

## **Massachusetts Working Group on Farming and Public Health** **Final Report**

26 February 2017

### **I. Background**

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In the 2015 Massachusetts Local Food Action Plan, the signatories called for a professionally-facilitated working group to include representatives from the fields of public health and food systems, as well as regulatory agencies, to develop a proposal to improve regulatory oversight of the local food system with respect to public health.

The Food Plan, in its recommendation *Farming Action 2.3.7*, called for this working group to address:

- Actions to achieve consistent, science-based State and local regulations that are developed by practitioners and public health professionals regarding animal slaughter, on-farm processing, product aggregation, farmers markets, and any other relevant issues that may be identified.
- Requirements for training local regulators in food system practices and current science, and a plan for developing resources for doing so.
- Requirements for training local regulators to enforce regulations consistently and, wherever possible, to offer resources to remedy concerns before taking punitive action.
- A requirement for public review of new regulations that is timely and transparent, involves affected stakeholders early on, and includes at least one public hearing.
- A system of checks and balances on local regulations and actions, including appeal processes.
- Consideration of other related issues as raised in this Plan.

The Plan called for the working group to present its proposal to the Massachusetts Food Policy Council, appropriate agencies within the State administration, and the legislature within nine months of the first working group meeting. The proposal needed to note whether or not State legislative or regulatory changes are necessary to implement the recommendations and include a draft budget for implementation.

### **II. Process**

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To achieve this objective, the Massachusetts Food System Collaborative retained Patrick Field of the Consensus Building Institute in the spring of 2016. During the summer of 2016, Patrick Field and Winton Pitcoff, Massachusetts Food Systems Collaborative director, interviewed fifteen (15) stakeholders knowledgeable and concerned about these issues. Some interviews were in person and some were over the phone and were completed individually or in small groups. Mr. Pitcoff gathered additional examples of challenges from local press clipping,

farmers, and local food advocates. CBI then prepared a written assessment report. This assessment identified the need for a small, balanced working group of key organizations to seek agreement on recommendations. The Collaborative convened the Working Group, which was comprised of members from the agriculture and public health communities, primarily, though not solely, from statewide advocacy and trade associations. The Working Group's membership, work plan, and ground rules are listed in Appendix A.

The Working Group met three times between October and December of 2016. The Working Group also sponsored a focus group of public health agents, farmers, and issue-related non-governmental groups on December 9, 2016. The summary of this focus group is included as Appendix B. CBI's Larry Susskind Fellow, Elizabeth Cooper, also researched how three other states sought to address similar issues. The results of this research are summarized in Appendix C.

Lastly, the group developed consensus recommendations at the conclusion of their meetings, working to finalize details and submit edits via email in January and February of 2017.

The remainder of this report, a summary of these efforts, is organized in the following sections:

- Initial findings from the Stakeholder Assessment including a) issues named (potential scope); b) views of the problem(s); c) potential common objectives; and d) possible ideas and solutions;
- Recommendations of the Working Group;
- Implementation of the Recommendations: Milestones, Actors, and Estimated Costs; and,
- Appendices

### **III. Initial Findings from the Summer 2016 Stakeholder Assessment**

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#### ***Initial Issues Named***

In the assessment, interviewees named a number of issues that might be addressed by the Working Group in its scope. These issues and ideas are noted below and were not intended to be fully comprehensive of the range of views on these issues. Rather, they were intended to capture the views and opinions of those interviewed in the initial assessment, without attribution by name or organization, and to help the facilitator and Working Group begin their work equipped with a sense of the scope of the issues, concerns, and possible ideas or options to explore.

These issues the interviewees mentioned are listed in order of how frequently they arose below.

- Farmers markets and public health regulation around the general application of the food code, samples, prepared foods, seafood, and related matters

- Raw versus processed: 1) very simple processing, such as washing, can sometimes be considered “processed;” 2) once mushrooms are dried, they are considered processed
- Co-mingling produce from different sources
- Interpretation of food codes (i.e. cut at leaf or stem)
- Fresh samples of raw food (slices of cucumber)
- Fermented or acidified products
- Farmstands and public health regulation
- The keeping of animals, including bees
- School gardens
- Community kitchens and limited processing
- Slaughtering and animal processing

It should be noted that the Massachusetts Food Plan identified the following as general scope of issues to be considered: animal slaughter, on-farm processing, product aggregation, farmers markets, and other relevant issues that may be identified later on.

### ***Views of The Problem(s) from the Assessment Interviewees***

The interviewees named a number of issues, with some framing the problem in one way and others emphasizing different points of reference. Listed in no particular order, two or more interviewees made the following points. These summaries of views and issues are intended to accurately reflect the interviewees comments, but in no way are intended to express exact facts, a particular viewpoint, position, or desired outcome by the facilitator.

- *Inadequate resources.* This problem can be framed as a resource issue. Many small public health departments or officials (some towns don’t even have staff, let alone departments) do not have the time, money, or expertise to discharge most efficiently and effectively all of their duties. They cannot be experts in everything: farmers markets and local agriculture are a small subset of water, septic, restaurants, and other areas an official must tend to. Farmers face a similar challenge – they are often one-person or very leanly staffed operations and don’t necessarily have the time, money, or expertise to learn the intricacies of food safety.
- *Insufficient education.* This problem can be framed as an education problem. Farmers want to get to market as efficiently as possible. They do not necessarily have a background in food or consumer safety, so they may see regulations as an impediment to getting to market. However, good food regulations reasonably enforced protect everyone, businesses and consumers alike. For public health boards and/or agents, the challenge is that there are too many areas, ranging from noise to food to water quality, to protect public health. Local health personnel, often underfunded and understaffed, do not always have the ability to get up to speed on best practices and approaches in each area. Many local officials and farmers both are not required to be credentialed or trained, and they may not have the time or resources to do so. Education might help alleviate many conflicts and issues that arise.

