

Farmers' Market Manager Training

An important factor in the overall success of a farmers' market is the skills and knowledge of the market manager. With the development of this manual, Alberta Agriculture and Forestry is committed to ensuring that approved farmers' market managers have the basic information they need in order to succeed in their roles.

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Table of Contents

Section 1: The Alberta Approved Farmers’ Market Program.....	5
Background	7
The Program.....	7
Benefits of Being an Alberta Approved Farmers’ Market	8
Becoming an Approved Market.....	8
Guidelines	9
Requirements of Alberta Approved Farmers’ Markets.....	10
Annual Paperwork	12
Section 2: Roles	15
I. Market Manager	17
Who You Are Accountable to and How	18
Who is Supporting You	19
II. Sponsor	20
III. Board of Directors/Advisory Committee	21
Comparative Chart.....	22
IV. Vendors	23
V. Farmers’ Market Specialist and other Program Staff – AF.....	23
VI. Public Health Inspector, Alberta Health Services.....	23
VII. Alberta Farmers’ Market Association	24
Section 3: Legislative and Regulatory Requirements.....	25
Legislative and Regulatory Requirements.....	27
Section 4: Additional Resources.....	35
Additional Resources.....	37

Appendices

- Appendix 1-1: Alberta Approved Farmers' Market Application Form
- Appendix 1-2: Starting an Alberta Approved Farmers' Market
- Appendix 2: Alberta Approved Farmers' Market Program Guidelines
- Appendix 3-1: Map Brochure Form
- Appendix 3-2: Market Information Form
- Appendix 3-3: Statistical Update Form
- Appendix 3-4: Vendor List
- Appendix 3-5: Sponsor Approval Form
- Appendix 4: Market Manager Job Description
- Appendix 5: Conflict Resolution Information
- Appendix 6: Sunnygirl Logo Usage Guidelines
- Appendix 7: Basic and Allergen Labelling Quick Guide
- Appendix 8: Public Health Act Food Regulation
- Appendix 9: Alberta Health Services Farmers' Market Information Package

Section 1:

The Alberta Approved Farmers' Market Program

Learning Objectives:

After completing this section, you will:

- know the Alberta Approved Farmers' Market Program is administered by Alberta Agriculture and Forestry, a ministry of the provincial government;
- understand the benefits of being an Alberta approved farmers' market;
- understand the minimum requirements which must be maintained in order for your market to attain and retain approval status.

The Alberta Approved Farmers' Market Program

Background

Following the post-war years, people left the farm and smaller communities in favor of working in larger urban centres. Food was purchased more and more from supermarkets that sourced their food from around the country and the world, resulting in a loss of connection with our country roots. Farmers' markets existed in Alberta prior to 1973 but there was a lack of consistency with regards to how they were set up and operated. Alberta Agriculture and Forestry (AF) organized the Alberta Approved Farmers' Market Program (the Program) to ensure minimum guidelines would be followed across the province by those markets choosing to participate. The Program began with 4 markets following the "Make It, Bake It, Grow It" philosophy.

In the mid-70s, Alberta Health gave recognition in the Alberta *Public Health Act* Food Regulation to those markets approved by the Minister of Agriculture and Forestry or his/her designate, allowing food destined for sale at the farmers' market to be produced in home kitchens.

At about the same time, the Sunnygirl logo was developed by AF as the official logo of farmers' markets recognized under the Program. The logo is registered as an Official Mark owned by the province of Alberta. (see Appendix 6 for information relating to use of the Sunnygirl logo)



In addition, Alberta Agriculture and Forestry and Alberta Transportation worked together to develop the farmers' market highway sign. This road sign is used to identify only those towns with Alberta approved farmers' markets.



The Program

The Alberta Approved Farmers' Market Program creates an operational framework that provides direction and guidance to approved farmers' markets in Alberta. The Program requirements ensure that Alberta approved farmers' markets are meeting minimum operational requirements. Individual markets are encouraged to set standards over and above the minimums by striving to incorporate industry best practices and in keeping with their established values.

The Program is administered by dedicated staff within the Local/Domestic Market Expansion Branch of Alberta Agriculture and Forestry, a provincial government ministry.

Benefits of Being an Alberta Approved Farmers' Market

- All markets follow the same guidelines thereby strengthening the markets, reducing conflicts and setting minimum standards for consistency across the markets.
- Approved farmers' markets are able to take advantage of Part 3 of the Alberta *Public Health Act* Food Regulation (found online at <http://www.qp.gov.ab.ca/>) which allows for vendors to produce their food products in home kitchens. Approved farmers' markets are the **only** venues in Alberta that allow for the sale of home produced food products.
- Alberta food producers and processors have preferential access to approved farmers' markets.
- Approved markets are connected to a province-wide communication and administration network.
- Decisions are made at the local level (i.e. boards, managers) which strengthens market rules overall.
- Alberta approved farmers' markets are allowed to use the Sunnygirl logo in their advertising and promotions. The Sunnygirl logo is an official mark held by the Government of Alberta. This logo helps the consumer identify that the market is approved and they are affiliated with a chain of high quality markets offering Alberta-produced products that consumers can trust.
- Sponsors, managers and vendors have access to the AF Farmers' Market Specialist and Explore Local staff who offer marketing expertise and links to other government departments and agencies.
- Many approved markets seek to "discover" new vendors wanting to use the markets for business incubation and test marketing.
- Approved markets and their vendors are entitled to become members of the Alberta Farmers' Market Association.

Becoming an Approved Market

In order to become an Alberta approved farmers' market, a formal application (see Appendix 1-1) must be submitted to the Farmers' Market Specialist of AF indicating how the proposed market will meet the minimum standards laid out in the Guidelines.

Applications are evaluated on the following points:

- Proof of non-profit status: either sponsored by a non-profit community group and set up as a sub-committee of their organization OR attain non-profit society status under the *Societies Act* OR attain new generation co-operative status under the *Cooperatives Act*
- Manager or "point" person is identified
- Minimum of 10 committed vendors who will attend the market every week; 80% of whom are Albertans selling Alberta products which they, an immediate family member, a staff member or a member of a producer-owned cooperative have made, baked or grown
- Proof of liability insurance for the market
- Satisfactory business case which outlines why there should be a market, how it will impact the community, type of support from the community, how the market will succeed in the event of competing markets, etc.
- Letters of support from the community

There are two steps in a market approval:

1. approval by AF because the market has met the minimum requirements laid out in the Guidelines **AND**
2. issuance of a Farmers' Market Permit by Alberta Health Services (AHS).

