

**DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER
PROTECTION NOTICE OF PROPOSED GUIDANCE DOCUMENTS**

Pursuant to section 227.112 of the Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is hereby accepting comments on the proposed guidance document:

Guidelines for Farmers Market Managers, Vendors and Customers

LOCATION OF PROPOSED GUIDANCE

Proposed guidance document may be reviewed by accessing:

https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx

SUBMITTING PUBLIC COMMENTS

Public comments on proposed or adopted guidance document may be submitted by accessing:

https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx

DEADLINE FOR SUBMISSION

The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

AGENCY PUBLICATION

The attached guidance document contains statements or interpretations of law under the following applicable provisions of federal law or the applicable state statutory or administrative code provisions: Wis. Stat. ch. 97.12(1), Wis. Admin. Code, ch. 75.

CERTIFICATION

Pursuant to the authority delegated to me by the Secretary, I have reviewed the attached guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.



____ 05-28-2020 _____

Steve Ingham
Administrator
Division of Food and Recreational Safety



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GUIDANCE DOCUMENT

Guidance Document Title: Guidelines for Farmers Market Managers, Vendors and Customers

This guidance document is based on Wis. Stat. ch. 97.12(1) and chapter(s) ATCP 75 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.

55 (DFRS)

Steven C. Ingham

May 28, 2020

Steven Ingham, Ph.D. - Administrator, Division of Food and Recreational Safety

DATE

Contributors:



Division of Food and Recreational Safety

May 21, 2020

Guidelines for Farmers Market Managers, Vendors and Customers

The following guidance is from the Department of Agriculture, Trade and Consumer Protection (DATCP) and the Department of Health Services (DHS). This guidance was created in partnership with Kristin Krokowski, Commercial Horticulture Educator with the UW-Madison Division of Extension.

Farmers markets in Wisconsin provide a critical food resource, as well as an essential opportunity for Wisconsin farmers to connect with their communities. The following recommendations are intended for farmers markets, vendors, and customers to provide best practices on how to safely operate and interact.

Farmers markets should follow applicable state, local, and tribal health recommendations, and work with their local/tribal public health departments who can help assess the current level of mitigation needed based on the level of COVID-19 transmission in their area, the capacities of their health care systems, and other relevant factors. This is a rapidly evolving situation so please continue to monitor Wisconsin DHS guidelines, as they may change based upon new scientific information and epidemiological data.

Minimum Recommendations for Operations

These are the minimum recommendations from public health experts to help ensure the safety of both customers and vendors at farmers markets:

- Close all seating intended for consuming food.
- Prohibit food samples.
- Self-dispensing unpackaged food areas (including fresh produce) may stay open.
- Areas that require customers to use tongs or

scoops are discouraged; vendors should sanitize the tongs and scoops frequently.

- Maintain physical distancing between all individuals on the premises to the maximum extent possible. Participants at a market will be most at risk of contracting the virus due to crowding and standing in close proximity for long periods of time.
- Discourage groups from gathering and long lines from forming by limiting/eliminating music, tabling, activities, promotions, and pets.
- Follow existing laws and regulations about sales of food at farmers markets. Remember that the majority of processed foods must be **produced at a licensed facility** to be legally sold at a farmers market. In addition, a license must be held to legally **sell** most foods at a farmers market. There are important exceptions to some of these requirements, involving unprocessed fruits and vegetables, honey, apple cider, maple syrup, and canned acidified fruits and vegetables processed in home kitchens under the so-called "[Pickle Bill](#)." For more information, please contact a DATCP Licensing Specialist at (608) 224-4923 or datcpdfslicensing@wisconsin.gov.

Additional Best Practices for Consideration

The following are best practices that can help to further minimize the spread of COVID-19 at farmers markets. Each market should proactively take action to provide a safe shopping environment, while considering the unique needs of the community. Not all recommendations will be suitable for all markets.

What can the market do?

- Pause or delay opening markets if safety



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measures cannot be adequately maintained.

- Consider alternative shopping methods, such as:

- A one-sided drive-thru market.
- Online or phone ordering with market pick up.
- Appointments for market shopping to minimize crowds.

- Ensure all forms of payment including electronic benefit transfer (EBT) cards, tokens, or checks can continue to be used at the market and for any alternative shopping methods.

