

## **GUIDELINES FOR THE SALE OF LOWER RISK FOODS, SHELL EGGS and RAW FOODS OF ANIMAL ORIGIN AT TEMPORARY FOOD MARKETS**

### **INTRODUCTION**

This guideline provides recommendations on preparing food intended for sale at temporary food markets and recommendations for selling those foods.

The following principles should be maintained at all times:

- Public health is protected by ensuring that food prepared at home which is offered for sale at temporary food markets is limited to lower risk foods (see Appendix 1 for examples) and those described in Appendix III.
- Municipal zoning and business license issues are respected, and are an integral part of the approval process for temporary food markets.
- Vendors should contact the local Environmental Health Officer and submit an application before commencement of sales (see Appendix IV).
- The Environmental Health Officer has discretion to remove any food that is sold at a temporary food market, if in their opinion the food may cause a health hazard as defined in Sec. 1 of the *Health Act*, or is contaminated as per Section 3 of the *Food Safety Act*.

### **BACKGROUND**

Section 2 of the *Food Premises Regulation* (B.C. Reg. 210/99), pursuant to the *Health Act*, exempts premises in which certain types of food are sold. All other foods offered for sale must be prepared in premises which are constructed and operated in compliance with Section 6(1) of the regulations.

### **DEFINITIONS**

**Temporary Food Markets** – means for the purpose of this guideline, a food establishment operated in a fixed location on a temporary basis in connection with a charitable or public event, farmers market or other event of a like nature.

**Higher Risk Food** – means food in a form or state which is capable of supporting growth of disease causing microorganisms, or the production of toxins.

**Lower Risk Food** – means food in a form or state that is not capable of supporting the growth of disease-causing organisms or the production of toxins. One or more of the following factors usually apply to these foods:

- Water activity ( $A_w$ ) of 0.85 or less, or
- A pH (Hydrogen ion concentration) value of 4.6 or less.

Vendors of home prepared foods at temporary food markets should only sell foods that are considered to be lower risk (see Appendix I for examples).

Generally, vendors should not sell foods that are considered higher risk unless approved to do so by the local Environmental Health Officer.

## **GUIDELINE**

### **I. Preparation of Lower Risk Food In The Home**

Where home preparation of lower risk food is proposed for sale at temporary food markets, it is recommended that vendors/food handlers ensure that

1. food is in good condition and free from spoilage.
2. when needed to establish that a food product is not higher risk, undertake tests which verify the food has:
  - a water activity ( $A_w$ ) of 0.85 or less, or
  - a pH (Hydrogen ion concentration) value of 4.6 or less
3. food is protected from contamination. Pets should be excluded from kitchens during the time food is being prepared.
4. food is prepared in well equipped kitchens. Food contact surfaces, utensils and equipment are cleaned and sanitized after each use,
5. good personal hygiene is observed including:
  - a) washing hands frequently and thoroughly including before starting food preparation, after using the toilet and after handling raw food. Soap in a dispenser and paper towels should be used for hand washing and drying.
  - b) avoiding coughing and sneezing while handling food; when unavoidable cover your nose and mouth and wash hands thoroughly afterwards.
  - c) wearing clean clothing and an apron when preparing food.
6. lower risk food is prepared separately from higher risk foods and other potential sources of contamination,
7. food is wrapped or packaged to preclude contamination, and
8. if foods are packed in jars
  - a) only proper sealing jars (e.g., Mason-type) should be used,
  - b) jars may be refilled only if they are in good condition, cleaned and properly sanitized before reuse,
  - c) sealing rings and lids should not be reused; they should be replaced with new rings and lids with each refill, and
  - d) jams and jellies should be processed in boiling water. The seal should be airtight to prevent the entry of spoilage organisms.