You can't have one without the other.

If the Food Permit is revoked by AHS for any reason, approval status is automatically revoked and vice versa.

For additional information about starting an Alberta approved farmers' market, refer to the factsheet entitled Starting an Alberta Approved Farmers' Market – Agdex 845-21 found in Appendix 1-2.

Guidelines

The Guidelines (see Appendix 2) are the guiding principles which direct the administration of the Program. The Guidelines are used to provide direction to prospective and approved markets with regards to approval criteria, market organizational requirements, vendor and product mix, and responsibilities of stakeholders.

The Guidelines were reviewed in 2008/09 using an inclusive process whereby individuals representing sponsors, managers, vendors, industry associations and key government stakeholders were consulted. Significant changes were made to the Guidelines as a result of recommendations made to the Minister, Agriculture and Forestry. Revisions to wording were done in February 2016.

It is critical that all approved farmers' market managers clearly understand the minimum requirements set out in the Guidelines as well as what their responsibilities are in regards to ensuring compliance with the Guidelines and repercussions for non-compliance.

Requirements of Alberta Approved Farmers' Markets

Some operational practices are critical to the success of each farmers' market and to maintain the integrity of approved farmers' markets throughout the province.

Markets must comply with these requirements in order to receive and retain approval status.

Failure to retain any of these requirements will result in the market losing its approval status immediately along with all the benefits that approval status brings.

Requirement	Description
Annual Paperwork	<ul style="list-style-type: none"> All annual paperwork must be received by AF no later than January 15. Information on the forms must be verified and signed off by the sponsor (in a sponsored market) or the board president (if incorporated). Validated complaints of falsifying information will result in immediate loss of approval status. All forms are available in a fillable pdf format. Notification will be sent out in the Fall via email with paper copies being sent to managers who do not have email access. Forms can be accessed online at www.sunnygirl.ca.
Conditional Approval	<ul style="list-style-type: none"> All NEW markets will be granted conditional approval for the first two market seasons. Failure to maintain/meet any of the requirements of approval will result in immediate loss of approval status. Following the annual calculation on the vendor paperwork, any markets that do not meet the 80/20 requirement and/or the minimum of 10 vendor requirement will be granted conditional approval. Approval status will be revoked for any markets that have been conditional for two years without improvement.
Date, Time & Location	<ul style="list-style-type: none"> Markets must operate for a minimum of 2 consecutive hours per day and for at least 10 market days per season. Market approval is granted to a market based on specific dates and time of operation as well as location. Approval must be granted by AF in order to make changes to date, time or location. A minimum of 2 weeks' notice is required for change approval. Depending upon the changes, a new Farmers' Market Permit may need to be issued by Alberta Health Services.
Discrimination	<ul style="list-style-type: none"> Alberta approved farmers' markets are venues where discrimination of any kind is not tolerated. Validated complaints will result in the immediate loss of market approval status.
Farmers' Market Permit	<ul style="list-style-type: none"> Securing a Farmers' Market Permit from AHS is a condition of approval. Continued approval status is dependent upon maintaining a valid Farmers' Market Permit. If the Permit is revoked by AHS for any reason, approval status is immediately revoked until such time as the conditions stipulated by AHS are met and the Permit is reissued. If approved status is revoked by AF for any reason, AHS is notified and the Farmers' Market Permit will be revoked.
Food Safety Training – Market Managers	<ul style="list-style-type: none"> AF requires that market managers who have not already completed an approved Alberta food sanitation and hygiene training program must complete the Farmers' Market Home Study Course on food safety available through AHS in order to retain the Farmers' Market Permit issued by AHS. COMPULSORY within one year of becoming a manager for new managers.

	<ul style="list-style-type: none"> • Proof of course completion must be displayed at the market and a copy of the certificate must be sent to the Farmers' Market Specialist.
Food Safety Training - Vendors	<ul style="list-style-type: none"> • AF requires that vendors selling food and/or agricultural products who have not already completed an approved Alberta food sanitation and hygiene training program or who are not required to complete the food safety training described under Section 31 of the Food Regulation must complete the Farmers' Market Home Study Course on food safety available through AHS. COMPULSORY within one year of becoming a new vendor. • Proof of course completion must be displayed at the market and a copy of the certificate must be kept with the manager.
Food Safety Certificates	<ul style="list-style-type: none"> • Market managers must ensure all food and agricultural vendors are displaying their food safety certificates during the market.
Governance and Market Structure	<ul style="list-style-type: none"> • An approved market must operate under the direction of an advisory committee, if sponsored, or a board of directors, if specifically incorporated, who understand and support the goals of the Program. • Membership on the advisory committee or the board of directors shall be defined within the rules of the sponsored farmers' market or applicable corporate documents. • Non-profit markets established under the Societies Act must develop by-laws to govern the operation of the market. (sample by-laws available from Service Alberta – Corporate Registries)
Insurance	<ul style="list-style-type: none"> • Markets must secure market liability insurance and provide a certificate of insurance to the Farmers' Market Specialist annually. • Insurance carrier must be advised of any date, time or location changes.
Legislation	<ul style="list-style-type: none"> • Market managers, vendors, sponsors and other stakeholders must be fully aware of and compliant with all municipal, provincial and federal by-laws, legislation and regulations. • Under Part 3 Section 36(4) of the Food Regulation the farmers' market permit holder, i.e. market manager, is required to ensure the stallholders are in compliance with Sections 36(1), 36(2) and 36(3). Failure to do so could result in loss of the farmers' market permit for the market and/or fines.
Manager Training	<ul style="list-style-type: none"> • Market managers must complete Market Manager Training Level 1 within 1 year of becoming a manager.
Market Changes	<ul style="list-style-type: none"> • AF must be notified immediately of any changes to date, time or location of the market. • Special markets operating outside the normal market operating dates, hours or location may be allowed with permission. Requests must be submitted to the Farmers' Market Specialist at least two weeks before the special market. • Depending upon the changes, a new Farmers' Market Permit may need to be issued by Alberta Health Services.
Market Operational Decision Making	<ul style="list-style-type: none"> • Markets have the authority and responsibility to make operational decisions at the local market level so as to balance vendor needs with customer demands, while ensuring compliance with these Guidelines.
Market Rules	<ul style="list-style-type: none"> • Market rules must be submitted to AF for review upon request.
Vendors	<ul style="list-style-type: none"> • Approved farmers' markets must operate with a minimum of 10 vendors averaged throughout the course of the market season. • Markets operating with an average of less than 10 vendors per market season will be granted conditional approval. • Approval status will be revoked for any markets that have been conditional for two

