

## RESOLUTION # 9

### SAFE FOOD PRODUCTS AT COMMUNITY FARMERS MARKETS

1           **WHEREAS**, community farmers markets throughout New Jersey present an  
2 excellent opportunity for New Jersey farmers to offer their products directly to  
3 consumers, and at the same time interact with the public about their farm products,  
4 growing methods and other aspects of agriculture in the Garden State; and

5           **WHEREAS**, the New Jersey Department of Agriculture has invested significant  
6 time and effort in helping communities to develop community farmers markets across the  
7 state, and those markets now number approximately 150 statewide; and

8           **WHEREAS**, community farmers markets provide a “drawing card” for many  
9 communities to bring shoppers back to downtown areas and commercial districts that  
10 have seen an exodus of consumers due to the development of mega-shopping centers  
11 and the use of Internet shopping; and

12           **WHEREAS**, this reintroduction of large numbers of shoppers has a spillover  
13 effect of increasing business for retailers located near community farmers markets, and  
14 many, especially restaurants, become regular parts of the community farmers markets,  
15 providing cooking demonstrations and other activities that link the downtown shopping  
16 area to the community farmers market in consumers’ minds; and

17           **WHEREAS**, community farmers markets, though typically not permanent  
18 structures, are governed as “retail food establishments” under Chapter 24 of the State  
19 Code, which is overseen by the New Jersey Department of Health; and

20           **WHEREAS**, Chapter 24 specifically establishes the practices that must be  
21 followed in order for a food product to be considered safe for sale at a retail food  
22 establishment, including the manner in which it was prepared and displayed for sale at a  
23 community farmers market; and

24           **WHEREAS**, the administration of Chapter 24 at community farmers markets is  
25 conducted by local health officials, employed either by the municipality in which the  
26 community farmers market exists or by the county of that municipality; and

27           **WHEREAS**, farmers have reported over the years that the interpretation of  
28 Chapter 24 as regards community farmers markets varies greatly from municipality to  
29 municipality and county to county, depending upon the health inspector(s) involved; and

30           **WHEREAS**, this leads to confusion about which interpretations of Chapter 24  
31 apply, especially among farmers who participate in multiple markets across multiple  
32 municipalities and counties, creating a situation in which a food product offered for sale  
33 in one location may be disallowed in another and thus establishing an uneven playing  
34 field for farmers depending upon these local and county interpretations; and

35           **WHEREAS**, the New Jersey Department of Health can provide guidance, but not  
36 orders, to local and county health officers about their interpretations of Chapter 24,  
37 thereby leaving no statewide authority to which farmers can turn for definitive answers to  
38 these questions.

39           **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 100<sup>th</sup>  
40 State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 4-5,  
41 2015, do hereby urge the New Jersey Departments of Agriculture and Health to  
42 collaborate on an updated document, much like the one created in a joint effort between  
43 the departments in 2008, which would provide community farmers market managers with  
44 specific references to Chapter 24 to use in discussions with local and county health  
45 officers regarding questions of whether, and under what conditions, a given food product  
46 is allowed for sale at a community farmers market.