

## Round Table Discussion Notes

**1. “Food Safety” in Oregon discussion – ODA/OFMA (Rebecca Landis, lead)**  
(more information exists on the ODA website about recent “food safety” activity in the state).

Context:

Oregon Statutes contain a good statute pertaining to farm-direct sales, but the implementing code or administrating rule (OAR) was incorrectly worded. This created a negative or bad regulatory environment for farm-direct sales and regulatory exemption for “farm stands”. There was a question about whether on-farm food stands are the same as off-farm stands. Farmers markets have been loosely associated with that rule, and have presumed a positive interpretation and protection, based on the good statute, not on the incorrect Rule. The badly-worded Rule will be “fixed” this year to support a positive intention of support for farm-direct vendors.

Other licenses and regulations pertaining to food safety already exist – they are the “Hazardous foods”, “value-added”, and prepared foods licenses.

Based on the above, the thought at the table was that there shouldn't need to be any new rules for food safety in farmers markets, or for farmers who sell at farm-stands (clarity for on- and/or off-the- farm stands may be needed).

The group also noted that farmers' markets should not identify with the term “food establishment” as a categorical definition, now applied to retail food establishments. A new, more appropriate term or category might be “farm-direct”, which would then cover FMs, CSA's, farm-to-institution sales as well as farm-stands.

The term “farm-direct” may have ramifications for some cooperative CSA operations which bundle consigned products for subscription sales to customers; and also for market vendors who sell a proportion of “second farm” products, according to market guidelines (e.g. a75% / 25% rule).

**2. Market Inspections and Regulations discussion (Ginger Rapport, lead?)**

“DOGS in the Marketplace” was bandied about, with no agreement (as usual). The final note was that they will “leave this issue to the regulators” (!), since there is rarely public or managerial consensus on this issue.

This table noted the great inconsistency with various inspectors' interpretations of food codes and regulations. Several markets and vendors have received conflicting information between counties, agencies, and markets.

These inconsistencies create extra expense and confusion for markets and their vendors.

The prevailing feeling was that inspectors from ODA and the County public health inspectors need to be educated and trained more thoroughly by their agencies as to the "real" meaning and intention of the codes and regs, not left to make their own subjective interpretations and implementing rules.

[Note: ODA's Food Safety Department Director, Vance Bybee, stated that he wishes to position ODA as a Dept of "service", not just regulation, and promised to work with OFMA and farmers' markets more closely and proactively. ODA's Ellen Laymon was noted as a possible food safety contact who might initiate training and workshops in this regard.]

### **3. Rides for Seniors discussion ( Laura Wendell, "lead")**

Farm-Direct Nutrition Program (FDNP) coupon-users at Moreland FM benefitted from a partnership of various local partners and agencies: Loaves & Fishes, Metropolitan Family Service Ride Connection, Senior Centers, and the "Shared Vehicle" volunteer-driver program.

Another innovative, reverse way for FDNP coupon-users to gain greater access to good food, use their allotted coupons and benefit from farmers market produce is for the food to be taken to them – through a "mobile market" truck and trailer unit. This option is being explored/developed by the Gorge Grown Food Network, a multi-county network of growers, consumers, markets, stores, agencies and "good-food" supporters across the OR-WA mid-Columbia Gorge region. Other markets expressed interest and work in that direction.

### **4. Market Insurance discussion**

Differing scenarios of insurance coverage and policies were discussed. There are several kinds of market insurance to consider: market liability coverage, vendor liability, vendor product liability, market boards of directors coverage, as well as various types of "riders" and "additional insured"/ secondary-coverage that may come through or to municipalities, downtown associations, and others involved with market operations.

In some cases, downtown associations operated and insured the farmers market; in others the market purchased its own policies which simply covered liabilities to markets for risks and liability incurred in the market place.

One case-in-point, supporting the need for a really good, comprehensive policy came from Coos Bay FM, which was hit with a (“million \$”?) law suit by a customer who fell in the marketplace: Liability waivers had been in place, which are legally indefensible, and the city itself had no appropriate coverage through their “Special Events” insurance policy. A new insurance package was developed with effectively reversed the liability to patrons and customers of these “events”. The insurance company Coos Bay had success with in this regard was Huggins/American Central Insurance.

Another identified challenge was the lack of vendor liability/product liability. Many markets require their vendors to have product liability insurance. Some markets provide liability coverage to the paying members of their market association. And many other vendors can’t afford a policy of their own and so operate without one, trusting simply that one will no be needed.

A potential vendor solution is currently being developed by an Oregon insurance provider: a product liability policy that could be activated on an “as-needed” basis, for single-visit, or short-season type vendors. Markets and/or the vendor could purchase these policies for a low rate (e.g. \$25/visit, for instance). This insurance agent already works with many markets in Oregon – Pacific Insurance Partners, in Forest Grove, OR, and is noted on the OFMA website.

One market noted that many vendor product liability policies (can be purchased for \$200 annually) will cover a vendor in multiple markets; naming each market as an “additional insured”.

## **5. Market Conflicts and Challenges (Peter Tuomala, lead)**

Managers shared stories of mutual challenge and interest. They expressed desire for better communication and collaboration amongst market managers (another vote for “communities of practice” – and/or market networks??). The farmers market sector is growing so fast now is the time to take stock and set things in place that will serve all the markets. Ideas were generated, such as:

A “Bad Vendor” list being developed and shared between market managers

Wholesale industry vendors identified and kept out of farmers markets

Farm inspections – what market managers do them and could that kind of info be shared or gleaned from these and how?

Other challenges: vendors' left trash; verbal abuse (between vendors, customers, managers??)

Consistent rules and guidelines between markets might make things easier for vendors and market management in general, across Oregon

Note: One challenge is that the Oregon Farmers Market list-serve, the "orfm-list" is not managed by OFMA. It is an OSU Small Farms list-serve open to anyone who would like to subscribe – agency staff, faculty, farmers, board members, the general public. We cannot share information of a sensitive or private nature there. OFMA might consider developing its own communication forum, perhaps a blog or managers' website, where inside info or "trade sector-professional development" information is shared between OFMA member markets only.

## **6. Electronic Benefit Transfer (EBT) Foodstamp/Point of Sale programs (Laura Barton, lead?)**

Ideas discussed at this table included:

- Needs: Some markets need multiple machines
- More food stamp customers – no differentiation (?)
- Volunteers to run a market's EBT machines
- Recipes, cooking demos for food stamp recipients
- Grant money for purchasing the EBT machines – markets should apply for the FMPP '06 matching funds asap!
- EBT educational programs

Note: The Governor's Initiative on Hunger and Food has designated money for Improved Access in Expanded Support of Oregon Farmers Markets (preliminarily estimated at \$207,000). The projects, dispersal methods and timing have not been established yet, but may come through pre-existing contracts and program supports with agencies already administering food and nutrition programs. OFMA will be in communication with DHS about possible options, needs and opportunities for augmenting desirable programs.