	years without improvement.
What May/May Not Be Sold	<ul style="list-style-type: none"> • Markets must maintain an annual average vendor split of 80/20 where 80% of the vendors are Albertans selling Alberta products which they, an immediate family member, a staff member or a member of a producer-owned cooperative or their staff have made, baked or grown. The remaining 20% of the vendors can be made up of out-of-province vendors, resellers or vendors selling commercially available products. • Markets operating outside the 80/20 requirement will be granted conditional approval. • Approval status will be revoked for any markets that have been conditional for two years without improvement. • Discouraged products: <ul style="list-style-type: none"> ○ Out of country products; ○ Franchises, distributorships and home-based businesses which vend products not made, baked or grown in Alberta. • Prohibited vendor products (products not allowed at ANY time): <ul style="list-style-type: none"> ○ Used, antique or flea market items ○ Live animals, whether for sale or customer interaction ○ Uninspected meat or meat products for human AND/OR animal consumption ○ Raw milk or raw milk products for human AND/OR animal consumption with the exception of cheese made from unpasteurized milk that meets federal standards ○ Hatching eggs ○ E-cigarettes or vapor cigarettes
Who May Sell	<ul style="list-style-type: none"> • Preference must be granted to Alberta producers who make, bake, or grow their products. Validated complaints will result in immediate loss of approval status. • Non-Alberta producers who make, bake or grow their products as well as those who offer resale items may supplement the market mix with those products not available in Alberta. These vendors fall into the 20% category. Markets may choose to limit or prohibit out-of-province products. • Vendors reselling products that directly compete with products sold by Alberta producers are only allowed if the Alberta producers cannot meet customer demand. • Out-of-province products must be clearly labelled as to their province/country of origin.

Annual Paperwork

Submission of annual paperwork to AF is a requirement of the Program. Analysis of the paperwork is the primary indicator as to whether the market is in compliance with the minimum requirements of the Program. Accuracy and completeness of the paperwork is paramount. The required forms include:

- **Map Brochure form:** Information collected on the market for inclusion in the annual brochure published by AF as well as for publishing on the website and on the mobile device app. (Appendix 3)
- **Market Information form:** Provides “at-a-glance” information about the manager, board of directors/advisory committee and sponsor. (Appendix 3)
- **Statistical Update form:** Provides statistical information about the market for the year just completed. Information from all markets is compiled, averaged and posted on the Sunnygirl.ca website for markets to use. (Appendix 3)
- **Vendor List:** A list of all vendors who attended the market during the past season, their contact information, products they sold, number of markets attended by each vendor and whether the vendor has

completed the required food safety course (for agricultural and food vendors only). The information on this form is used to calculate the average number of vendors and the 80/20 breakdown for the market. (Appendix 3)

- **Sponsor Approval form:** When signed by the sponsor, this form indicates the sponsor is aware of their responsibilities as a sponsor and that the organization agrees to continue to be a sponsor for the upcoming year. (Appendix 3)

All forms are available in a fillable pdf format. Notification will be sent out in the Fall via email with paper copies being sent to managers who do not have email access. Forms can be accessed online at www.sunnygirl.ca.

Annual paperwork is due no later than January 15 each year.

Section 2:

Roles

Learning Objectives:

After completing this section, you will understand:

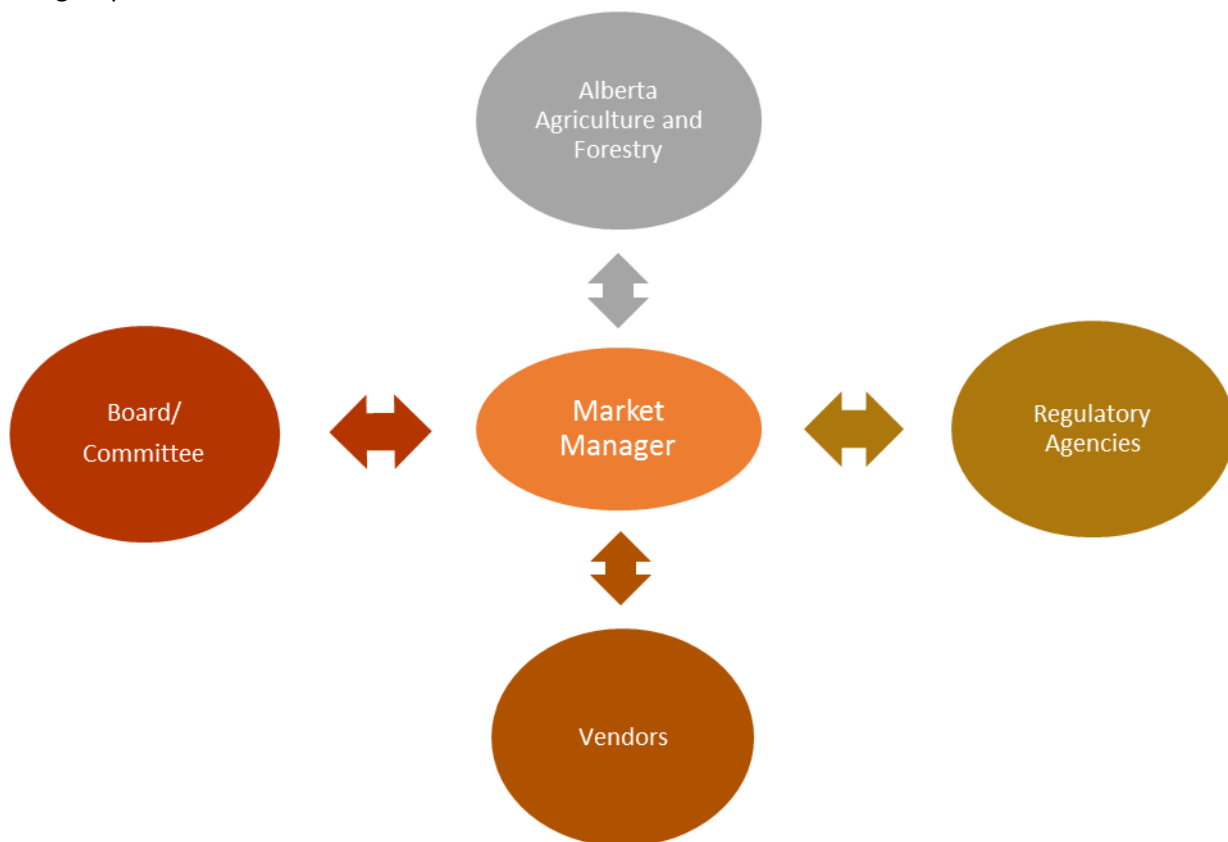
- your role as market manager:
 - Who the market manager is **accountable** to and
 - Who **supports** the market manager;
- the role of the sponsor;
- the role of the board of directors and advisory committee and how the two differ;
- the role of the vendor;
- the role of the Farmers' Market Specialist and other farmers' market program staff;
- the role of the Public Health Inspector with Alberta Health Services;
- the role of the Alberta Farmers' Market Association.