- *Limited communication.* This problem can be framed as a communication problem. If all sides take time to learn, understand, and communicate well, without reacting and counter-reacting, many problems could be solved. More effective communication at all levels from local public health official to farmer, from DPH officials overseeing wholesale facilities to local health agents and to DPH and Agricultural commissioners would be helpful.
- *Structural barriers.* The problem can be framed as structural and organizational. Some interviewees stated that the fundamental challenge goes beyond local agriculture and food safety. The Commonwealth has some 351 cities and towns enacting and enforcing their own, local public health regulations. Given the wide scope of public health officials' duties, the limited training and expertise in many jurisdictions, and the importance of protecting public health and safety, there is inconsistency, inefficiency, and sometimes confusion in such a disaggregated system (in contrast, in many states public health is either a major city or county function, not a local town function). Whatever one may think of this structure, a farmer and public health official dialogue cannot easily tackle this structural reality.
- *Extensive authority.* The problem can be framed as an authority question with regard to the broad and extensive powers of local public health officials. Local public health officials, to protect public health, can issue health orders to address public health threats, even without clear local board of health regulations or state statutes or regulations, and there may be little recourse or means to negotiate a mutually acceptable approach. Even the state's DPH can do little to ensure greater consistency or reasonability. While this authority is well ensconced in law, has a long history, and provides a variety of benefits, it also creates a set of issues around fairness, voice, consistency, and reasonability.
- *Wrongly applied or inconsistent regulations.* Some might frame the problem as an application issue. Some interviewees stated that many the State codes relative to food, which local public health are charged with enforcing, are really meant for a variety of retail outlets that are not typical farmers markets or stands selling primarily raw food. Thus, many regulations that are more pertinent to restaurants are applied to the farmer context. Others noted that the state is still using the 1999 Food Code, despite the fact the code was updated in 2003. It is our understanding that the DPH is in the process of considering whether to update the Massachusetts Food Code to the 2003 version. Others note that the regulations, theoretically guided by the state, are interpreted inconsistently across local jurisdictions, including ones where a farmer may be operating at farmers markets in different municipalities and finding a confusing array of different rules and their enforcement. One interviewee noted that permit fees for one-time events are sometimes applied to farmers markets, causing excessive fees for a regular, weekly, seasonal activity. Others noted that the challenge is about reasonable or good versus "best" practices. Some cities and towns have passed local regulations that require "best" practices without realizing that they may place an undue burden on small

producers. There may be confusion between “public health nuisances” and generally acceptable agriculture practices.

- *Limited Administrative Processes.* Tied to both authority and structural barriers, the problem can be framed as one of limited administrative process. The current process for creating public health regulations does not necessarily require an open public hearing prior to enacting new regulations, the process for dispute resolution is limited, and some municipalities operate on opinion as much as on a clear and consistent set of procedures, policies, or rules.
- *Risk Perception.* Part of the challenge might be explained by differing views of risk. While we all might debate the “real” nature of the risks, fundamentally local public health and farmers have different perceptions of risk based on their roles and interests. Public health agents assume something is risky unless proven otherwise. After all, if they are wrong, they are blamed. The farmer assumes something is safe until proven risky.

### ***Common Objectives Identified in the Assessment***

Interviewees named a number of possible objectives for any action that might have broad support. The common objectives suggested were:

- Protect public health
- Enhance local agricultural business development
- Increase consistency across jurisdictions
- Provide for transparency and input
- Increase efficiencies of local government
- Provide meaningful access to expertise and learning

Some also noted that some actions might be easy to implement and implementable in the short-term while others might take three to five years to implement.

### ***Possible Solutions Identified in the Assessment***

The interviewees named a number of possible solutions or options to explore. Again, this report is intended to summarize the range of ideas expressed, but not advocate or analyze such solutions at this time. That activity will be the role of the Working Group.

- *Education.* Many stated that improved efforts for education would be useful for farmers, farmer market managers, and public health officials. This education could include fact sheets and brochures, short-courses (an hour or two), or longer programs, either online or in person. For longer programs, an interviewee noted significant dollars and resources have to be provided to both develop and ensure the use of a highly effective course. However, all noted that there are limits to education as a sole “fix” for challenges. Education cannot be required of farmers or public health officials. BU

already offers a host of courses on numerous topics that are often not utilized by understaffed and overworked public health officials.

- *Certification.* Some noted that certification programs could certainly help address some issues. Farmers market managers might be certified to help their vendors understand the rules, to be better equipped to work with local public health rules and officials, and to raise issues to higher levels when they reoccur regularly. Public health officials too could be certified in food safety related to local agriculture. But again, the limits to education apply as much or more to certification.
- *Statewide Guidance.* Many interviewees stated that clearer, widely shared statewide guidance for both farmers and public health officials would be useful. This might take the form of model regulations and codes, guidance for specific practices, or other tools. It should be noted that some of this work has been done, but its impact is unknown. Community Involved in Sustaining Agriculture (CISA) has developed a guide for farmers markets, DPH has issued farmers market guidelines, there is a chapter on farmers markets in the DPH Health Community Design toolkit, and the Massachusetts Farm Bureau created model board of health regulations for the keeping of livestock. The farm bureau is working in collaboration with the Massachusetts Association of Health Boards (MAHB) to incorporate some additional sections into the model. The Working Group might consider how to develop guidance in a credible and legitimate way that is viewed favorably by diverse parties as well as how to distribute, disseminate, and increase adoption of such guidance.
- *Statewide Technical Support.* A number of interviewees believe that some kind of statewide, state-funded position would be very useful. Whether this person is a “circuit rider,” “ombudsperson,” or another title, the individual could be a source of consistent and professional advice for health officials and farmers alike, offer training and consultation on key issues, touring the state, identifying common problems, and helping solve various problems. All stated that this position would have to be state-funded, perhaps jointly appointed or hired from the Department of Health and Department of Agricultural Resources.
- *Statewide Regulatory Review and Updating.* Many interviewees stated that the Commonwealth should update its regulations to allow for the most recent food code, and perhaps, to develop regulations more specific to farmers markets and local agriculture.
- *Structural Reform.* Some interviewees suggest that structural reforms should be explored. These reforms might include creating statewide rules that require local boards of health to treat farmers markets differently than other kinds of food establishments; create a statewide dispute resolution process prior to court where some state-wide administrative body can hear appeals about contested local public health regulations; and/or shifting more authority to local agricultural commissions rather than boards of health.

- *Incentives to Encourage Regionalization.* While transforming the underlying structure of the public health system would be likely very difficult, some interviewees stated that it would be useful to talk about ways the state can encourage more regionalization of public health agents or activities, especially in smaller or more under-resourced parts of the state. Regionalization in at least a few parts of the state has brought more expertise and consistency across local jurisdictions.
- *Regional Collaboratives.* In a few cases, for example, around Worcester, Boards of Health and other stakeholders such as chambers of commerce, food processing experts, and others invested in advancing local foods, have formed working groups to address challenges and find ways forward that meet all players' interests.
- *Improved Administrative Processes.* At least some interviewees believe that local boards of health need to have more requirements regarding public consultation on draft regulations. Ideas include consultation with local agricultural commissions, if they exist, requirements for a public hearing and comment period, and perhaps a layer of administrative versus judicial review of local public health decisions. Do note that consultation requirement with agricultural commissions just passed the legislature late in this 2016 session. However, the way the law is written, it has no actual effect on board of health regulations.

