be slaughtered and dressed in a sanitary manner.
7. Cooling of rabbits must start immediately after slaughter and rabbits must be chilled to less than 40 degrees within 24 hours.
8. Rabbits may be sold fresh but must be frozen if not sold within 72 hours of slaughter.
9. Equipment used in the slaughter and processing of rabbits must be cleaned and sanitized as necessary but at least daily at the end of use.
10. Rabbit meat products must have a label on each package. The label must include the following information:
  - Processor's name and address
  - Product Name
  - Net Weight
  - Safe handling instructions (Make sure the instructions do not indicate that the product was prepared from inspected and passed meat.)
  - Slaughter Date
11. Please do not include any claims on the package labeling. (You may communicate information about raising practices, breeds, nutritional benefits, etc. on signage at the point-of-purchase or via social media.)
12. Sales and production records must be provided to a WVDA compliance officer/inspector if and when requested. The premises where the exempted rabbit slaughter occurs may be visited by WVDA staff without prior notice.
13. Producers must keep records for a minimum of two years.

## Sauces, Condiments, Preserved and Canned Foods

The sale of potentially-hazardous home-canned, preserved or processed foods is permitted at farmers' markets if the vendor registers with the WVDA for a Farmers' Market Vendors Permit and has an annual home kitchen inspection or if the products are from an approved food manufacturer.

Salsa, pickled vegetables, sauces and dressings are examples of potentially hazardous preserved foods.

A **Potentially Hazardous Condiment** is a spice or sauce that is added to food, typically, after cooking, to impart a specific flavor or complement a dish. This product will be acidified with a pH of 4.6 or below and water activity above 0.85. This product must have a process authority, and a WVDA Label Review. This product may require time and/or temperature control. Examples may include mustard, ketchup, horseradish, etc.

Persons wishing to sell these products shall register with the WVDA by March 1st or before the date of sale.

Contact the WVDA Regulatory and Environmental Affairs Division, 304-558-2227, for more requirement information and to register for a Farmer's Market Vendor Permit.

# Sampling, Chef Demonstrations and Hand Washing Stations

**Chef Demonstrations:** Farmers markets are not required to obtain a Food Establishment Permit to conduct chef demonstrations or sampling, however the farmers' market must register with the WVDA and a representative from the market must have taken a WVDA-approved food safety course.

All **sampling** shall be performed in consultation with the WVDA. The WVDA allows the distribution of samples at Farmers' Markets provided the farmers' market ensures that vendors are following the guidance established below in this Farmers' Market Vendor Guide.

- A representative of the farmers' market participates annually in a WVDA-approved food safety course
- A handwashing station is used
- Sanitary procedures are followed
- Proper food storage temperatures are maintained
- Appropriate tools for dispensing are used
- Adequate trash receptacles are available
- Samples are not exposed to environmental contaminants or pests

A vendor is only subject to inspection by the local health department in the jurisdiction in which the farmers' market is located, if the local health department determines that the vendor's food products is misbranded pursuant to W.Va. Code §19-35-5(c), adulterated, or if a consumer complaint has been received. The local health department is to notify the WVDA immediately upon receiving a complaint or finding a problem.

All sampling and inspection shall be performed in consultation with the West Virginia Department of Agriculture.

Foods that are potentially hazardous such as cut melons, cooked meats, cut vegetables, cut tomatoes, eggs and dairy products may only be offered as samples when the vendor has obtained a Farmers' Market Vendor Permit issued by WVDA. Non-potentially hazardous foods (foods that do not require temperature control due to pH of <4.6 or water activity of <.85 fall into this category) may be offered as a sample without being a Farmers' Market Vendor Permit.

Samples may not be exposed to insects or other environmental contaminants. A fan or fly screen may be necessary. No bare hand contact with ready-to-eat food is allowed. Food handlers must wash their hands with soap and water before using deli tissue or gloves to touch the food. All utensils used must be cleaned and sanitized before use and as often as necessary throughout the day.

Hot foods shall be maintained at or above 135°F and cold foods below 41°F. A properly calibrated food thermometer must be used to check food temperatures.