NOTES:

Roles

I. Market Manager

- The market manager is an **employee** of the market hired or appointed by the board of directors to enforce the policies and rules set by the board of directors/advisory committee.
- A sample market manager job description is available in Appendix 4 or online at www.sunnygirl.ca. This job description should be used as a starting point when developing a job description specific for your market. Customize it to suit your needs.
- The manager can be a volunteer or a paid employee. Whether paid – or not - your role is the same and your responsibilities and accountabilities don't change.
- Market policies are developed by the Board of Directors (if non-profit society) or Advisory Committee (if sponsored market) and ratified by the vendors. The market manager needs to have input into policy development but **does NOT set policy**.
- Along with providing input, the manager's role is **ENFORCEMENT**.
- Being a market manager while also a vendor is **strongly discouraged**. The manager's primary responsibilities during the market hours are to ensure vendor compliance with legislation and the market rules, handling complaints and ensuring the market is running smoothly. This is difficult to do when also managing his/her stall at the market. There may also be a perception among the vendors of unfairness with enforcing the market rules with themselves, personal stall placement, etc.
- The market manager has an extremely challenging job because he/she is **accountable** to so many different groups:



Who You Are Accountable to and How:

1. Alberta Agriculture and Forestry (AF)

With respect to accountabilities to AF, the market manager is:

- Responsible for adhering to the Program Guidelines throughout the market season;
- Responsible for ensuring accurate paperwork is kept and submitted on time. It is **NOT** AFs responsibility to call and remind you to get your paperwork in.

2. Regulatory Agencies

There are many pieces of legislation which impact vendors selling at farmers' markets. The market manager is **responsible for ensuring vendors are compliant with applicable legislation**. The regulatory agencies include but aren't limited to:

- **Federal:** Health Canada, Canadian Food Inspection Agency, Industry Canada
- **Provincial:** Alberta Health Services, Alberta Agriculture and Forestry, Alberta Gaming and Liquor Commission

The market manager needs to know enough about the details of all applicable legislation in order to know that vendors are in compliance. The market manager is the "eyes and ears on the ground" for the regulatory agencies and is expected to ensure compliance by vendors and the market as a whole. A brief discussion of the applicable legislation is found in Section 3: Legislative and Regulatory Requirements.

It is the market manager's responsibility to ensure that vendors don't sell their products if they are contravening legislation, i.e. breaking the law.

A challenge is ensuring the market manager has the support from the board of directors/advisory committee to enforce legislation and prevent vendors from selling when not in compliance. ***If you experience difficulties with your board of directors/advisory committee on this issue, contact the Farmers' Market Specialist because legislative compliance is not optional and could result in loss of approval status, your farmers' market permit or fines.***

3. Vendors

- The market manager is the link in the market between the vendors and the board of directors/advisory committee and often between the vendors and the public health inspector.
- The market manager has the most contact with vendors overall because you are interacting with them every market.
- Vendors are responsible for adhering to the rules set by the board of directors/advisory committee. The market manager is responsible for ensuring that rules impacting the vendors are enforced consistently and fairly. The rules may be strict but as long as they are strict for everyone, vendors can accept it.

4. Board of Directors/Advisory Committee

- As an employee of the market, the market manager is accountable to the board of directors/advisory committee.
- The market manager should NOT be a voting member of the board/committee because it can put you in a conflict of interest position. However, the market manager should attend all board/committee meetings and have input into policies and market rules. The market manager is often the most familiar about the issues in the market and the most knowledgeable about what is and isn't enforceable with the vendors.

With all these different stakeholders to be accountable to, it is no wonder that a big part of a market manager's job involves managing conflict. The market manager will deal with:

- complaints from vendors who don't like specific rules and how they are being enforced AND
- conflict between vendors AND
- conflict between vendors and customers.

Excellent listening skills, fairness and consistency are key to successfully handling conflicts.

For additional information on conflict resolution, see Appendix 5.

Who Is Supporting You:

There is a lot to be responsible for but you are NOT alone. There is a lot of support available for you to do your job:

1. Alberta Agriculture and Forestry – Farmers' Market Specialist

- Clarification of the Guidelines, what is and isn't in the Guidelines, what is a "must do" and what is the market's decision
- Developing and providing resource material and information found on www.sunnygirl.ca and www.explorelocal.ca.
- Clarification of the requirements for the annual paperwork
- Provide advice on market mix, vendor issues, working with your board/committee, etc.
- Legislation and regulations – explain in plain English but also connect you with the appropriate agency representatives for additional clarification
- Attend meetings as requested (vendor meetings, AGMs, board/committee meetings)
- Provide information to markets on upcoming training events – those offered by AF as well as other industry and government groups

2. Regulatory Agencies

- The regulatory agencies are ALWAYS willing to help you interpret the legislation they are responsible for enforcing. Education is in their mandate along with enforcement. Start developing a list of who to call for specific types of questions. Some contact information has

been included in Section 4, other information can be found on the internet and the Farmers' Market Specialist will also help you find additional contact information.