#### **IV. Recommendations of the Working Group**

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The Working Group developed the following recommendations. Unless otherwise noted (for #5 and #6) recommendations have the unanimous support of the Working Group participants. One participant did not support Recommendations #5 and #6.

**RECOMMENDATION #1: Through new legislation, align procedures for adopting local health regulations related to farming with procedural requirements required of other municipal entities and similar to Title V procedures already in place.**

In order to ensure a full public vetting of proposed Boards of Health regulations related to farming, as well as provide the opportunity for affected stakeholders to provide knowledge, expertise, and concerns over regulation development, Massachusetts Boards of Health should be required to abide by the following administrative procedures when creating, amending, or terminating regulations. This will require legislation in order to enact these procedures across the Commonwealth. Nothing in this recommendation is intended to reduce the authority of Boards of Health. Nothing in this recommendation would prevent a Board of Health from acting under its emergency powers to protect the public from an imminent risk. Rather, these procedures are recommended to ensure the passage of reasonable regulations.

*Required*

- Definition of agriculture and agricultural activities for these purposes would be M.G.L. c. 128. s. 1A and c. 111, s.155, and farmers markets as defined in the Massachusetts State Sanitary Code.
- The regulation, shall, as currently required, be “reasonable.”
- The Board of Health proposed regulation itself shall be publicly posted at Town Hall and other posting locations commonly used by the municipality 48 hours before the meeting takes place, in accordance with the Open Meeting Law.
- A copy of any proposed local board of health regulation pertinent to farming, on-farm sales, on-farm processing, farm stands, or sale of farm products at farmers markets shall be provided to any existing Agricultural Commission within the municipality.
- The Board of Health shall provide the Agriculture Commission and the public at least thirty (30) days to review and comment on the local regulation before voting to adopt, amend, or reject the proposed regulation.
- During the review period, the Agricultural Commission may hold a public meeting or hearing on the regulation, consider public input, and provide written comments to the board of health. The Agricultural Commission comments are advisory.
- Upon a vote of a majority of members, the Agricultural Commission may waive the Agricultural Commission review period.
- The Board of Health must vote publicly on the final proposed regulation, as required by law.
- Once passed, the regulation must be advertised (e.g. in local newspaper or local website), filed with DEP, and a copy sent to the municipal Agricultural Commission.
- If the Board of Health determines the regulations are necessary to address an emergency situation, the regulations shall go into effect immediately.
  - After enactment of a regulation due to an emergency situation, the Board of Health shall provide for a 30 day, post-enactment review period where the Agricultural Commission or the public can provide written comment.

*Best Practices in addition to Required Procedures (not required nor part of the legislation, but encouraged by associations as best practices)*

Boards of Health should, adopt the additional best practices:

- Initiate discussion early with farming interests to identify concerns, issues, and possible solutions prior to issuing draft rules.
- Convene a stakeholder engagement process (for instance, a working group representing affected stakeholders), for any proposed approach with significant impact to the farming community, whenever possible.
- Obtain writing assistance by consulting town counsel, the Department of Agricultural Resources, or others to ensure careful language for clarity.
- Take written comments on the proposed regulation and provide responses to comments in a public forum.
- Give greater notice of public hearing, where practicable.

**RECOMMENDATION #2: Partners will develop Model Regulations, Variances, and Guidance for various farming activities and disseminate them widely across the Commonwealth.**

Model regulations are essential to guide towns and cities in considering and enacting regulations that are clear, legal, within the authority of Boards, and consistent with best available science and accepted agricultural practices. To this end, The Massachusetts Department of Public Health, the Massachusetts Farm Bureau, Massachusetts Farmers Markets, the Massachusetts Association of Health Boards, the Massachusetts Public Health Association, and the Massachusetts Health Officers Association will develop model regulations for: 1) keeping of animals; and, 2) farmers markets including storage, demonstrations, food service, and other issues. The model regulations should provide clarity on the roles and authority of local Boards of Health in these matters for the understanding of all parties, and conform with applicable state and federal regulations. In addition, the group should develop model permit variances for specific and reoccurring issues that arise on farms, at farm stands, and at farmers markets. Creators of the models can use existing state zoning law language to clarify commercial farming from “backyard” activities (M.G.L. c. 128, s. 1A and c. 40A, s. 3). The Department of Agricultural Resources and the Department of Environmental Protection should also explore guidance for local regulations regarding on-farm composting.

The Massachusetts Department of Public Health, the Department of Agricultural Resources, the Department of Environmental Protection, and the Massachusetts Food Systems Collaborative will work with the above organizations to disseminate the guidance or model regulations. Possibilities for distribution might include linking to information on websites, webinars, mailings, existing training programs, and conferences and events, at the discretion of the state agency. The organizations that developed the model regulations should review them at least every other year to suggest improvements or changes given experience and learning.

**RECOMMENDATION #3: *The Guidebook for Massachusetts Boards of Health* will be updated to include a specific and separate chapter on agriculture.**

With the financial and staff assistance of the Department of Public Health, the Massachusetts Association of Health Boards (MAHB) publishes, revises from time to time, and makes available, the *Guidebook for Massachusetts Boards of Health*. MAHB, with the assistance of MA DPH, the MA Farm Bureau and the MA Association of Farmers Markets, will develop a new chapter on agriculture for the Guidebook. The agriculture chapter should provide clarity on the roles and authority of local Boards of Health in these matters for the understanding of all parties, including the role of accepted agricultural practices and allowed exemptions from various state statutes.

**RECOMMENDATION #4: Partners will create, maintain, and help municipalities and farmers utilize a “resource pool” of expertise in farming, farmers markets, and food safety to informally assist all parties in addressing issues, proposed regulations, and implementation of various regulations and programs.**

In addition to garnering more technical assistance from the Commonwealth, as noted below, the Partners recommend that they jointly establish a resource pool of expertise to assist municipalities, farmers markets, vendors, and farmers, in these issues. The Massachusetts Farm Bureau, Massachusetts Farmers' Markets, the Massachusetts Association of Health Boards, Massachusetts Health Officers Association, and the Massachusetts Public Health Association will work jointly to identify, recruit, and provide access to this expertise on various issues. The Partners will create the roster and maintain it on their respective websites, updating the list periodically. Each of the Partners will assist parties with information or technical assistance needs to get to the right person or persons to assist. The technical resource pool should include those individuals who can provide clarity on accepted agricultural practices and allowed exemptions from various state statutes.