**NOTE:** *The approval of lower risk foods for sale at temporary food markets does not confer approval for sale at retail/commercial food markets. Applicants should discuss requirements for retail/commercial sale with their local Health Authority.*

*While not mandatory it is recommended that all vendors involved in food preparation complete the FOODSAFE Level 1 program.*

## **II. Conditions For Sale of Lower Risk Food At Temporary Food Markets**

It is recommended that vendors of home prepared foods at temporary food markets ensure that when selling lower risk food, that:

1. food handlers observe good personal hygiene,
2. a sign is displayed that is clearly visible to the consumer at the point of sale stating that “THIS FOOD HAS BEEN PREPARED IN A KITCHEN THAT IS NOT INSPECTED BY A REGULATORY AUTHORITY.” or equivalent wording,
3. food products should be protected from sources of contamination at all times, including contact by pets, during storage and display at the market.
4. display cases, counters, shelves, tables, and any other equipment used in connection with the sale of lower risk food should be made from easily cleanable material, maintained in good condition and cleaned as often as necessary.
5. a satisfactory means of cleaning hands and utensils (when used by a vendor), should be provided as per the following
  - a) the use of hand wipes is satisfactory where only prepackaged food or whole fresh fruits and vegetables are sold
  - b) if samples/product tasting is undertaken running water, soap in a dispenser and paper towels should be provided. A 22.7 liter (5 gal) plastic water jug with spigot is generally acceptable as the water source.

NOTE: Suggested alternative to satisfy hand washing may include

- vendors operating side by side may share a washing station consisting of liquid soap in a dispenser, single use towels, a container which holds a minimum 22.7 liters (5 gallons) of water, and a suitable waste holding receptacle
6. in order to minimize direct food handling at the market, with the exception of fresh fruits and vegetables, food samples intended for tasting at the market should be portioned and packed at the home kitchen.

**NOTE:** *Home prepared/packaged food may be subject to Canadian Food Inspection Agency requirements for labeling and weights and measures. Vendors are advised to check with their local CFIA office to ensure their packages/labels comply with applicable federal requirements.*

### **III. Market Managers of Temporary Food Markets**

*A market manager (or equivalent) should be designated as being in charge of the overall market operation. Market managers are responsible for ensuring that food vendors have obtained approval from the local Health Authority, and not allow sales by vendors unless they have produced a letter of approval (see example – Appendix V). Other responsibilities of market managers should include:*

1. obtaining approval from local/regional government to ensure compliance with local health, zoning, by-law and business license requirements,
2. ensuring each vendor has contacted the local EHO prior to the sale of lower hazard food and foods identified in Appendix III, including submission of applications (see example -Appendix IV) within time deadlines established by the local Health Authority. Generally applications should be submitted at least 30 days prior to commencement of the market/sales. The Health Authority will issue a letter of acceptance (see example - Appendix V) for all approved applications.

NOTE: Vendors who sell ONLY fresh whole fruits and vegetables are not required to submit an application, and do not require a letter of acceptance. Washing station(s) must however be supplied as per Section II.5 if samples are portioned/offered on site.

3. being responsible for ensuring all vendors are aware of all relevant policies and guidelines,
4. ensuring no home prepared higher risk foods are sold or offered for sale,
5. ensuring each vendor completes a list of foods to be sold,
6. maintaining a written record of all vendors and foods sold, and have such records available for review by local EHO, upon request,
7. being present and on-site at all times the market is in operation,
8. ensuring each vendor provides an acceptable means of hand and utensil washing (see Section II.5).

## **Appendix 1**

The following list contains examples of lower risk foods that are **acceptable** for home preparation and sale at a temporary food market:

Note: all of these lower risk foods should be prepackaged except whole fresh fruits or vegetables.

- apple sauce
- brownies
- bread and buns (no dairy or cheese fillings)
- butter tarts
- pies (fruit filled only, no cream filled or cream based)
- cakes (icing sugar only, no dairy or synthetic whipped cream)
- dry cereal products
- chocolate (provided it is used as an ingredient in a food that has undergone cooking to at least 71°C (160°F))
- cinnamon buns (sugar icing only)
- cookies
- dried fruits
- fresh fruits and vegetables
- fudge
- hard candy
- honey
- jam (pH 4.6 or less)
- jelly (pH 4.6 or less)
- muffins (no dairy fillings)
- popcorn
- noodles (dry flour and water only, no egg based)
- pickled vegetables (vinegar base, pH 4.6 or less)
- relish (vinegar base, pH 4.6 or less)
- wine and herb vinegar
- syrup
- toffee
- salsa (if pH and Aw within acceptable ranges)

For products not listed above, please consult your local  
Environmental Health Officer