- You will deal the most with the Public Health Inspector because they are responsible for enforcing the *Public Health Act* Food Regulation. They will work with individual market managers, educating them on their expectations for the market with regards to enforcement of the Food Regulation. They are always willing to attend vendor meetings in order to educate your vendors on the rules and answer questions.

3. Alberta Farmers' Market Association

- Advocacy
- Insurance
- Information and networking opportunities

II. Sponsor

Market sponsors are not-for-profit community organizations committed to the development and long term success of an approved farmers' market in their community. The sponsoring organization is a legal entity and will have a board of directors.

The farmers' market is a **committee** of the sponsoring organization. All activities and financial transactions must be reported in the sponsor's books according to the legislation that applies to the sponsor.

The bank account for a sponsored farmers' market may be handled in two ways depending on the requirements placed on the sponsor by the legislation they are accountable to:

1. In some cases, the sponsor is required to be the "owner" of the bank account, having full signing authority. In this case, only designated positions on the legal board of directors may sign cheques and make withdrawals from the bank account. This is true of agricultural societies under the *Agricultural Societies Act* and may also be true of other sponsors. In this situation, the sponsor may or may not set up a separate bank account for the market.
2. The market has its own bank account with signing authority given to the advisory committee executive. This situation is becoming less common as sponsors become more involved in the operation of the market.

Regardless of whether the market money is kept separate from the sponsor's bank account or not, all funds belong to the sponsoring organization and any excess money can be used by the sponsor to support their other initiatives.

Sponsors are responsible for being **actively** involved in providing direction to the overall operation of the market. This includes but is not limited to:

- providing a board member to be the liaison between the farmers’ market advisory committee and the sponsor’s board of directors;
- overseeing the operation of the approved farmers’ market;
- helping establish the rules and processes of the approved farmers’ market, ensuring vendors have meaningful input into the formation of the operating rules and processes;
- the recruitment, selection, performance review and discipline of the market manager;
- determining and/or advising on the remuneration of the market manager;
- encouraging and financially supporting yearly educational opportunities for the market manager so as to further his/her professional development;
- encouraging vendor participation on the market committee;
- ensuring records required by AF to keep the market in good standing are accurately maintained and submitted;
- ensuring accurate financial records are maintained in accordance with the sponsor’s required financial reporting;
- ensuring the approved farmers’ market adheres to all legislation and regulations and;
- ensuring the approved farmers’ market is either insured or indemnified against liability.

The sponsor is responsible and accountable for all the activities of the approved farmers’ market.

III. Board of Directors/Advisory Committee

Some of the responsibilities for both of these are noted below:

- **Board of directors:**
 - Required by law in a not-for-profit society/new generation co-operative/agricultural society, i.e. **only exists when the organization/market is its own legal entity**;
 - All sponsoring organizations will have a board of directors;
 - Develops bylaws as well as all operational policies and rules for the market;
 - Voted in by the members at an annual general meeting;
 - Recruits, compensates, directs, evaluates and terminates the market manager;
 - Submits annual paperwork to the government, i.e. Corporate Registries, to maintain not-for-profit/co-operative status
 - May delegate responsibilities to advisory committees;
 - May or may not contain members from outside the market.
- **Advisory committee:**
 - Exists in a sponsored market as a **committee** of the sponsoring organization;
 - Accountable to the sponsor’s board of directors;
 - Follows the bylaws developed by the sponsor’s board of directors;
 - Develops operational policies and rules for the market;
 - Rolls up all market activities to the sponsor, including financial statements;

- Typically voted in by the vendors at an annual general meeting but may be appointed by the sponsor;
- May be given additional responsibilities by the board of directors;
- May or may not contain members from outside the market.

Comparative Chart for: Not-for-Profit Board, Market Sponsor and Advisory Committee			
Responsibilities	Not for Profit Board of Directors	Market Sponsor	Advisory Committee
Accountable to the vendors and community for the long term success of the market	•	•	•
Market manager hiring and retention Responsible for developing the manager's job description, recruiting a qualified market manager, ensuring adequate compensation, approving and paying for professional development activities and conducting annual performance reviews with the market manager	•	•	
Business planning Responsible for creating a business plan that will guide the market including setting annual goals, action plans and yearly evaluations	•	•	•
Market rules, market policies & procedures (e.g. grievance policies) Responsible for creating market rules, policies and procedures and for yearly reviews	•	•	•
Developing bylaws Responsible for developing market bylaws and for ensuring those bylaws are reviewed annually	•	•	
Financial auditing and reporting to government Responsible for ensuring the market books are audited annually and results sent to the government as part of the not-for-profit reporting	•	•	
Ensuring accurate financial records are kept Responsible for all finances of the market which includes receiving money and ensuring all bills are paid.	•	•	•
Promotion Promotion of the farmers' market to the public and to the community	•	•	•
Overarching market accountability Responsible for all actions of the market, including managing staff and volunteers that are delegated duties	•	•	
Market liaison Responsible for providing a liaison to sit on the sponsor's farmers' market advisory committee	•	•	
Adherence to legislation and regulations Ensuring the approved farmers' market adheres to all legislation and regulations	•	•	•
Liability Ensuring the approved farmers' market is either insured or indemnified against liability	•	•	

IV. Vendors

- Responsible for checking with a public health inspector prior to producing a food product to ensure compliance with the Food Regulation.
- Responsible for researching and complying with **all** legislation which may impact them - municipal, provincial and federal.
- Responsible for adhering to the market rules set by the board of directors/advisory committee.