**RECOMMENDATION #5: The Commonwealth should fund “circuit rider” positions to assist municipalities in addressing farm and public health issues.**

Due to the number of public health boards across the state, many with limited to no staff, funds, training, or expertise, the Commonwealth should appropriate additional funding through the budgetary process to state agencies to create positions to provide *technical assistance* to towns and cities regarding public health and farming issues.

Subject to appropriation, and as a recommendation already adopted by the MA Food Policy Council suggests, this circuit rider could provide technical advice, deliver trainings, help review or provide advice on regulations, engage with farmers, farming interests, and farmers markets about the importance and practices of public health and food safety, and generally serve as a conduit of communication, learning, and best practice. This position would NOT have any enforcement role, but be advisory and in the spirit of technical assistance and support. This position would ideally be a joint position between the Department of Agricultural Resources and the Department of Public Health, but in any case, should periodically report to the appropriate decision-maker and provide updates to both Commissioners. Another possibility is that the position could be housed at UMass Extension. The staff person hired should understand and be trained in public health, accepted agricultural practices, local food, farmers markets and related topics. (*Note: One Working Group member did not support this recommendation*)

**RECOMMENDATION #6: Partners will explore a third-party certification program for farmers market vendors.**

Permitting of farmers market vendors across communities varies widely. For those vendors operating in multiple markets this leads to the requirement that they apply for local permits in each community they operate, therefore submitting duplicate application packages, or varied packages as part of the process, and are often subject to varying and diverse requirements. For public health boards or departments, permitting can be time consuming and expensive in terms of staff time and attention.

Therefore, a third-party certification program could be established to pre-certify farmers market vendors. This third-party certification would allow a participating health department to know that all of the required prerequisites have been reviewed so that it does not need to duplicate that work. It would allow the vendors the opportunity to obtain local health permits in an expedited manner, paying an appropriate fee in each municipality, but without duplicate, triplicate, or greater paperwork and hassle. In order to consider establishing this certification program, the Partners will explore the details of the third-party certification program and consider securing seed funds to initiate the program. Ultimately, the effort would be funded through certification fees paid to the third-party by vendors. The partners also encourage towns to explore reciprocity with other towns to minimize work in permitting for both towns and vendors. Consideration should be given to whether the Commonwealth Quality Program can serve this purpose. Funding may also be available to communities through the Community Compact program. *(Note: One Working Group member did not support this recommendation)*

**RECOMMENDATION #7: DPH, DEP and DAR should provide, with assistance from the Partners, quality, affordable, available, and widely utilized training in food safety, farming practices, composting, and direct sales for Boards of Health, public health agents, farmers, farmers market managers, vendors, and others.**

Training for all key stakeholders in these issues is another necessary, but not sufficient in and of itself, way to improve the practice of public health and various agricultural practices. Currently, there are a number of training opportunities offered through colleges and universities, annual conferences, on-line training sites such as the Public Health Institute administered by Boston University, and other means. However, the dispersed nature of Massachusetts public health resources and oversight, the limits of time as much as money for small local health boards, and other factors, restrain the depth and breadth of education actually undertaken.

Therefore, first, the non-agency partners (the associations) will conduct an assessment of training needs, limitations, and opportunities for public health board members, agents, officers, farmers, and others. This assessment will explore what barriers currently exist to better utilization of trainings related to agriculture, what incentives might increase participation, what times of day and duration make training more accessible, and what forms of training (online, in-person, at board meetings, etc.) would be more effective. Upon completion of the assessment,

the partners will work with the state agencies (DPH and DAR) to make changes to existing training efforts or add new modules or programs to those efforts.

**RECOMMENDATION #8: Partners should engage annually to monitor implementation and address new issues as they arise.**

The Partners to this process should meet at least annually to review implementation of these recommendations, monitor impact and success, and address new issues as they arise. The Massachusetts Food System Collaborative should serve as the convener and organizer of these annual meetings.

**V. Implementation of the Recommendations: Milestones, Actors, and Estimated Costs**

The Working Group, along with its recommendations, developed the following draft implementation plan for consideration as required under the Food Plan’s objectives for the effort. *Italics* indicate the lead organization for that recommendation.

REC #	WHAT	WHO (leads in italics)	EST. COST	BY WHEN
0	Coordinate, communicate, and support partners in these efforts	Massachusetts Food Systems Collaborative	In-Kind	On-Going
1	File legislation pertaining to administrative procedures and BOHs & Ag Commissions	<i>MA Association of Health Boards, MA Farm Bureau</i>	In-Kind	January 2017
2	Draft, refine, and disseminate model regulations and ordinances	MA Farm Bureau, MA Farmers’ Markets, the MA Association of Health Boards, the MA Public Health Association, and the MA Health Officers Association	In-Kind	June 2018
3	Draft chapter on agriculture for the BOH Guidebook	<i>MA Association of Health Boards</i> with assistance from MA Farm Bureau, MA Farmers’ Markets, and MA Department of Public Health	\$25K	January 2018
4	Create a resource pool accessible via various association websites	<i>MA Farm Bureau, MA Farmers’ Markets, the MA Association of Health Boards, the MA Public Health Association, and the MA Health Officers Association</i>	In-Kind	July 2017 & on-going
5	Work to ensure a budget line	MA Farm Bureau, MA	\$125K	March 2017

	is in the 2017-18 MA budget for a funded circuit rider position	Farmers' Markets, the MA Association of Health Boards, the MA Public Health Association, and the MA Health Officers Association		and on-going
6	Explore third-party certification for farmers market vendors	<i>MA Association of Public Health Officers</i> , MA Farmers Market Association	TBD	Explore & decide if to proceed by July 2017
7	Conduct an education assessment	MA Farm Bureau, MA Farmers' Markets, the MA Association of Health Boards, the MA Public Health Association, and the MA Health Officers Association	In-Kind; for each new training module: \$30K	December 2017
8	Annual meetings for the partners to gauge progress	<i>MA Food Systems Collaboration</i> , MA Farm Bureau, MA Farmers' Markets, the MA Association of Health Boards, the MA Public Health Association, and the MA Health Officers Association	In-Kind	December 2017