## **Appendix II**

The following list contains examples of higher risk foods that are **not acceptable** for home preparation and sale at a temporary food market, unless written approval is given by the local EHO:

- antipasto
- cakes/pastries with whipped cream, cheese or synthetic fillings
- processed beans, including baked, refried, and bean salad
- cabbage rolls
- canned cured meats
- canned products containing meat, vegetables, soups, sauces, cheese
- chop suey
- creamed corn
- dairy products (e.g., milk, cream, cheese, yogurt)
- foods containing eggs as ingredients (e.g., custards, salads)
- fish and shellfish
- garlic spreads, pesto
- guacamole
- herb and flavored oils
- juice (fruit and vegetable)
- low acid canned vegetables (e.g. pH 4.6 or greater beans, asparagus, beets, mushrooms, broccoli, peas)
- tofu
- pies (meat filled, pumpkin, sweet potato, custard [e.g., lemon meringue pie])
- perogies
- processed meat, sausages
- humus
- pickled eggs

For products not listed above, please consult your local  
Environmental Health Officer

## **Appendix III**

### **Sale Of Shell Eggs And Raw Foods Of Animal Origin At Temporary Food Markets**

The sale of higher risk foods to the public requires that the premises in which the food is processed, packaged, and sold to the public comply with the Food Premises Regulations. Hence home prepared higher risk foods are not permitted to be sold to the public at temporary food markets unless prepared and sold in facilities that have been approved and in some cases issued a permit pursuant to the regulations.

The above notwithstanding, the following criteria provide guidelines for the sale of shell eggs and other raw foods of animal origin at temporary food markets.

#### **A. Shell Eggs**

Shell eggs may be sold at temporary food markets subject to the following

- shells are sound and not cracked/leaking
- shells are clean and free of any fecal material or feathers
- eggs are maintained at 4°C during transportation and storage/display at the market
- crates used to contain the eggs are clean and maintained in a sanitary manner.
- the minimum information on crates should indicate the name of farm/producer and package/sale date.

#### **B. Sale of Raw Meat, Poultry and Fish Products**

1. The sale of whole, portioned or ground raw meat, poultry or fish products can be considered for sale at temporary food markets subject to the following.

- All raw products should be frozen and kept frozen from the point of packaging through to sale to the consumer. All products not sold the day of the market should be kept frozen until return to the point of origin. Any products that have thawed should not be refrozen and sold at a future event.  
NOTE: Frozen for the purpose of this guideline does not require -18°C – only that the product be maintained in a frozen, hard state at all times.
- All raw products should be processed and packaged at an approved food premises.
- All raw products should be prepackaged – repackaging or reprocessing of any kind is not allowed at the temporary market site.
- All raw products should be labeled to identify the processing plant (see Note 1 below), vendor contact information, product name, packaging date and notice to keep frozen

- labels or signage should be provided which provides information on the safe handling/preparation procedures recommended for the product (eg cooking temperature for ground beef 71C)

2. Vendors should submit an application to sell raw meat, poultry or fish products to the local health authority at least 30 days prior to the start of the market/sales.

As part of the application, vendors should submit a food safety plan for each of the raw products they wish to sell. The plan should include a list that describes the products. Generic terms such as beef, poultry should be avoided – describe the products more specifically such as roast, steaks, ground beef, hamburger, or chicken breasts.

The plan should also include information about processing and packaging procedures, transportation and selling provisions (***particularly the means of temperature control***), provisions for unsold products and storage outside of market location, and procedures for recall should a problem with the product arise.

**NOTE 1:** *. In areas subject to the BC Meat Inspection Regulation all animals must be slaughtered and meat inspected at a plant licensed under either the federal or provincial Meat inspection Regulations. Uninspected meat and poultry cannot be sold to the public in the designated meat inspection areas. This requirement will become mandatory in all areas of British Columbia effective September 30, 2007.*

*Fish products sold anywhere in British Columbia must be processed and packaged in a fish processing plant licensed under either the federal or provincial Fish Inspection Acts.*

**NOTE 2:** *While not mandatory, it is recommended that vendors complete the FOODSAFE Level 1 course or it's equivalent. Contact the local Environmental Health Officer for details of courses in your area.*