

901:3-6-01      **Authority of the Director of Agriculture; Definitions .**

(A) Pursuant to section 3717.221 of the Revised Code, the director shall administer the applicable provisions of Chapter 901:3-6 of the Administrative Code to farm markets, farmers' markets, and farm product auctions that have registered with the Ohio department of agriculture. A farm market, farmers' market, or farm product auction defined in paragraph (B) of this rule that is not registered with the Ohio department of agriculture shall be licensed and regulated pursuant to Chapter 3717 of the Revised Code as a retail food establishment.

(B) Definitions:

As used in Chapter 901:3-6 of the Administrative Code:

- (1) "Adulterated" has the meaning stated in section 3715.59 of the Revised Code.
- (2) "C.F.R." means code of federal regulations.
- (3) "Cottage food production operation" as defined in section 3715.01 of the Revised Code, means a person who, in the person's home, produces food items that are not potentially hazardous foods, including bakery products, jams, jellies, candy, fruit butter, and similar products specified in rules adopted pursuant to section 3715.025 of the Revised Code. A cottage food production operation shall not process acidified foods, low acid canned foods, or potentially hazardous foods.
- (4) "Director" means the director of the Ohio department of agriculture.
- (5) "Farm market" means a producer operated facility where only one or more of the following food items are offered for sale:
  - (a) Fresh unprocessed fruits or vegetables;
  - (b) Products of a cottage food production operation;
  - (c) Maple syrup, sorghum, or honey that is produced by a maple syrup or sorghum producer or beekeeper described in division (A) of section 3715.021 of the Revised Code;
  - (d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;
  - (e) Cider and other juices manufactured on site at the farm market;

- (f) Raw eggs, raw poultry, and raw non-amenable meat on the condition that those products were produced by the farm market operator, and further conditioned that, with respect to the eggs offered, the farm market operator annually maintains five hundred or fewer birds, and with respect to the dressed poultry offered, the farm market operator annually raises and slaughters one thousand or fewer chickens, or two hundred fifty or fewer turkeys.
- (6) "Farmers' market" means a location where producers congregate to offer one or more of the following food items for sale:
- (a) Fresh unprocessed fruits or vegetables;
  - (b) Products of a cottage food production operation;
  - (c) Maple syrup, sorghum, or honey that is produced by a maple syrup or sorghum producer or beekeeper described in division (A) of section 3715.021 of the Revised Code;
  - (d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farmers' market.
- (7) "Farm product auction" means a location where only one or more of the following products are offered for sale at auction:
- (a) Raw eggs, raw poultry, or raw non-amenable meat species on the condition that, with respect to the eggs offered, the producer annually maintains five hundred or fewer birds, and with respect to the dressed poultry, the producer annually raises and slaughters one thousand or fewer chickens, or two hundred fifty or fewer turkeys.
  - (b) Fresh unprocessed fruits or vegetables;
  - (c) Products of a cottage food production operation;
  - (d) Maple syrup, sorghum, or honey that is produced by a maple syrup or sorghum producer or beekeeper described in division (A) of section 3715.021 of the Revised Code.
- (8) "Home" as defined in section 3715.01 of the Revised Code, means the primary residence occupied by the residence's owner, on the condition that the residence contains only one stove or oven used for cooking, which may be a double oven, designed for common residence usage and not for commercial usage, and that the stove or oven be operated in an ordinary kitchen within the residence.

- (9) "Misbranded" has the meaning stated in section 3715.60 of the Revised Code.
- (10) "Non-amenable meat" means the meat of farm raised mammals such as bison, rabbit, and deer.
- (11) "Potentially hazardous food" means a food that is natural or synthetic that requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, the growth and toxin production of clostridium botulinum, or in the case of raw shell eggs, the growth of salmonella enteritidis.

Potentially hazardous food does not include a food that has:

- (a) A pH level less than 4.6 when measured at seventy-five degrees Fahrenheit or twenty-four degrees Celsius.
  - (b) A water activity value less than 0.85.
- (12) "Producer" means a person who raises agricultural products on land owned or leased by themselves.

901:3-6-02      **Food.**

- (A) Food shall be obtained from sources that comply with law.
- (B) Food shall be labeled as specified in law, and shall be honestly presented in a way that does not mislead or misinform the consumer.
- (C) Except for products of a cottage food production operation, food in a hermetically sealed container shall be obtained from a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.
- (D) Shell eggs shall be clean and sound.
- (E) Ice used as a cooling medium shall be made from water of drinking water quality.
- (F) All food products shall be safe, unadulterated, and honestly presented. Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.
- (G) Food may not contain unapproved food additives, additives in unsafe amounts, or additives that exceed the amounts necessary to achieve the needed effect.
- (H) Food shall be protected from contamination.