## Appendix A

### **Working Group's Membership, Work Plan, and Ground Rules**

**Objective (as laid out in the MA Food Plan):** Create a professionally-facilitated working group that includes representatives from the fields of public health and food systems, as well as regulatory agencies, to develop a proposal to improve regulatory oversight of the local food system with respect to public health. This proposal should address:

- Actions to achieve consistent, science-based State and local regulations that are developed by practitioners and public health professionals concerning animal slaughter, on-farm processing, product aggregation, farmers markets, and other relevant issues that may be identified.
- Requirements for training local regulators in food system practices and current science, and a plan for developing resources for doing so.
- Requirements for training local regulators to enforce regulations consistently and, wherever possible, to offer resources to remedy concerns before taking punitive action.
- A requirement for public review of new regulations that is timely and transparent, involves affected stakeholders early on, and includes at least one public hearing.
- A system of checks and balances on local regulations and actions, including appeal processes.
- Consideration of other related issues as raised in this Plan.

The working group should present its proposal to the Massachusetts Food Policy Council, appropriate agencies within the State administration, and the legislature within nine months of the first working group meeting. The proposal should note whether or not State legislative or regulatory changes are needed to implement the proposal's recommendations, and it should include a draft budget for implementation.

#### **Work Group Participants:**

1. Jeff Cole, Massachusetts Association of Farmer's Markets
2. Brad Mitchell, Massachusetts Farm Bureau Federation
3. Ann Kiessling, Farmer
4. Maddie Ribble, Massachusetts Public Health Association
5. Thomas Carbone, Director, Andover Public Health
6. Cheryl Sbarra, Massachusetts Association of Health Boards
7. Sam Wong, Director of Public Health, Hudson
8. Jana Ferguson, Massachusetts Department of Public Health
9. John Lebeaux, Commissioner, Massachusetts Department of Agricultural Resources

### Project Steering Committee

1. Jeff Cole, Massachusetts Association of Farmer's Markets
2. Cheryl Sbarra, Massachusetts Association of Health Boards
3. Patrick Field, Consensus Building Institute
4. Winton Pitcoff, MA Food System Collaborative

### Logistics

- Meeting location: either Marlborough (Farm Bureau) or Worcester
- Meeting duration: 2.5 to 3 hours at maximum
- Meeting time: to be determined by participants

### Work Plan (exact dates to be determined)

TIMING	WHO	TOPICS
Week of August 15	Steering Committee (SC)	<ul style="list-style-type: none"> <li>• Review &amp; discuss draft work plan, ground rules, and participants for Working Group</li> </ul>
Week of August 22	Winton/Pat	<ul style="list-style-type: none"> <li>• Invitations out to WG plus seeking dates for meetings</li> </ul>
Week of August 29	Working Group	<ul style="list-style-type: none"> <li>• Receive draft work plan, ground rules, and list of other participants as background &amp; provide feedback</li> </ul>
Weeks of Sept 5 & Sept 12	Winton/Pat	<ul style="list-style-type: none"> <li>• Create a basic repository/website for materials, including background reports and documents for Working Group</li> </ul>
Week of October 5	Working Group (WG) <b>Meeting #1</b>	<ul style="list-style-type: none"> <li>• Introductions and Purpose of Working Group - SC</li> <li>• Review and approve work plan and groundrules - WG</li> <li>• Present findings of interviews - Pat</li> <li>• Affirm topical areas for joint discussion based on findings - SC</li> <li>• Review and agree to common principals - SC</li> <li>• Discuss issues - SC</li> <li>• Plan focus groups: purpose, questions, roles - SC</li> <li>• Summarize next steps/action items - Pat</li> </ul>
Weeks of October 24 and October 31	Focus Groups	<ul style="list-style-type: none"> <li>• Focus groups health for farmers and public health officials in various venues</li> <li>• Winton/Pat summarize findings afterward to share with Working Group</li> </ul>
Early November	Working Group (WG) <b>Meeting #2</b>	<ul style="list-style-type: none"> <li>• Review action items from mtg. #1</li> <li>• Debrief focus groups</li> <li>• Further refine options from first meeting's</li> </ul>

		<p>discussion -- SC</p> <ul style="list-style-type: none"> <li>• Further discussion of issues- SC</li> <li>• Summarize next steps/action items - Pat</li> </ul>
Later November	Working Group (WG) <b>Meeting #3</b>	<ul style="list-style-type: none"> <li>• Further refine options from first meeting's discussion -- SC</li> <li>• Further discussion of issues- SC</li> <li>• Narrow, refine, and decide key actions to support, promote, and implement</li> <li>• Summarize next steps/action items - Pat</li> </ul>
Early December	Pat/Winton	<ul style="list-style-type: none"> <li>• Prepare final report</li> </ul>
December	Working Group	<ul style="list-style-type: none"> <li>• Working Group receives, comments on final report</li> </ul>
Before Holidays	Working Group	<ul style="list-style-type: none"> <li>• Incorporate comments and resend - Winton/Pat</li> <li>• Hold conference call as necessary to finalize report and address any outstanding issues</li> </ul>
Early February	Pat/Winton/SC	<ul style="list-style-type: none"> <li>• Finalize report</li> </ul>
February	Winton	<ul style="list-style-type: none"> <li>• Disseminate report as directed by SC to various entities, individuals, etc.</li> </ul>

### Rules of the Road for the Working Group

#### *Responsibilities*

- Attend all working group meetings. The size and limited number of meetings make it essential for 100% participation
- Come prepared, having read background documents and information
- Comment on draft documents in a timely fashion
- Assist with reaching out to constituencies for feedback and particularly supporting fall focus groups
- Be ready to commit to helping implement actions the group jointly supports

#### *Tone and Matter*

- Be respectful, focused, and collaborative in the meetings
- Be open to exploring all topics, including ones that may be difficult to change, while also being pragmatic about what can be accomplished with this group with its purpose as intended under the MA Food Plan
- Explore ideas, options, and engage in creative thinking about possible solutions and actions

#### *Decisionmaking*

- Seek consensus among the Working Group, meaning all can ultimately live with the package of actions that the group prioritizes

- Collective action on this issue does not preclude individual organizations advocacy on related issues on behalf of their members. However, if consensus is reached, all parties agree to support the joint recommendations to their members, in public, and to the media.
- Agreements on process (work plan, ground rules, etc.) will be sought as needed to move the process forward. Agreements on substantive actions or recommendations will be provisional item-by-item until a package is finalized toward the end and put forward for final deliberations and agreement

**Appendix B**  
**Focus Group Meeting Summary**

**December 9, 2016**

**9 AM to 11 AM**

**Brigham Hill Community Barn, 37 Wheeler Road, North Grafton, MA**

CBI convened a focus group of public health agents, farmers, and others with an interest in this issue to discuss the topic of farming and public health. The following summarizes key issues and suggestions brought up during the meeting.