V. Farmers' Market Specialist and other Program staff – AF

- Manage the Alberta Approved Farmers' Market Program:
 - Update the Guidelines
 - Ensure all sponsors and markets have copies of the Guidelines
 - Clarify the Guidelines for sponsors, managers and vendors
 - Approve new markets and renew market approvals every year
 - Enforce the Guidelines, taking action when markets operate outside the Guidelines
 - Develop and deliver the mandatory training materials for market managers
- Consult with and advise market boards/committees, sponsors, managers, vendors. **All conversations are held in confidence.**
- Enforce the use of the Sunnygirl logo, the official mark of approved farmers' markets in Alberta (see Appendix 6 for information relating to use of the Sunnygirl logo)
- Liaise with other government agencies – AF Inspection and Investigations and Meat Inspections, Alberta Health, Alberta Health Services, Canadian Food Inspection Agency, Health Canada, Industry Canada, Alberta Gaming and Liquor Commission, etc.
- Provide print and electronic resources for sponsors, markets and vendors.
- Produce the annual farmers' market brochure and update the online interactive map and mobile device app.

VI. Public Health Inspector – Alberta Health Services

- Also known as an Environmental Public Health Officer, this is the inspector seen most often in a farmers' market. Their mandate is to inspect every market and its food vendors at least once per year and more often if they discover problems during inspection or if they receive complaints.
- With regards to approved farmers' markets, they enforce the Alberta Public Health Act and all related regulations including the Food Regulation:
 - Inspect farmers' markets and food vendors for compliance with the Regulation
 - Work with the market manager to ensure the market manager knows the expectations
 - Attends market meetings to educate vendors and answer questions
- Liaise with the AF Farmers' Market Specialist.

VII. Alberta Farmers' Market Association

- The Alberta Farmers' Market Association (AFMA) is a membership-driven, non-profit organization:
 - fostering partnerships to stimulate farmers' market initiatives;
 - working collaboratively to assess, develop and implement policies and guidelines that will strengthen the quality of farmers' markets in Alberta;
 - providing support to member markets, vendors, managers, boards and sponsors through advocacy, education, promotion and innovation.

Membership in AFMA does not have any bearing on markets achieving or retaining approval status.

Section 3:

Legislative and Regulatory Requirements

Learning Objectives:

After completing this section, you will:

- understand there are federal and provincial laws which impact products sold at farmers' markets;
- understand the manager's role in enforcement;
- know which agency to contact when you have questions about any of the legislation or regulations.

Legislative and Regulatory Requirements

Following is a brief description of **some** of the legislation that impacts farmers' market vendors. The market manager should be familiar with and willing to enforce all these pieces of legislation. There are many other pieces of legislation that impact vendors that are not enforceable by the market manager.

It is the responsibility of all vendors to know what legislation impacts them and to operate their businesses to be in compliance with that legislation.

It is the responsibility of the market manager to prevent any vendor from selling products that contravene legislation.

For more information on the specific legislation that impacts farmers' markets and farmers' market vendors, refer to the Farm Direct Marketing: Know the Regulations series of fact sheets found online at: [http://www1.agric.gov.ab.ca/\\$Department/deptdocs.nsf/all/agdex13504](http://www1.agric.gov.ab.ca/$Department/deptdocs.nsf/all/agdex13504) . Titles available include:

- Farm Direct Marketing: Know the Regulations General Legislation
- Farm Direct Marketing: Know the Regulations Food Labels
- Farm Direct Marketing: Know the Regulations Food Claims
- Farm Direct Marketing: Know the Regulations Meat Products
- Farm Direct Marketing: Know the Regulations Poultry Products
- Farm Direct Marketing: Know the Regulations Horticulture

All federal legislation can be found online on the Canada Justice website:

<http://laws-lois.justice.gc.ca/eng/index.html>

All provincial legislation can be found online on the Queen's Printer website:

<http://www.qp.alberta.ca/>

1. Food and Drugs Act

The Food and Drugs Act is the primary legislation for all food sold in Canada. Its purpose is to protect the public against health hazards and fraud from the sale of food (including beverages) by ensuring that products are safe and ingredients are disclosed.

The Act prohibits the handling, selling or advertising of food products in a manner that is false or misleading to consumers or is likely to create an incorrect message regarding the character, value, quantity, composition, merit or safety of the product.

The Food and Drugs Act regulates the production, import, transport across provincial boundaries and sale of food in Canada. The Act prohibits the use of claims that might suggest that a food is a treatment, preventative or cure for specified diseases or health conditions, unless specified in the regulations.

2. Consumer Packaging and Labelling Act

The Consumer Packaging and Labelling Act provides for a consistent and uniform method of labelling and packaging of **pre-packaged food products** sold to consumers. It contains provisions regarding prevention of fraud by prohibiting the making of false or misleading representations by ensuring that products have accurate and meaningful labelling information.

The Food and Drugs **and** Consumer Packaging and Labelling Acts and Regulations set out specifications for mandatory label information. These are:

- common name of the product
- net quantity in metric
- dealer name and address (complete enough for postal delivery)
- list of ingredients in descending order of amount
- allergen labelling
- durable life date if product has a shelf life of 90 days or less
- nutritional labelling unless exempt
- bilingual labelling unless exempt

It is not sufficient to simply have the ingredient list available at the vendor's table.

Ingredients must be part of the product label if the product is being sold in a package.

Some vendors may choose to sell their products in bulk such as fresh vegetables, cookies, cupcakes, etc. Since these products are not pre-packaged, a label is not required. To help with the marketing of the product, the vendor should have the ingredient list available for customers.

Many foods at farmers' markets are exempt from nutritional labelling unless a claim is being made. See #4 below for more information.

For more information on food labelling, use the *Industry Labelling Tool* found online at: <http://www.inspection.gc.ca> . Click on *Food* in the top bar to get a drop-down menu; select *Labelling* and then select *Food Labelling for Industry*. For additional information, contact the Canadian Food Inspection Agency, Fair Labelling Practices Program at:

Alberta North: 780-395-6700

Alberta South: 403-299-7680

a. Allergen and Precautionary Labelling

If a food allergen, gluten source or sulphites is present in a prepackaged product, it must be shown on the label in the list of ingredients OR in a “Contains” statement immediately following the list of ingredients.

