

VENDOR COUNT TO DETERMINE MARKET EXEMPTION FROM ONTARIO FOOD PREMISES REGULATION

Background

Recognizing the tradition and nature of farmers' markets, the Ontario government saw fit to exempt farmers' markets with the majority of vendors being farmers, selling products they grew or prepared, from the requirements of the Food Premises Regulation. The intention was to permit traditional homemade products made by the farmer to be sold at markets. This worksheet will assist markets and health units in determining which markets qualify for the exemption.

Definitions from the Food Premises Regulation

“farmers’ market food vendor” means the operator of a stall or other food premise that is located at a central location at which a group of persons who operate stalls or other food premises meets to sell or offer for sale to consumers products that include, without being restricted to, farm products, baked goods and preserved foods, and at which the majority of the persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products.

“farm products” means products that are grown, raised or produced on a farm and intended for use as food and include, without being restricted to, fruits and vegetables, mushrooms, meat and meat products, dairy products, honey products, maple products, fish, grains and seeds and grain and seed products.

Exempt Farmers’ Market

Ontario Food Premises Regulation 493 does not apply if the proportion of vendors selling their own farm products is greater than 50% of the total vendor count in high season. However, other relevant legislation is still applicable such as the **Health Protection and Promotion Act** and **Milk Act**. **Potentially hazardous** and **non-hazardous** foods can be made in vendor’s homes and must be properly handled, stored, prepared and transported in order to be sold on the market. The markets should still be inspected.

Non-exempt Farmers’ Market

The Ontario Food Premises Regulation applies, as well as, other relevant legislation such as the **Health Protection and Promotion Act**, **Milk Act** and **Farm Products Marketing Act** if the proportion of vendors selling their own farm products is less than 50% of the total vendor count in high season. No food can be prepared in vendor’s homes. All food must be prepared in an inspected facility or inspected stand at the Market. Inspected facilities can include kitchens in restaurants, community or shared commercial kitchens, community centres and churches. Vendors can usually rent these facilities at reasonable rates. Health units can confirm which facilities in your community have been inspected.

For more information, contact your local public health unit or visit www.FarmersMarketsOntario.com.



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NAME OF MARKET _____

MARKET ADDRESS _____

MARKET MANAGER - FIRST NAME _____

LAST NAME _____

PHONE _____

E-MAIL _____

PUBLIC HEALTH INSPECTOR - FIRST NAME _____

LAST NAME _____

PHONE _____

E-MAIL _____

VENDOR COUNT BASED ON # OF VENDORS PARTICIPATING IN HIGH SEASON (usually August/September)			
Farm Product Vendors (Selling products they have grown or produced) identified by main product	A #	Other Vendors (identified by main product sold)	B #
Fruit & Vegetable grower		Fruit & vegetable resellers	
Meat, poultry, egg producer		Butcher reselling meat	
Cheese producer		Cheese reseller	
Honey producer		Honey & maple syrup reseller	
Maple syrup producer		Plant and flower reseller	
Plants & flower grower		Baker	
Other		Prepared or speciality food	
		Artist or craftsperson	
		Other	
TOTAL A		TOTAL B	

Add Total A _____ + Total B _____ = _____ Total # of vendors

Exempt

Non-exempt

In order to be exempt, the # of vendors in Column A must be greater than the number of vendors in Column B.

MARKET MANAGER SIGNATURE _____

PUBLIC HEALTH INSPECTOR SIGNATURE _____

DAY MONTH YEAR