**Key Issues & Recommendations**

***Feedback opportunities on new proposed regulations that affect farming communities***

BOH frequently go at regulation with open eyes but no guidance and review, and unlimited agency. And the only way to overturn BOH regulations is to go to court (no easy way to change them). Improve communication and feedback between agricultural community and BOH when BOH is developing and imposing new regulations on them by mandating a window of time for Ag Commissions and others to comment. This issue is especially pertinent in larger communities (>12,000 residents) where boards tend to have less knowledge of standard farming practices: “farmability” needs to be better accounted for.

***Education of BOH and health agents***

1. *General background on basic farming practice:* Federal food code set up for large wholesale operations is not the way small farms work. Need educational packet to help people understand what agriculture is and how it functions in relation to public BOH. Need people to understand basic sanitation set-up. Educating health agents by encouraging them to attend free Ag Commission trainings.

2. *Awareness of top percolating issues:* A monthly newsletter and case list could be tools to keep BOH up to date with current issues in food chain/farming-health system.

3. *Providing state level guidance:* MA Farm Bureau and MAHB came up with model regulations for guidance, however one-size regulations do not fit all, models are frequently blindly adopted by local BOH; suggested adding chapter on farming in the DPH Handbook. The Handbook references all of the BOH, could have a stand-alone chapter on farming with state and local responsibilities, citations, quick go-tos, reference pages and appendix that is written with authorized persons – Marcia needs names of people and agencies who could be involved in writing this.

**Farmer engagement and empowerment**

1. Better engaging farmers in community dialogues to empower them, especially in towns with no existing Ag Commission; suggestion of regional planning agency for small towns with no Ag Commissions.
2. Technical circuit rider that attends BOH meetings.

**Legislation**

Some state health laws may be too restrictive, or need to be updated to represent changing local food systems. Specifically mentioned: requiring hearings before regulations on farmers are put into effect, mobile poultry processing, updating definition of and regulations for bees, piggeries being listed as automatic noisome trade [*bill has already been filed to re-categorize*].

**Nuisance complaints**

The uncomfortable role that local BOH agents are put in as intermediary/mediator in conflicts between farmers and their neighbors/surrounding non-farming community; disputes frequently arising from a sole plaintiff; health agents have limited options to provide relief or appease the neighbor when the farmer is in full compliance with regulations; “smell” complaints from food waste composting are common but it is hard to find objective metrics or a clear process to deal with them.

*Clear, citable definition of BOH responsibilities:* Distinguishing between when complaints trigger investigation (follow-up, documentation) versus action by health agent or board of selectman, versus when individual civil actions are more appropriate, is tricky. BOH and health agents frequently stranded in the middle.

**Local programmatic implementation of new Local Food Plan**

Local farmers should be able to process without being shunted into industrial category. No local enthusiasm for participating with local food systems in BOH – will they have the time and interest to pay attention? Limited commitment from Ag Commissions to take these development challenges into their purview; consistency in safety regulations and permitting between farmer’s markets; restrictive chicken regulations and how to zone backyard farming.

**Food Policy Council recommendations**

Participating local towns and councils plan to support funding the recommendations made by the Food Policy Council - Jeff to circulate the wording that was sent to the state.

**Actors not present**

Want representative from DPH’s food program and community program to attend these meetings.

## **Appendix C**

### **Select State Case Studies**

#### ***The Policy Process to Increase Consistency in Regulation of Farmers' Markets in Ohio***

##### ***I. Introduction***

The following brief provides a summary of the efforts of a coalition of farmers' market in conjunction with state and local regulators to update and improve the consistency of food safety rules governing farmers' markets.

##### ***II. Regulatory authority***

Two agencies hold authority to regulate farmers' markets in Ohio: the Food Safety Division of the Ohio Department of Agriculture (ODA) and the Ohio Department of Health (ODH) through local health departments. Broadly, ODA regulates any sale of foods that do not require possession of a retail food establishment license, and local health departments regulate any food that requires a license to sell. However, there has historically been lack of clarity over the jurisdiction of each of these agencies that has led to inconsistent enforcement of rules.

In Ohio, health department licenses to sell food are issued by a vendor's local health department and are meant to be valid throughout the state. Therefore, vendors at the same market may be held to different requirements if their licenses from their home health departments differ. Additionally, costs for licenses vary, as they are determined independently by local health departments.

##### ***III. Substantive issues, key players, and the rulemaking process***

In 2008, the Farmers' Market Management Network<sup>1</sup> formed under the auspices of the Ohio State University South Centers Ohio Cooperative Development Center<sup>2</sup>. This all-volunteer-managed organization formed as a legal cooperative to help farmers and farmers' markets pool resources, share experiences and best practices relating to their businesses and to work on farmers' behalf to raise visibility with consumers and liaise with government regulators. The Network is governed by a board comprised of three market managers and three farmers/vendors who are all elected via the statewide membership of the Network. The board also creates committees to address issues of concern to its membership.

One of the tasks the Network took on was working with local health departments and the ODA Food Safety Division to attempt to bring clarity to the regulations that govern farmers' markets. Over the course of more than two years, the group met quarterly with the deputy chief of Food

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<sup>1</sup> <http://ohiofarmersmarkets.org>

<sup>2</sup> <https://southcenters.osu.edu/cooperatives>

<sup>3</sup> <http://www.agri.ohio.gov/divs/FoodSafety/docs/hcomm/LetterofOpinion2010-01.pdf>

Safety at ODA to ask for clarifications and amendments to farmers' market regulations to address some of the obstacles they faced with inconsistent or unclear rules. ODH also participated in these conversations.

The Network worked with the Food Safety Division which in turn brought proposals forward to the legislature to undergo a rulemaking process. The Network highlighted vendors' desire for a broader list of cottage foods—drawing on science-based information—that could safely be sold at markets. Through the legislature, cottage food regulations have been updated twice and have been expanded modestly to include a broader set of non-potentially hazardous foods, such as candied popcorn and granola.