## Sampling, Chef Demonstrations and Hand Washing Stations, continued

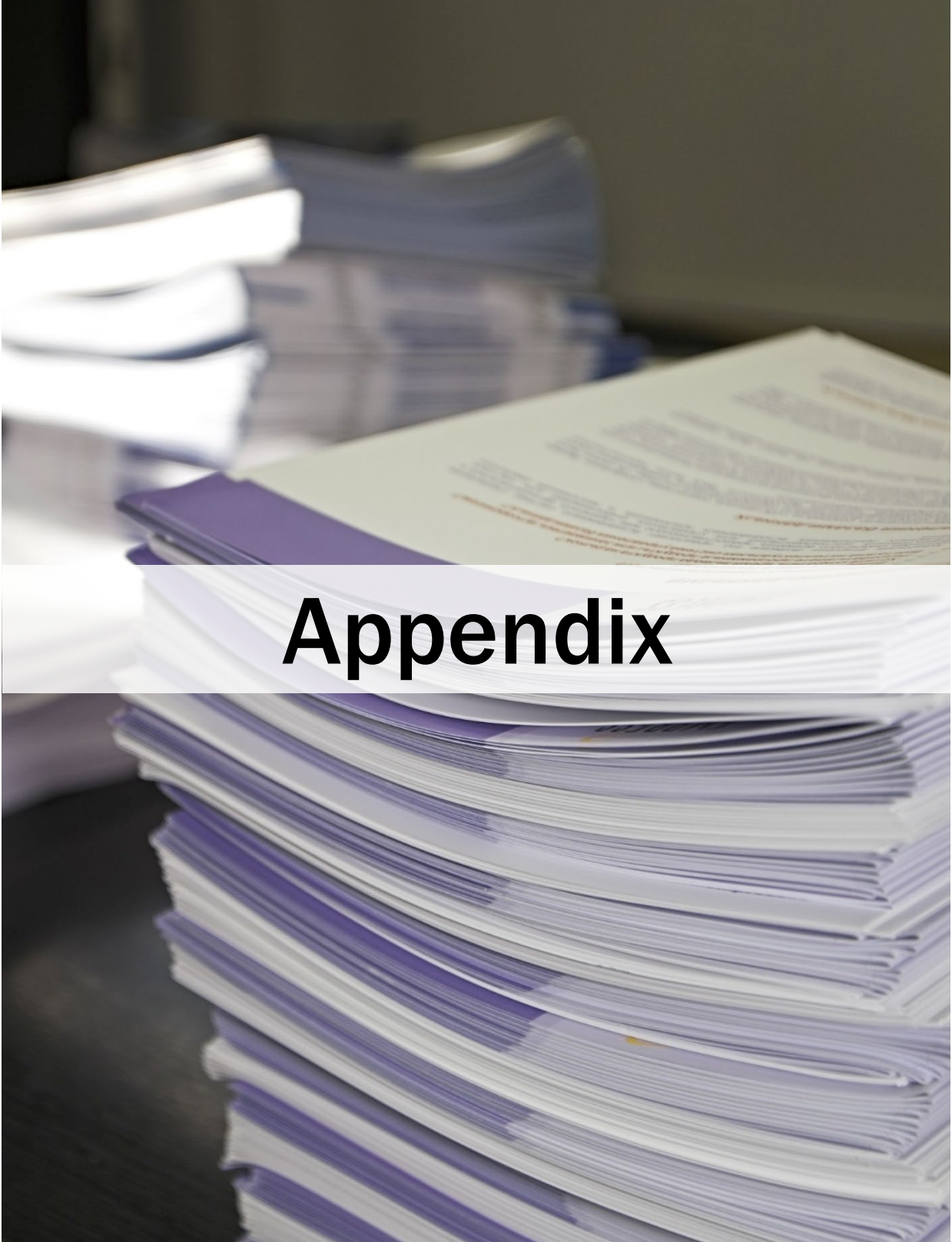
Samples must be served individually on plates, in cups, toothpicks or similar items. It is vital that vendors control access to samples so that customers cannot touch any sample that is not theirs. Adequate waste receptacles must be provided. Animals shall not be allowed in any food preparation, or sampling display area.

WVDA requires the following minimum handwashing station set-up for any farmers' market that includes sampling.

- Adequate supply of warm water
- 5 gallon cooler with a free-flow spigot
- Catch basin for waste water
- Soap
- Paper towels
- Trash receptacle







# **Potentially Hazardous Foods\***

*\*not all-inclusive*

- Baked Goods with custards, dairy, or other time temperature control product inside
- Barbecue Sauce
- Cheese
- Cooked and Canned Beans
- Cooked Rice and Pasta
- Cooked Soybean Products (tofu)
- Cut/prepared fresh fruits and vegetables including melons, tomatoes and salad greens
- Dairy Products - including all desserts
- Eggs
- Fermented Foods - kefir, sauerkraut, tempeh, natto, kombucha, miso, kimchi, salami, chichi, ganjang, ketchup, sour cabbage, soured milk
- Fish
- Foods containing meat such as lasagna, calzones, sauces, casseroles, curries
- Fresh herb-in-oil-mixtures
- Garlic-in-oil mixtures
- Jellies and Jams with added products– hot pepper jelly, jalapeno, habanero, green, red, chili, pumpkin spice, bourbon, ghost, scorpion, beer, margarita, thai, rhubarb, ginger, hot huckleberry, lemon basil, lime, coconut
- Mayonnaise
- Meat - raw and cooked - including bacon, beef, pork and processed meats
- Meringue Pie
- Mustard
- Pasteurized Milk
- Pickled Products - including piccalilli, horseradish, chutneys, corn relish, chow chow, gherkin, ginger pickle, kimchi
- Poultry
- Raw Seed Sprouts
- Relish
- Salad Dressing
- Salsas
- Sauces- hot, marinara, spaghetti, chimichurri, sweet and sour, tartar, creole, garlic, cranberry, pico de gallo, romesco, cocktail, sofrito, steak, satay peanut, vinaigrette, wine, worcestershire
- Seafood
- Sweet Potato Pie
- Three Bean Salad
- Wild Mushrooms