The priority food allergens are:

- Tree nuts: almonds, Brazil nuts, cashews, hazelnuts, macadamia nuts, pecans, pine nuts, pistachios, walnuts
- Sesame seeds
- Eggs
- Soy
- Fish (name of the species)
- Wheat and other cereal grains containing gluten
- Peanuts
- Milk
- Seafood including fish, crustaceans and shellfish
- Mustard

The gluten proteins are found in the following cereals:

- Barley
- Rye
- Wheat
- Oats
- Triticale

See Appendix 7 for a reference guide to basic labelling and allergen labelling requirements.

Enforcement Agency: Canadian Food Inspection Agency

b. Nutritional Labelling

The nutrition facts table provides information on calories (energy content) and 13 nutrients in a standardized format based on a stated serving size. The format and layout of the facts table is stipulated within the legislation and **must** appear as prescribed.

The following products are **exempt** from displaying a nutrition facts table:

- Foods sold **only** at a roadside stand, craft show, flea market, fair, farmers’ market and sugar bush by the individual who prepared and processed the product
- Fresh vegetables and fruits without added ingredients
- Fresh fruits and vegetables that are minimally processed (washed, peeled, cut-up, shredded, etc.)
- Raw, single ingredient meat, meat by-product, poultry meat and poultry meat by-product
- Food sold only at the retail establishment where the product is packaged

However, the exemption is lost and a Nutrition Facts table is required when:

- A vitamin or mineral nutrient is added to the product or is declared as a component of an ingredient

- Aspartame, sucralose, or acesulfame-potassium is added to the product
- Labels or advertisements carry a nutritional reference or nutrient content claim, a biological role claim, a health claim, or the phrase “nutrition facts”
- The product is ground meat, ground meat by-product, ground poultry meat or ground poultry meat by-product

Enforcement Agency: Canadian Food Inspection Agency

3. Food Claims

A claim is any statement, image or advertising that states, suggests or implies that a food product has particular qualities relating to its origin, nutritional properties, composition, processing, nature or any other quality.

For example, if a vendor states, either **verbally or in writing**, that his/her products are “organic,” “natural,” “fresh” or “gluten free” he/she is making a claim. There are very specific conditions that must be met if claims are being made about an agrifood product.

Federal regulations specify what wording can be used when making a claim statement, so consumers are not deceived or misled.

Enforcement Agency: Health Canada

4. Organic Certification

The Organic Products Regulations under the Canada Agricultural Products Act define specific requirements for organic products to be labelled as organic. The Regulations require mandatory certification to the revised Canadian Organic Standards for agrifood products marketed as organic in import, export and interprovincial trade, or display the federal organic logo.

While products produced and sold only in Alberta are not subject to the federal organic regulations, if vendors market their products as organic they are expected to demonstrate that the products are organic.

Complaints should be directed to the CFIA.

Enforcement Agency: Canadian Food Inspection Agency

5. Alberta Public Health Act and Food Regulation

This **provincial** legislation is paramount over all other provincial statutes except the Alberta *Bill of Rights*. Alberta Health Services enforces the Act and its regulations.

Alberta approved farmers’ markets are specifically identified under this legislation. Part 3 of the Food Regulation – Farmers’ Markets – describes the duties of both the permit holder, i.e. the

approved farmers' market, and the stallholder (see Appendix 8 for a copy of the entire Food Regulation).

Alberta approved farmers' markets are the **only** venues in Alberta where vendors can sell home-produced foods.

Public Health Inspectors use provincially developed standard operating procedures (SOPs) to inspect and enforce the regulation at Alberta approved farmers' markets.

Section 36 of the Food Regulation outlines requirements for vendors. Section 36(4) states: **“(4) The farmers' market permit holder must ensure that stallholders comply with this section.”** This means that the market manager is required within the Regulation to ensure vendors are in compliance. Failure to do so can result in the market losing its farmers' market permit and subsequently, their approval status.

See Appendix 9 for the AHS farmers' market information package.

Enforcement Agency: Alberta Health Services

6. Milk and Milk Products

It is unlawful to sell or give away unpasteurized milk or milk products anywhere in Canada.

Exception: Cheese made from unpasteurized milk can be sold at Alberta approved farmers' markets. The producer/processor must be making the cheese in a commercial facility that has met all the federal regulatory requirements.

The provincial Dairy Industry Act and its related regulations stipulate the type of licensing required in Alberta. This legislation is enforced by Alberta Agriculture and Forestry.

If a vendor wants to sell dairy products (milk, cream, cheese, yogurt, etc.) in your market, it is important to note that the vendor must have met specific requirements before the sale of the product is allowed. As a bare minimum, the vendor must be able to provide proof of pasteurization. Vendors will have a food permit issued by Alberta Health Services which should be displayed at every market. If you are unsure, contact your local public health inspector PRIOR to approving the vendor.

Enforcement Agencies: Alberta Agriculture and Forestry; Alberta Health Services; Canadian Food Inspection Agency (for unpasteurized cheese only)

7. Purchase and Sale of Eggs and Processed Egg Regulation

This **provincial** legislation affects the sale of farm fresh eggs and is enforced by Alberta Agriculture and Forestry.

Uninspected, ungraded eggs can be sold **directly to end consumers** for their own personal use provided that:

- the eggs are produced on the producer's own farm.
- the eggs are clean, have no visible cracks and are not leaking
- the eggs are kept at an ambient temperature of 7°C or less

Eggs must be packed in clean containers that are **conspicuously labelled with the word "UNINSPECTED" in letters that are at least 2 centimetres high**. If uninspected eggs are being sold in recycled cartons, the grade must be covered up. According to labelling regulations, the name of the grading station on recycled egg cartons should also be covered.

Eggs **must not** be sitting out on a vendor's table because the ambient air temperature is too warm. One carton can be displayed to attract customers' attention, but the eggs for sale should be held in a cooler that can maintain the proper temperatures. Eggs in an open refrigeration unit can be displayed provided the air temperature around the eggs is less than 7°C.

Cracked eggs cannot be sold because of food safety concerns. Research has shown that cracked eggs can become contaminated very quickly, especially if laid in dirty egg boxes. Once contaminated, the egg contents can't be sterilized by normal practices such as washing.

Vendors using eggs in baking or pickles must use graded eggs. They cannot purchase their eggs from another vendor at the market who is selling uninspected eggs nor can they use uninspected eggs from their own farms. In this situation, a baking vendor would be viewed as a processor and not the end consumer using the eggs for his/her own personal use.