Another issue the Network raised was inconsistency in interpretations of food temperature requirements among local health departments. Of particular issue was the fact that some local agencies required mechanical refrigeration to maintain temperatures whereas others permitted vendors to use ice packs and coolers. In this case ODH and the ODA Food Safety Division jointly issued an opinion letter in which the agencies stated a belief that mechanical and non-mechanical refrigeration (i.e. ice) could both be used in certain cases to temporarily cold hold items at farmers' markets<sup>3</sup>. This guidance did not call for statewide rules, but reiterated that vendors must follow the requirements of their local health departments.

#### ***IV. Training and education***

The Farmers' Market Management Network, the Cooperative Development Center, and Ohio State University Extension maintain resources to train farmers/vendors to comply with food safety regulations. For example, the Cooperative Development Center received funding from the USDA Farmers' Market Promotion Program and from the Appalachian Regional Commission to educate farmers and vendors about food safety. With this funding the Center created a website and newsletter and performed face-to-face training for farmers in multiple locations throughout the state. It also maintains a social media presence and a listserv through which to share information.

In addition to training its own inspectors who visit markets throughout the state, ODA provides training for local health departments to improve the consistency of information about regulations that is used across the state.

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<sup>3</sup> <http://www.agri.ohio.gov/divs/FoodSafety/docs/hcomm/LetterofOpinion2010-01.pdf>

## ***The Policy Process of the Illinois Farmers' Market Task Force***

### ***I. Introduction***

In 2011, the Illinois General Assembly passed Public Act 97-0394<sup>4</sup>, an amendment to the Food Handling Regulation Enforcement Act, which called for the formation of the Farmers' Market Task Force. The Task Force's charge was to remedy the lack of consistency in legislation, eliminate discrepancies between counties in how they regulated farmers' markets, and raise awareness by consumer, farmers, markets, and health authorities regarding the requirements and enforcement of regulations.

### ***II. Regulatory authority over farmers' markets in Illinois***

Coming out of the advice of the Task Force, the General Assembly declared in Public Act 99-0191<sup>5</sup> that no county health departments would impose more stringent sanitation or other guidelines than those adopted in the rules of the Illinois Department of Public Health (IDPH). However, counties may differ in what they charge for these permits and vendors are required to purchase permits in all the counties in which they sell goods.

Public health departments regulate food vendors at farmers' markets, but not the market itself. Consistent with historical regulations, the departments also do not regulate the sale of fresh, unprocessed produce by farmers. It regulates processed foods, animal products, cottage foods, and foods classified as potentially hazardous.

### ***III. Working group formation, substantive issues, and process***

Inconsistency in the enforcement of regulations among counties was a frustrating issue for farmers. This led farmers to call the legislature to reform the way enforcement of rules on farmers' markets was done. In response, the legislature called for the formation of a Farmers' Market Task Force to provide it advice about regulations on the farmers' markets. Public Act 97-0394 outlined very specific guidance on the membership and operations of the Task Force, including which stakeholder groups and agencies should be represented in what numbers, for how long members should serve, that the meetings should be public and follow requirements for public notice, that public meeting minutes would be generated, and that IDPH would provide staffing assistance to the Task Force, among other requirements<sup>6</sup>.

The Task Force membership was carefully vetted not just for representation but also for ability to work collaboratively. It includes representation of farmers, market managers, the Departments of Public Health, Agriculture, Commerce and Economic Opportunity, and the Lieutenant Governor's office, as well as from farming advocacy organizations. The Illinois Stewardship Alliance strongly supported the effort to convene the Task Force. There was no

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<sup>4</sup> <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=097-0394>

<sup>5</sup> <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=099-0191>

<sup>6</sup> The requirements can be read in the Public Act forming the Task Force:  
<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=097-0394>

significant resistance to the formation of the Task Force, according to one member, though he cited nervousness, especially on the part of regulators, about what the outcomes of the process would be.

The Task Force developed a survey to understand the stakeholder groups' perspectives on regulatory requirements such as sanitation, food safety, and cottage foods. Surveyed groups included food vendors, farmers' market organizers, and regulators. Subgroups of the Task Force tailored the survey to each of these groups and got feedback from each other on questions to ask. These surveys were disseminated statewide. The Task Force analyzed the results of this assessment to understand the problems stakeholder groups were facing and in some cases their proposed solutions. These results helped shape the Task Force's work plan. According to one member, the survey was the most important activity the Task Force undertook and contributed significantly to its mandate and support from stakeholder groups as well as its prioritization of issues. The Task Force members spent substantial time reviewing the rulemaking process and explaining it to the members who were less familiar with this aspect of regulation. One member observed that increasing all members' understanding of rulemaking improved the credibility of the process and the relationships among the stakeholder representatives who formed the group.

#### ***IV. Rulemaking process***

The General Assembly stated in Public Act 99-0191 that except under emergency circumstances, IDPH would not adopt rules governing Farmers' Markets without first considering advice from the Task Force.

Concerning food sampling, for simple, low-risk sampling such as slicing apples onsite, the Task Force recommended discontinuing the requirement for \$65 temporary permits from counties. It recommended instead a requirement for a one-hour food safety training and a \$20 fee for a three-year statewide permit. IDPH passed this rule with little controversy including a prohibition against local health departments requiring their own permits for the same activities.

The Task Force has recommended measures to make food temperature requirements consistent across the state, including consistency regarding whether mechanical refrigeration is required for certain foods. Currently, many counties have adopted contradictory rules about food temperature requirements and there is the potential for inconsistent enforcement of the limited statewide rules. The Task Force has recommended statewide consistency in rules but proposes to still allow counties to issue separate permits and decide the fees they charge for their permits. This proposed rule has been more contentious due to its impacts on local health department autonomy and is still being deliberated by IDPH.

The Task Force's original scope of work was expanded to include making recommendations to update cottage food law, which was passed in 2011<sup>7</sup>. So far the Task Force has made some

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<sup>7</sup> <http://www.ilstewards.org/policy-work/illinois-cottage-food-law/>

recommendations to expand the list to include relatively less controversial items such as roasted nuts and honey and is currently discussing some other foods about which there is less agreement, such as juices, foraged mushrooms, and fermented foods.