## **“WEST VIRGINIA GROWN”®**

West Virginia Grown® is the official marketing and branding program for agricultural products grown or produced in West Virginia. In addition to being a marketing and economic development tool, the program’s goals are for consumers to easily identify and purchase West Virginia products, thereby supporting and promoting our local farmers, producers, manufacturers and agribusinesses. The program also partners with affiliates (restaurants, retail locations, organizations, etc.) to promote and encourage use of West Virginia Grown® products.

### *Program Requirements*

- Products must be totally produced, grown or manufactured in West Virginia or must have a 50% or greater value-added in West Virginia. Please see “Criteria for Food Products” for additional requirements that may apply
- Membership is made by application to and acceptance from the West Virginia Department of Agriculture (WVDA)
- Membership means producers are interested and willing to make their company/product information publicly available
- Annual Renewal is required

### *Program Benefits*

- Recipient of a “Certificate of Membership”
- Access to the “WEST VIRGINIA GROWN”® logo
- Marketing materials available for purchase, at cost, from the WVDA (see promotional materials request form)
- Inclusion in a producer database
- Promotional coverage through the WVDA’s Market Bulletin and social media platforms
- Inclusion in the annually printed “WEST VIRGINIA GROWN”® member directory
- No cost to join

**EMAIL: [WVGROWN@WVDA.US](mailto:WVGROWN@WVDA.US)**



# Criteria for “WEST VIRGINIA GROWN”® Food Products

Food products that are accepted by the West Virginia Department of Agriculture (WVDA) must meet the following requirements.

1. Must be made, processed or produced in West Virginia OR have a value-added of 50% or greater.
2. Must be properly labeled and meet “Consumer Packaged Labeling Requirements” provided by the WVDA, WV Division of Labor (Weights and Measures Section) and the United States Food and Drug Administration (FDA).
3. Product labels must have a Certificate of Label Report and be approved by the WVDA and properly applied to containers/packaging. All labels for products must be attractive and consistent, and of the proper size for the approved packaging.
4. Packaging for products must be of the highest quality and appropriate for the product. Tamper-evident sealing is recommended to ensure that products will remain of the highest quality. “Contain Coding” or “Evident Coding” must be shown on the package.
5. Certain food products must be manufactured or processed in an approved kitchen facility. The West Virginia Bureau of Public Health, Office of Environmental Services in conjunction with the United States Food and Drug Administration, grants approval for these facilities. In addition, the manufacturing of the product itself may have to go through a process approval. Copies of this approval process will become part of each company’s file at the West Virginia Department of Agriculture’s Business Development Division.
6. Meat and meat products must be processed and packaged in a facility that is approved and inspected by the United States Department of Agriculture (USDA) or the Meat and Poultry Inspection Division of the WVDA. The labels must be approved by the USDA or the Meat and Poultry Inspection Division of the WVDA. Products must have a valid Meat Distribution Permit.
7. Dairy products, eggs, animal feeds, fertilizer, agricultural limes and seeds must meet additional regulation and labeling requirements. The WVDA Regulatory and Environmental Affairs Division handles the registration and product label reviews for these specific products.
8. Products not regulated by any state or federal agency will not be accepted into the WV Grown Program.



# "WEST VIRGINIA GROWN"® Membership Application

West Virginia Grown® is the official marketing and branding program for agricultural products grown or produced in West Virginia. In addition to being a marketing and economic development tool, the program's goals are for consumers to easily identify and purchase West Virginia products, thereby supporting and promoting our local farmers, producers, manufacturers and agribusinesses. The program also partners with affiliates (restaurants, retail locations, organizations, etc.) to promote and encourage use of West Virginia Grown® products.

## \*REGISTRANT INFORMATION:

Business/Farm Name: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Business Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Mailing Address \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
*if different from above*  
 Phone/Cell: \_\_\_\_\_ Email: \_\_\_\_\_ Website: \_\_\_\_\_  
 Facebook: \_\_\_\_\_ Instagram: \_\_\_\_\_ Website: \_\_\_\_\_

*\*Membership inclusion means the producer's company and product info will be made public*

Please provide a brief description of your business and/or products. Please include any information about your company that may be used for promotional purposes on the WVDA website, printed materials and social media platforms.