It is illegal for vendors to sell uninspected and ungraded eggs that were produced on someone else's farm.

It is illegal for vendors to use uninspected and ungraded eggs in their baking or pickling that is destined for sale.

Enforcement Agency: Alberta Agriculture and Forestry

8. Meat Inspection Act

Any meat such as beef, pork, lamb, bison, deer, elk or poultry being offered for sale in Alberta must be government inspected and approved fit for human consumption.

Meat offered for sale within Alberta must have been inspected:

- **Provincial:** acceptable for meat sold **within Alberta only**
- **Federal:** acceptable for meat sold **inter-provincially or out of Canada**. You may have some vendors who are from outside Alberta. Meat slaughtered at provincial plants in their home province, i.e. outside of Alberta, cannot be sold in Alberta. However, it is acceptable for a vendor to bring his/her animals to Alberta to be slaughtered and then store the meat in Alberta until it is sold.

Meat that is further processed into a value added product must have been inspected at slaughter.

Meat or meat products from wild game cannot be sold. It is for personal use only.

The market manager can and should ask for proof of inspected slaughter before a vendor is allowed to sell meat products.

The **provincial** Meat Inspection Act and its related regulations is enforced by Alberta Agriculture and Forestry. The federal Meat Inspection Act and its related regulations is enforced by the Canadian Food Inspection Agency.

Enforcement Agencies:

Federal: Canadian Food Inspection Agency;

Provincial: Alberta Agriculture and Forestry

9. Honey

According to the Alberta *Bee Act* and Regulation, any and all beekeepers must register with the provincial apiculturist each year.

According to the Honey Grading Regulation, producers are allowed to sell their ungraded honey **directly to end consumers** for their own personal use either at their farm or at a farmers' market. It is the responsibility of the market manager to ensure that all vendors selling honey are in fact registered with the provincial apiculturist.

Enforcement Agencies: Alberta Agriculture and Forestry

10. Sale of Textiles

The **federal** *Textile Labelling Act* requires that consumer textile articles bear accurate and meaningful labelling information to help consumers make informed purchasing decisions. The Act

prohibits the making of false or misleading representations and sets out specifications for mandatory label information such as:

- Generic name of each fibre present
- Dealer's full name and postal address or a CA identification number

For more information, refer to the Guide to Textile Labelling and Advertising Regulations or contact the Competition Bureau directly at 1-800-348-5358.

Enforcement Agency: Competition Bureau, Industry Canada

11. Cottage Wine Sales

Cottage wines are allowed for sale at approved farmers' markets. A licensed cottage winery can apply at an approved farmers' market and upon acceptance, will receive an extension to their existing license from the Alberta Liquor and Gaming Commission. This license **must** be posted at the market.

Enforcement Agency: Alberta Gaming and Liquor Commission

12. Approved Scales

Under the Weights and Measures Act, weighting and measuring devices such as scales used for trade in Canada, must meet stringent standards.

Individuals selling their products on the basis of weight are responsible for the accuracy of the scales.

Enforcement Agency: Industry Canada

13. Taber Corn

Taber corn is a very popular item at farmers' markets and, as a result, there will be many people selling corn who claim it is Taber corn. Authentic Taber corn comes with a certificate listing the farm's name and the phone number. This certificate should be displayed at the market. If the vendor is not willing to display the certificate or doesn't have one, then the corn is most likely not authentic Taber corn and should not be labeled as such.

14. Interprovincial Sales

Any out-of-province food vendors wishing to sell at an Alberta approved farmers' market **MUST** be in full compliance with any and all **federal** legislation. As soon as a provincial boundary has been crossed, the product is considered to be imported into the province and federal legislation applies regardless of where the product is sold. For example, if a vendor selling meat is coming in from British Columbia or Saskatchewan, the meat must have been processed in a federal facility.

Section 4:

Additional Resources

Additional Resources

Websites

www.sunnygirl.ca

AF Farmers' Market Program interactive map and resources.

Click on "Learn More About Alberta Approved Farmers' Markets" at the bottom of the map to be taken to the resources section.

A link to the Farmers' Market Food Safety Home Study course can be found on this website.

www.explorelocal.ca

AF Explore Local Initiative resources webpage including links to past webinars and coming events.

www.agriculture.alberta.ca

AF Ropin' the Web includes resources from across the Ministry. To access publications, no charge and priced, go to:

[http://www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/ipc4687](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/ipc4687)

<http://www.albertahealthservices.ca/eph/eph.aspx>

Environmental Public Health website containing links to many useful factsheets, resources, upcoming food safety training and contact information for environmental public health offices across Alberta.

<http://www.albertahealthservices.ca/assets/wf/eph/wf-eh-home-study-farmers-market.pdf>

Farmers' Market Home Study course.

www.inspection.gc.ca

Canadian Food Inspection Agency website

For access to the Industry Labelling Tool: click on FOOD in the top bar; select LABELLING and then select FOOD LABELLING FOR INDUSTRY.

<http://laws-lois.justice.gc.ca/eng/index.html>

Canada Justice website for copies of all federal legislation

<http://www.qp.alberta.ca/>

Queen's Printer website for copies of all provincial legislation

www.albertamarkets.com

Alberta Farmers' Market Association website

www.albertafarmfresh.com

Alberta Farm Fresh Producers Association website

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Alberta Health Services

General numbers for the five zone offices:

Grande Prairie Main Office	780-513-7517
Edmonton Main Office	780-735-1800
Red Deer Main Office	403-356-6366
Calgary Main Office	403-943-2295
Lethbridge Office	403-388-6689

Other

Alberta Culture and Tourism: This Alberta government ministry will provide services, often free of charge, to not-for-profit organizations to help them more effectively run their organizations and better serve their clients. This includes board development and leadership development programming as well as some grants.

<http://culture.alberta.ca/community/>

Farmers' Market Road Signs: Available for purchase through Alberta Traffic Supply Ltd.

Contact:
Alberta Traffic Supply Ltd.
9015 - 14 Street NW
Edmonton, AB, Canada, T6P 0C9
email: inquire@albertatraffic.com

For more information, call:
TOLL FREE
1 866 560 SIGN (7446)