#### **V. Training and educational tools**

In addition to rulemaking, the Task Force also made recommendations to improve public information. Its assessment indicated that in some cases local inspectors' enforcement treated prescriptions for how vendors could achieve compliance (e.g. to use mechanical refrigeration rather than ice) as enforceable requirements. This led to confusion among regulated vendors and increased inconsistency among counties. In dialogue with stakeholder representatives, the Task Force separated the regulatory and educational tasks of the inspectors and worked to increase their resources and capacity to do both. This was particularly important for smaller local health departments that had a smaller staff and fewer resources to complete research and develop these protocols themselves. As part of its activities, the Task Force updated IDPH's Technical Information Bulletin #30<sup>8</sup>, which addresses sanitation guidelines for farmers' markets. The Task Force included more education about best practices to achieve compliance and clarified—both to vendors and inspectors—the options that vendors had to achieve compliance. It also made the document and other written materials it developed<sup>9</sup> more geared towards users and lighter on technical and regulatory jargon.

The Task Force also created literature to explain the new statewide sampling permit. IDPH put these educational documents on its website and local health departments referenced and linked resources on the IDPH website, which increased consistency.

Some larger local health departments were able to improve vendor compliance with rules by training the farmers' market organizers who could then work with the vendors at their markets. One Task Force member observed that smaller health departments with fewer staff members were less likely to have the capacity to undertake this kind of training.

### ***The Process to Develop Regulation of Farmers' Markets in Oregon***

#### **I. Overview of policy process**

The Oregon State Legislature developed a law, known as the Farm Direct/Value Added Bill, to address what agricultural and value-added products farmers and small producers could sell without licenses (or with minimal licensing.) The legislative committee addressing the issue convened a Working Group comprised of stakeholder representatives that developed a recommendation. A bill was passed into law in 2011 and administrative rules were developed the following year.

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<sup>8</sup> [http://www.idph.state.il.us/pdf/IDPH\\_FDD\\_TIB\\_30\\_Farmers\\_Markets\\_051613.pdf](http://www.idph.state.il.us/pdf/IDPH_FDD_TIB_30_Farmers_Markets_051613.pdf)

<sup>9</sup> <http://www.dph.illinois.gov/sites/default/files/publications/Farmers-Market-Food-Safety-Guide.pdf>

## **II. Structure of health regulations**

There is a bifurcated system regulating food safety in Oregon:

- **Oregon Department of Agriculture (ODA)** regulates farmers' markets, food processing, grocery stores, and broadly things with walls that are not restaurants.
  - The Food Safety Division directly supervises Farmers' Markets, including via a Cottage Food and On-farm Specialist staff member.
- **Oregon Health Authority (OHA) – Public Health** regulates restaurants, mobile food units, etc.

## **III. What events catalyzed the policy process?**

The relationship between ODA and the regulated community ebbed and flowed over the years, but in 2009-2010, the relationship became particularly strained. This led to conflicts over inconsistencies and farmers' perception that regulations were becoming arbitrary. Farmers felt that inspectors were hunting for problems to cite.

A state legislator happened to be in a farmers' market (not in his district) and asked how the market was going. A farmers' market organizer explained her grievances. The legislator initiated a process to gather information from farmers and farmers' market organizers and brought the issue to ODA, which agreed on the need for greater clarity and harmonization of regulations across the state.

There was bipartisan support for the formation of a working group to discuss these issues. The working group included grocery industry representatives, food processing industry representatives, regulators, a farmers' market organizer, Oregon Food Bank (whose participation was relevant because it had a substantial focus on the issue of community food security), and Friends of Family Farmers (advocacy organization).

## **IV. Content and process of Working Group deliberations**

The process started addressing just cottage food rules but ended up addressing farm direct agriculture issues as well. The discussions addressed baked goods, fermented foods (i.e. pickles and other lacto-fermented foods.), preserves, honey, eggs, etc. One major point that was worked out in the working group was the issue that a farmers' market not be considered to be selling food itself (rather, the farmers that comprised the market members were selling the food), and so the market itself would not be required to undergo any certification.

The group reached a consensus after about a year of work and submitted its work to the legislative committee in early 2011.

## **V. Legislative process**

During the year in which the Working Group developed its recommendations, Friends of Family Farmers created a coalition called Oregon Farmers Grow. This coalition backed the bill that the Working Group developed. (The coalition was not involved in the development of the bill to speak of.) Oregon Farmers Grow mobilized grassroots efforts through

“inFARMed and beer” events and other outreach to encourage individuals to call their legislators to back the bill.

NSAC was an important partner in the effort on a national level to address questions about the Food Safety Modernization Act as it related to the provisions of the bill.

The outcomes of the working group process were largely preserved through the committee hearing process and the approval of the bill through the House and Senate. Industry representatives voiced some opposition in the hearing process to some provisions around value-added food production. The committee pushed back on the opposition since it had not been addressed during the consensus process of the Working Group (in which these groups participated.)

The Farm Direct Bill (HB 2336) was signed into law in June 2011. (information on the law here: <https://olis.leg.state.or.us/liz/2011R1/Measures/Overview/HB2336>)

#### **VI. Implementation of rules among regulators and farmers**

Representatives of the regulated community worked with ODA regulators to develop the administrative rules. Farmers’ advocates were involved to encourage legislators to keep attention on the process and encourage rigorous implementation of the law on the part of ODA. The Food Safety Division of ODA maintains an advisory group with stakeholder members including industry representatives (from shellfish, grocery, food processor industries), Friends of Family Farms, Oregon Food Bank, a farmers’ market organizer. This group is largely run by the Farm Bureau and maintains an open relationship with the Food Safety Division to address questions or issues as they arise.

Implementation guidance has improved since the Center for Small Farms and Community Food Systems at Oregon State University (OSU) (which includes the OSU Extension office) has worked with the ODA Small Farms Department to provide information and training.

#### **VII. Training and educational tools**

The following are some of the training and educational tools used to support the implementation of these regulations:

- An ODA web page addressing frequent questions, including downloadable fact sheets on selling agricultural products, producer processed foods, farmers’ market food safety, etc.:  
<http://www.oregon.gov/ODA/programs/FoodSafety/FSLicensing/Pages/WithoutLicense.aspx>
- A document from ODA detailing steps for food safety at farmers’ markets:  
<https://www.oregon.gov/ODA/shared/Documents/Publications/FoodSafety/FarmersMarketsFoodSafety.pdf>
- The Center for Small Farms and Community Food Systems at OSU produces many guidance documents and runs programs on farm direct, value added, and other product marketing topics for farmers: <http://smallfarms.oregonstate.edu/oregon-small-farms-technical-reports>

- The Oregon Farmers' Market Association provides guidance to its membership about farm direct issues, among others: <http://www.oregonfarmersmarkets.org/market-operations/food-safety/>