- Minimize shopper time at the market.

- Sell prepared foods pre-packaged for consumption off-site.

- Ensure adequate space for all vendors and customers. Arrange for additional vending space if needed to maintain physical distancing. Limit the number of vendors or alternate market weeks if all vendors cannot be accommodated while maintaining safe practices.

- Increase the spacing between vendors to allow customers and vendors to maintain safe distance; spacing of no less than 15 feet between vendors is recommended.

- Design market layout to minimize crowding and provide a safe distance; consider placing vendors on one side or having vendors face outward or establish a single direction flow of traffic through the market.

- Provide handwashing stations and/or hand sanitizers for both vendors and customers.

- Post physical distancing messaging and signage using image based messaging or translated into the languages used by those in your community and the customers that you serve.

- Suspend fines for no-show vendors to help prevent sick vendors from coming to the market out of obligation.

- Communicate with customers and vendors:

- Let customers know if your market is open, the start date is delayed, or if the market is closed.
- If your market will remain open, be certain both customers and vendors know what you are doing to protect their safety and what they can do to protect themselves and others while at the market.
- If your markets will be closed, connect your customers with vendors; customers may be able to pick up products on farm or arrange a local drop-off site for pre-packaged orders.

- Continue to visit the DHS and CDC websites for updated information on COVID-19.

What can vendors do?

- Don't come to market while sick or allow sick employees at the market.
- Avoid touching your face.
- Wear a cloth face covering, if you are able to do so safely.
- Have only one staff person handling payments; although there is little evidence that money, tokens, or credit cards can transmit COVID-19, having one person take money and talk with customers helps limit the contact of the farm staff to possible transmission.
- Provide single-use bags to customers.
- Sell pre-weighed packaged items to limit food handling and keep customers moving.
- Clean and disinfect all surfaces, including tables and tablecloths, before the market.
- Clean/disinfect high-touch surfaces regularly.
- Use barrier tables (an extra 3-foot-wide table between the customer and the product) or put a check out table in front of the product; if customers can't see what is being sold use a chalk or dry erase board to list products.
- Minimize customer handling of products to the point of sale as much as possible (for example,



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discourage a customer from handling multiple items while deciding which to purchase, and rather to only handle the exact item they are buying).

- Wash hands regularly with soap and water.
- Use hand sanitizer only on visibly clean hands; hand sanitizer is not effective when hands are visibly dirty.
- Use single-use gloves where needed; if clean, gloves may be worn up to four hours.
- Maintain at least 6 feet of physical distance from customers and other vendors whenever possible.
- Remind customers to maintain at least 6 feet of physical distance between each other while waiting their turn and moving about the market.

What can customers do?

- Use alternative shopping methods if available, such as a drive-thru market, online ordering with market pick up, or direct sales from the farm.
- Do not go to a market if you are sick.
- Cover any coughs and sneezes with your elbow.
- Wear a cloth face covering, if you are able to do so safely.
- Do not bring children with you to the market if you have child care available.
- Minimize the number of people coming with you to the market; this helps keep crowds smaller.
- Use hand sanitizer or hand-washing stations frequently, if available.

- Maintain at least 6 feet of physical distance from other customers and vendors whenever possible.
- Come to the market at off-peak hours.
- Follow recommendations for handling and washing fresh fruits and vegetables.
 - COVID-19 is unlikely to be passed on through fresh produce. Even if the virus did survive on your fresh produce, it is likely to end up in the stomach where the low pH environment will inactivate and kill the virus.
 - Do not wash fresh produce in soap or detergent. Soap is not designed for use on food and any residue on fresh produce can cause nausea, vomiting, and diarrhea if ingested. The FDA recommends washing fresh fruits and vegetables in cold water. Wash your hands with soap or use a sanitizer after handling your groceries and fresh produce.

Additional Resources

- [DATCP COVID-19 Toolkit for Farmers and Agricultural Businesses](#)
- [DATCP Operating U-pick Produce Activities While Keeping Consumers Safe](#)
- [DATCP COVID-19 Food Supply, Delivery, and Recreational Facilities FAQ and Publications](#)
- [Public Health Madison and Dane County COVID-19 Farmers' Markets Website](#) (includes example operational plan)



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