\_\_\_\_\_  
 \_\_\_\_\_

## VETERAN STATUS:

Are you a Veteran? | Yes No

If so, are you a participant or interested in the National Homegrown by Heroes™ branding program? | Yes No

If not a participant, would you like more information on the Homegrown By Heroes™ Program? Yes | No

## PRODUCT CATEGORY:

<input type="checkbox"/> Adult Beverages	<input type="checkbox"/> Condiments	<input type="checkbox"/> Orchards & Fruit
<input type="checkbox"/> Agritourism	<input type="checkbox"/> Dairy Products/Distributor	<input type="checkbox"/> Pasta, Rice & Legumes
<input type="checkbox"/> Aquaculture	<input type="checkbox"/> Dining	<input type="checkbox"/> Pet Products
<input type="checkbox"/> Baked Goods	<input type="checkbox"/> Farmers' Markets	<input type="checkbox"/> Produce
<input type="checkbox"/> Bath & Body	<input type="checkbox"/> Fiber	<input type="checkbox"/> Retail Market
<input type="checkbox"/> Beverages (non-alcohol)	<input type="checkbox"/> Flours, Meals & Mixes	<input type="checkbox"/> Snack Foods
<input type="checkbox"/> CSA	<input type="checkbox"/> Herbs & Spices	<input type="checkbox"/> Soups
<input type="checkbox"/> Candles	<input type="checkbox"/> Honey & Honey Products	<input type="checkbox"/> Syrups
<input type="checkbox"/> Candy, Confections & Ice Cream	<input type="checkbox"/> Hydroponics	<input type="checkbox"/> Miscellaneous
<input type="checkbox"/> Christmas trees	<input type="checkbox"/> Jams, Jellies & Butters	<input type="checkbox"/> Veteran Affiliated
<input type="checkbox"/> Commercial Kitchen	<input type="checkbox"/> Meat Production	<input type="checkbox"/> Other _____
<input type="checkbox"/> Community Garden	<input type="checkbox"/> Meats & Poultry	

## Please complete, if applicable:

1. Is your operation GAP certified? ☐ Yes ☐ No.
2. Is your operation certified organic? ☐ Yes ☐ No.
3. Methods of Sale? ☐ On-farm sales ☐ Pick-your-Own ☐ Wholesale ☐ Retail ☐ Farmers' Markets
4. Are you interested in the **WV Farm to School Program** (selling to schools)? ☐ Yes ☐ No.



# "WEST VIRGINIA GROWN"® Trademark Licensing Agreement

This Trademark Licensing Agreement ("Agreement") is made and effective as of this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the West Virginia Department of Agriculture ("WVDA") and

Licensee's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

("Licensee").

**Authority:** W. Va. Code §19-1-3a.

**Purpose:** WVDA's mission is to promote the marketing and purchase of agricultural commodities grown, produced, processed, packaged, or manufactured in West Virginia. WVDA is the exclusive owner of the trademarked "West Virginia Grown" Name and Logo (the "Name and Logo"). WVDA wishes to license the Name and Logo for the limited purpose of promoting West Virginia agricultural products. This Agreement establishes the terms and conditions of Licensee's use of the Name and Logo.

In exchange for the mutual promises herein and other good and valuable consideration the Parties agree to the following terms and conditions:

1. **License.** WVDA hereby grants to Licensee a limited, worldwide, non-exclusive, non-transferable, license to use the Name and Logo attached hereto on Exhibit A on, or in connection with, Licensee's product offerings in accordance with this Agreement. As used in this Agreement, the term "Name and Logo" shall include the logo affixed on Exhibit A and the term "West Virginia Grown," or either one of the foregoing.
2. **Form of Use.** Unless authorized in writing by WVDA, Licensee shall use the Name and Logo only in the form and manner as the same appears in Exhibit A of this Agreement. Licensee shall not modify the shape, color, appearance, text, font, spacing or other aspect of the Name and Logo, nor shall Licensee add images, slogans, text or other elements to, on or around the Name and Logo; provided that Licensee may use the Name and Logo in a size or sizes of its own choosing.
3. **Use Review.** Upon request by WVDA, Licensee shall submit or make available to WVDA samples of the Licensee's products, artwork, advertising copy, product packages, and depiction of all proposed uses of the Name and Logo.
4. **Scope of Use.** Licensee shall use the Name and Logo only on products, or the packaging of products, which are produced in West Virginia or have at least fifty percent (50%) value added as a result of processing the product in West Virginia. The Commissioner of Agriculture has the sole and final authority to determine the percentage of value added processing, after reasonable, documented inquiry.
5. **Royalty.** Licensee shall not be required to pay a royalty, or any other fee associated with this license agreement.
6. **Reservation of Rights.** The parties to this Agreement recognize and agree that nothing in this Agreement may be construed or argued to have any effect on the WVDA's ownership of the Name and Logo. WVDA expressly reserves the sole and exclusive ownership of the Name and Logo. The Parties agree that, except for the license granted under this Agreement, Licensee shall not have any right, title or interest in or to the Name and Logo. Licensee agrees that it will take no action inconsistent with such ownership and that its use of the Name and Logo shall inure to the benefit of WVDA. WVDA shall retain the exclusive right to apply for and obtain registrations of the Name and Logo and any variations thereof throughout the world. Licensee agrees not to use the Name and Logo, or any confusingly similar mark or name, in its corporate or trade name. Licensee therefore agrees that, except for the rights granted herein, it has no interest in or ownership of the Name and Logo, and further agrees not to register or attempt to register or apply for any trademark, in any jurisdiction, that incorporates the Name and Logo or any confusingly similar mark or name.
7. **Website and Directory.** Licensee understands that WVDA intends to publish the information Licensee provides to WVDA on the West Virginia Grown Membership Application in both print and digital directories and on WVDA-approved websites and social media to further the purposes of the West Virginia Grown program. Licensee expressly agrees to such publication.
8. **West Virginia Freedom of Information Act.** Licensee understands WVDA is a public body that must comply with the West Virginia Freedom of Information Act. All information Licensee provides to WVDA is subject to public release and publication in all forms of media, for all lawful purposes.
9. **Goodwill.** Licensee shall not take any action that would tend to destroy or diminish the goodwill in the Name and Logo. Licensee further agrees that its use of the Name and Logo shall not impugn the WVDA, or any of its divisions, or be unreasonably offensive to the general public. Licensee shall not engage, participate or otherwise become involved in any activity that diminishes or tarnishes the image or reputation of the Name and Logo.

10. **No WVDA Endorsement.** Licensee expressly acknowledges that use of the Name and Logo does not indicate or suggest that WVDA endorses or sponsors any of Licensee's products.
11. **Compliance with Laws.** Licensee's use of the Name and Logo shall comply with all applicable federal, state and local laws, rules and regulations.
12. **Termination.** Unless otherwise terminated by the parties, this Agreement shall remain in full force and effect until further revoked or amended. Either party may terminate this Agreement, with or without cause, by providing fifteen (15) days' written notice to the other party.
13. **Post-Termination Rights and Obligations.** Should WVDA cease to use the Name and Logo, WVDA shall provide Licensee with written notice to discontinue all use of the Name and Logo. If WVDA or Licensee provides written notice of its intent to withdraw from this Agreement, Licensee shall cease affixing the Name and Logo to promotional items and shall withdraw the Name and Logo from publication, wherever possible.
14. **Infringement Proceedings.** WVDA shall have the sole authority and right to prosecute any infringement and any unauthorized use of the Name and Logo, at its sole option. If Licensee learns of any unauthorized use of the Name and Logo, Licensee shall notify WVDA promptly, and, if requested to do so, shall cooperate with and assist, at WVDA's expense, in any infringement action that WVDA may bring.
15. **Indemnification.** Licensee shall indemnify, defend and hold harmless the State of West Virginia and WVDA from and against all claims, liabilities or judgments arising out of or in any way connected with Licensee's activities under this Agreement or Licensee's use of the Name and Logo.
16. **No Warranty.** WVDA makes no representations or warranties with respect to the Name and Logo.
17. **Applicable Law.** West Virginia law controls this Agreement. All disputes arising out of this Agreement shall be brought in Kanawha County, West Virginia.
18. **Notices.** Any notices required or permitted to be sent by one party to the other under this Agreement shall be sent by certified mail to the addresses specified below, or to such other address as a party shall have furnished in writing to the other party.
  - a. **To WVDA:**  
 West Virginia Department of Agriculture  
 Attn: Business Development Division  
 1900 Kanawha Blvd., East  
 Charleston, WV 25305-0170
  - b. **To Licensee:** To the address shown underneath Licensee's name on page one (1) of this Agreement.
19. **Assignment.** Licensee shall not assign or sublicense this Agreement or its rights hereunder without the written consent of WVDA.
20. **Modification and Waiver.** This agreement may not be amended or modified, except by written agreement, signed by both parties. It is agreed that no waiver by either Party hereto of any breach of any of the provisions herein set forth shall be deemed a waiver of any subsequent breach of or default under the same or any other provision of this Agreement.
21. **Severability.** In the event any term or condition of this Agreement is found to be unenforceable by a court of competent jurisdiction, the remaining terms and conditions shall remain in full force and effect.
22. **Integration.** This Agreement contains the entire agreement between WVDA and the Licensee, and supersedes all prior agreements, whether oral or written, between the Parties.