- (I) Eggs shall be maintained at an ambient air temperature of forty-five degrees Fahrenheit or less.
- (J) Poultry and non-amenable meats shall be maintained frozen or at an internal temperature of forty-one degrees Fahrenheit or less.
- (K) Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.
- (L) Food that is unsafe, adulterated, or not honestly presented shall be discarded.
- (M) Except for raw agricultural products, foods shall not be displayed or stored on the ground.
- (N) Cider and other juices manufactured on site of a farm market shall be processed in accordance with the good manufacturing practices established in Chapter 901:3-1 of the Administrative Code.

901:3-6-03      **Equipment and Facilities.**

- (A) Except as specified in paragraph (A)(1), (A)(2), and (A)(3) of this rule, foods requiring refrigeration or freezing shall be held in mechanical refrigeration or freezer units at temperatures specified in rule 901:3-6-02 of the Administrative Code.
  - (1) At a farm product auction fresh dressed poultry may be held for auction by submersion in crushed ice.
  - (2) At a farm product auction frozen non-amenable meats may be held frozen by the use of adequate amounts of dry ice.
  - (3) At a farm product auction eggs may be held for auction in a cooler with adequate amounts of bagged ice or gel packs.
- (B) Toilet facilities shall:
  - (1) Be readily accessible to farm market and farm product auction personnel.
  - (2) Be readily accessible to farmers' market personnel when the farmers' market is open more than four consecutive hours.
- (C) All equipment and facilities used in a farm market, farmers' market, and farm product auction shall be maintained and clean.

901:3-6-04      **Wash, Rinse, and Bactericidal Treatment.**

- (A) Each farm market or farm product auction that offers raw poultry, non-amenable meats or both for sale shall clean and sanitize utensils and food contact surfaces of equipment used in the preparation, display, and sale of the raw poultry and non-amenable meats in:
- (1) A three-compartment sink;
  - (2) A two-compartment sink; or
  - (3) If approved by the director, receptacles that substitute for compartments of a multi-compartment sink; or
  - (4) Another method approved by the director.
- (B) The following procedure shall be used to manually wash, rinse, and sanitize utensils and food contact surfaces of equipment in a three step process:
- (1) In the first compartment, equipment and utensils shall be thoroughly washed in a detergent solution that is kept clean;
  - (2) In the second compartment, equipment and utensils shall be rinsed free of detergent and abrasives with clean water;
  - (3) In the third compartment, equipment and utensils shall be sanitized by either immersion for at least one half minute in clean hot water at a temperature of at least one hundred seventy degrees Fahrenheit; or immersion for at least thirty seconds in a clean solution containing at least fifty parts per million of available chlorine as a hypochlorite. Equipment too large to sanitize by immersion may be rinsed, sprayed, or swabbed with a solution of one hundred parts per million chlorine.
- (C) The following procedure shall be used to manually wash and sanitize utensils and food contact surfaces of equipment in a two step process:
- (1) In the first compartment, equipment and utensils shall be immersed and thoroughly washed with an approved detergent-sanitizer solution that is kept clean;
  - (2) In the second compartment, equipment and utensils shall be immersed and thoroughly sanitized with an approved detergent-sanitizer solution that is kept clean.

The same approved detergent-sanitizer product shall be used for both the cleaning and sanitizing steps.

(D) A chemical sanitizer must conform to 21 C.F.R. 178.1010, be registered with the United States environmental protection agency, have a label that states it can be used on food contact surfaces, and does not require a potable water rinse after use. A chemical sanitizer shall be used according to the manufacturer's label.

901:3-6-05      **Handwashing.**

(A) Personnel shall wash their hands to prevent the contamination of food, especially after using the toilet room or handling raw meat or poultry.

(B) Except as permitted in paragraph (C) of this rule, handwashing facilities shall consist of potable running water, soap, and disposable towels.

(C) Based upon the types food products being offered for sale and the amount of food handling at the facility, the director may approve an alternative method of handwashing, such as the use of alcohol towelets or a non-permanent handwashing facility.

901:3-6-06      **Water Supply.**

Water provided for handwashing and cleaning shall be of drinking water quality.

901:3-6-07      **Right of Entry.**

A person or government entity operating a farm market, a farm product auction, a farmers' market, or a stand at a farmers' market, shall permit the director to inspect the farm market, the farm product auction, the farmers' market, or their stand at a farmers' market, for the purpose of determining compliance with this Chapter or investigating a complaint. On request of the director, the operator of the farm market, farmers' market, or a stand at a farmers' market, or a farm product auction shall permit the director to examine their records to obtain information about the purchase, receipt, or use of food, supplies, and equipment.

901:3-6-08      **Retail Food Establishment Referral.**

When a farm market, farm product auction, or participant at a farmers' market is offering food products for sale that are of a type or that exceed the scope of those permitted in rule 901:3-6-01 of the Administrative Code, the director shall refer the licensing and regulation of such facility to the local board of health with jurisdiction. Such facility will be assessed and regulated under Chapter 3717 of the Revised Code.