The Parties acknowledge their willingness to be bound by the terms of this Agreement with their signatures below:

**For West Virginia Department of Agriculture:**

\_\_\_\_\_

Its: \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**For the Licensee:**

\_\_\_\_\_

Its: \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.



Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## Promotional Materials Request Form

Prices include  
shipping and handling

1.  **ROUND PRODUCT STICKER (.75-INCH)**  
**\$20/1,000 ROLL** .....

2.  **ROUND PRODUCT STICKER (1.25-INCH)**  
**\$22/1,000 ROLL** .....

3. **COUNTERTOP SIGNS (11x17 INCHES) – \$8.65** .....  
 White background



→ Please specify background color and email company logo to [bmoore@wvda.us](mailto:bmoore@wvda.us)

Teal background \_\_\_\_\_

White background \_\_\_\_\_

4. **BANNER (2x6 FOOT) – \$28.00** .....

→ Please specify background color. Teal background \_\_\_\_\_ White background \_\_\_\_\_



5. **T-SHIRTS – \$15** .....  
*(unisex, see available colors on next page, S-2XL)*

**TOTAL:**

6. **ELECTRONIC EPS FILE** (please check box): ☐

A file will be emailed to the contact person on the membership application once the application is received and accepted in the WVDA Business Development Division.

**PAYMENT INFORMATION:** Payment must accompany order and WV Grown Membership Application/Licensing Agreement must be on file before order will be processed. **Return order form with payment (by check/cash/money order) to:** West Virginia Department of Agriculture, Business Development Division, 1900 Kanawha Boulevard East, Charleston, West Virginia 25305-0178.

Revenue Fund: 1401-8601-6696-9412



**West Virginia Grown  
t-shirt color options:**



Light Olive



Silk



Stonewash Denim

**Please return Application Materials to:**

**West Virginia Department of Agriculture**

Business Development Division

1900 Kanawha Boulevard, E.

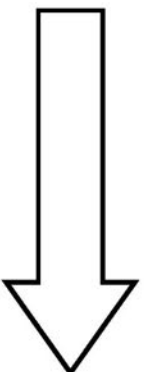
Charleston, WV 25305

OR email to: [wvgrown@wvda.us](mailto:wvgrown@wvda.us)

## Which canner should I use?

Pressure Canners are necessary for:

- Vegetables
- Meat
- Fish/seafood
- Poultry
- Soups
- Stews
- Stocks
- Recipes that combine high-acid foods, such as tomatoes, with low-acid foods, such as vegetables or meats



Hot water bath Canners can be used for:

- Fruit
- Fruit juices
- Jellies and jams
- Pickles
- Pickled peppers
- Salsas
- Tomatoes with added acid
- Pickled relishes



West Virginia Department of Agriculture

Kent A. Leonhardt, Commissioner  
Joseph L. Hatton, Deputy Commissioner



**West Virginia Farmers Market Registration Form**

Application is for April 1, 20\_\_ - March 31, 20\_\_

<b>Name of Farmers Market:</b>	
<b>Legal owner name:</b>	
<b>Physical Address of Farmers Market:</b> (Location of the market (if not a mobile unit) OR your business location (if a mobile unit))	
<b>County of Farmers Market:</b>	
<b>Email address:</b>	
<b>Telephone:</b>	<b>Fax:</b>
<b>Mailing address:</b> <input checked="" type="checkbox"/> Same as above (If different than above address)	
<b>Type of Farmers Market*:</b> <input type="checkbox"/> Traditional <input type="checkbox"/> On Farm <input type="checkbox"/> On farm <input type="checkbox"/> Online <input type="checkbox"/> Consignment <input type="checkbox"/> Other _____ <input type="checkbox"/> Mobile	
*If you are a consignment farmers market, please attach your Food Establishment Permit	
<b>Facility type:</b> <input type="checkbox"/> Permanent structure or building <input type="checkbox"/> Parking lot or open-air market <input type="checkbox"/> Mobilized unit	
<b>Dates of open &amp; close:</b>	

## West Virginia Farmers Market Registration Form, page 2

### Days of Operation & Time:

(Check days which apply & complete time facility is open)

☐ Monday Time \_\_\_\_\_

☐ Friday Time \_\_\_\_\_

☐ Tuesday Time \_\_\_\_\_

☐ Saturday Time \_\_\_\_\_

☐ Wednesday Time \_\_\_\_\_

☐ Sunday Time \_\_\_\_\_

☐ Thursday Time \_\_\_\_\_

**Please provide your Farmers Market's definition of local (*50 mile radius, county, etc*):**

**Will sampling be permitted at your market?**

☐ Yes

☐ No

If yes, do you have an available hand washing area / station, describe below?

## West Virginia Farmers Market Registration Form, page 3

Please fill in all spaces with the correct information and check all boxes that apply for each vendor.

Vendor Name	Vendor Address	State	Zip	Phone	Email	Non-Potentially Hazardous	Pickled Products	Sauces	Salsas	Fermented	Acidified Fruits and Vegetables	Meat	Eggs	Poultry	Fish	Seafood	Dairy
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



## Farmers Market Vendor Permit Application

West Virginia Department of Agriculture  
Regulatory and Environmental Affairs Division  
Charleston, WV 25305

Code No.  
6696-4143

Permit Application is for April 1, 20\_\_ - March 31, 20\_\_

Date:	Time:
Applicants Full Name:	Telephone Number:
Mailing Address:	
Email Address:	
Type of product(s) being sold: <input type="checkbox"/> Pickled Products <input type="checkbox"/> Acidified Fruits and/or Vegetables <input type="checkbox"/> Fish <input type="checkbox"/> Sauce(s) <input type="checkbox"/> Meat <input type="checkbox"/> Seafood <input type="checkbox"/> Salsa(s) <input type="checkbox"/> Eggs <input type="checkbox"/> Dairy <input type="checkbox"/> Fermented Products <input type="checkbox"/> Poultry	
<i>All Acidified Products (Pickled, Fermented, Sauce(s), Salsa(s), and Acidified Fruits and/or Vegetables) must have a WVDA Label review and a Process Authority completed on each product. All paperwork must be sent with this application before a permit is received.</i>	
Name & physical location of growing field(s) if applicable:	
Name(s) of and locations of farmers market(s) where product(s) will be sold:	

<p>Do you have a Current Food Establishment Permit from your local Health Department?</p> <p><input type="checkbox"/> No      <input type="checkbox"/> Yes</p> <p><b>All Vendors Selling Meat, Poultry, Dairy or Fish must have a Permit from Local Health and all other permits required from federal, state, or local authorities. Please attach with application.</b></p>
<p>What type of water are you using during the preparation of your product?</p> <p><input type="checkbox"/> Municipal water source      <input type="checkbox"/> Private water source</p>
<p>What type of kitchen is your commodity prepared in?</p> <p> <input type="checkbox"/> Commercial      <input type="checkbox"/> Community  <input type="checkbox"/> Home      <input type="checkbox"/> Certified Out of State Commercial Kitchen or Federally  <input type="checkbox"/> Farm      Inspected Facility. Please attach paperwork with application.  <input type="checkbox"/> Other, explain: </p>
<p>Address of kitchen:</p>

\_\_\_\_\_  
Signature of person completing form

\_\_\_\_\_  
Date

*Note: All labels on products must be approved by the WVDA, regardless of the process or kitchen facility*

FOR INTERNAL USE ONLY
Person receiving:
Date of Receipt:
Application accepted or denied:
Permit issuance date:

All Farmers Market Vendor Permits are **\$35** and are to be paid in U.S. Funds drawn from a U.S. Bank. All checks or money orders should be made to the **West Virginia Department of Agriculture** and mailed to the address below. For any questions please call 304-558-2226. All permits will be sent to applicant upon receiving payment.

**COMPLETE THIS FORM AND MAIL WITH CHECK OR MONEY ORDER TO:**

West Virginia Department of Agriculture  
Attn: Administrative Services Division  
1900 Kanawha Blvd.; East  
Charleston, WV 25305-0170



## Farmers Market and Farmers Market Vendor Complaint Form

West Virginia Department of Agriculture  
Regulatory and Environmental Affairs Division  
Charleston, WV 25305

Date:	Time:
Complainant's Full Name:	Telephone Number:
Address:	
Email Address:	
Farmers Market name & address:	
Vendor name & address (if applicable):	
Name of product(s) (if applicable):	
Date of purchase (if applicable):	Lot code or other identifiers:
<p><i>If you require further space to thoroughly answer the following items, please use additional paper.</i></p> <p>Describe the defect or problem encountered:</p>	



**Farmers Market and Farmers Market Vendor Complaint Form, page 2**

If contacted, what was the farmers market or vendor's response:

If you have contacted other divisions/agencies about the complaint, please provide the name of the agency and the person that you spoke with:

\_\_\_\_\_  
Signature of person completing form

\_\_\_\_\_  
Date

FOR INTERNAL USE ONLY	Date of Receipt:
Person receiving:	
Person assigned to investigate:	
Date closed:	

**COMPLETE THIS FORM AND EMAIL OR FAX TO: CHAD LINTON, ASSISTANT DIRECTOR**

**([clinton@wvda.us](mailto:clinton@wvda.us))**

**Fax: 304-558-3594**

**Office: 304-558-2227**

**V1. Effective 06/08/2018**

## PROCESS AUTHORITIES

The following website lists the process authorities throughout the United States: <http://www.afdo.org/foodprocessing>

Below is a list of process authorities that can assist you with testing and questions about your product/process.

### Virginia Tech

Joell Eifert, Director  
Food Science and Technology  
[Joell.eifert@vt.edu](mailto:Joell.eifert@vt.edu)  
540.231.2483  
<https://ext.vt.edu/food-health/food-innovations.html>

### North Carolina State University

Nick Fragedakis, Program Director  
Food, Bioprocessing & Nutrition Sciences  
[nfraged@ncsu.edu](mailto:nfraged@ncsu.edu)  
919.515.2920  
<https://foodbusiness.ces.ncsu.edu/our-services/>

### University of Georgia

Laurel Dunn, Food Safety Specialist  
Food Science & Technology Extension  
[Laurel.dunn@uga.edu](mailto:Laurel.dunn@uga.edu)  
706.542.0993  
<https://extension.uga.edu/programs-services/food-science.html>

### University of Nebraska

Jayne Stratton Ph.D., Research Associate Professor  
The Food Processing center  
[Jstratton1@unl.edu](mailto:Jstratton1@unl.edu)  
402.472.2829  
[https://fpc.unl.edu/lab\\_services](https://fpc.unl.edu/lab_services)

### Penn State University

Department of Food Science  
Luke Laborde, Ph.D., Professor of Food Science  
[Lfl5@psu.edu](mailto:Lfl5@psu.edu)  
814.863.2298

### Clemson University Cooperative Extension

Food Systems and Safety Program  
Kimberly Baker, Program Coordinator  
[kabaker@clemson.edu](mailto:kabaker@clemson.edu)  
864.646.2139

# CONTACTS

## **WEST VIRGINIA DEPARTMENT OF AGRICULTURE (WVDA)**

### **Aquaculture/Fish/Seafood**

Regulatory and Environmental Affairs  
Division  
Robert Nichols  
304-558-2227  
[rnichols@wvda.us](mailto:rnichols@wvda.us)

### **Correspondence**

[farmersmarkets@wvda.us](mailto:farmersmarkets@wvda.us)

### **Eggs**

Regulatory and Environmental Affairs  
Division  
Registration of Small Egg Producers  
Dianna Graley  
304-558-2227  
[dgraley@wvda.us](mailto:dgraley@wvda.us)

### **Farmers Market and Vendor Registration**

Regulatory and Environmental Affairs  
Division  
Stacy Hammack  
304-558-2227  
[farmersmarkets@wvda.us](mailto:farmersmarkets@wvda.us)

### **Labeling**

Business Development Division  
Buddy Davidson  
304-558-2210  
[productlabeling@wvda.us](mailto:productlabeling@wvda.us)

### **Meats, Poultry and Rabbit**

Meat & Poultry Inspection Division  
Quinton Jones  
304-558-2206  
[qjones@wvda.us](mailto:qjones@wvda.us)

### **Produce Safety Rule**

Jeremy Grant  
Produce Safety Manager  
304-558-2226  
[jgrant@wvda.us](mailto:jgrant@wvda.us)  
[produce@wvda.us](mailto:produce@wvda.us)

### **'West Virginia Grown' Branding Program**

Business Development Division  
Beth Southern  
304-558-2210  
[wvgrown@wvda.us](mailto:wvgrown@wvda.us)  
[businessdevelopment@wvda.us](mailto:businessdevelopment@wvda.us)

## **WV DEPARTMENT OF HEALTH AND HUMAN RESOURCES (WVDHHR)**

### **Bureau for Public Health**

Jennifer Hutson, Food Program Manager  
304-356-4339  
[Jennifer.EB.Hutson@wv.gov](mailto:Jennifer.EB.Hutson@wv.gov)

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## **WV DEPARTMENT OF LABOR**

304-558-7890

### **WVU EXTENSION SERVICES**

Ronnie Helmondollar  
Program Director  
Agriculture & Natural Resources  
304-293-6131  
[Ronnie.Helmondollar@mail.wvu.edu](mailto:Ronnie.Helmondollar@mail.wvu.edu)

### **WV FARMERS MARKET ASSOCIATION**

Policy Chair  
304-202-6618  
[coordinator@wvfarms.org](mailto:coordinator@wvfarms.org)



## **West Virginia Department of Agriculture**

Kent A. Leonhardt, Commissioner  
Joseph L. Hatton, Deputy Commissioner