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MFM Farmer's Market Rules and Regulations

MFM, Inc (MFM) is comprised of member farmers living within Monroe County, WV or in the surrounding region of West Virginia or Virginia (Greenbrier, Pocahontas, Mercer, Summers, Giles, Craig & Allegheny counties). Membership requests of any vendors growing products outside this area must be approved by the Executive Committee.

Products sold through MFM must follow the requirements set forth by the WV Department of Health and Human Resources (WVDHHR) Farmers Market Vendor Guide accessed at http://www.wvdhhr.org/phs/food/farmers_market_vendors_guide_final_with_cover.pdf

MFM expects members to truthfully represent their products and agricultural practices in written materials and when questioned by customers. (ie: are you an organic grower?) In order to establish consistency, definitions of language used will be based on The Farmers Market Coalition's Glossary of Terms -- available at <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5078261&acct=frmrdirmt>

MFM operates two distinct markets, an On-line Market, at www.monroefarmmarket.org and an On-site Market, located in Union, WV.

MFM has established a series of rules and regulations that guide members in understanding what their responsibilities are as a market member. Understanding and complying with these guidelines creates a market that operates smoothly and efficiently so that all participants may benefit.

The Rules and Regulations Advisory Committee will serve at the direction of MFM Executive Committee. The MFM Executive Committee reserves the right to appoint an Advisory Committee to review the rules and regulations at any time they deem appropriate.

What can be sold:

- 1. Raw Agricultural Products:** This category includes fruits, vegetables grains, herbs, flowers, bedding plants and potted plants. Bedding plants and potted plants must be grown from seed, plug, cutting, or bare root by the seller. No resale of pre-finished plants is allowed. All products must be grown or produced within Monroe County or an adjacent county of West Virginia or Virginia.
- 2. Meat and other Animal Products:** Includes meats, poultry, dairy products, fish, and honey. All products must be raised, processed, labeled, and sold following all applicable federal, state or local regulations and inspections. Meats and animal products must be from animals from a traceable, known source and produced in the local region as defined by MFM above. Animals sold as meat through MFM must be in the seller's immediate care or control for the following periods of time prior to processing: beef- 6 months, sheep, goats and hogs- 4 months, with an appeals process determined by the Executive Committee for exceptions. Animals sold as meat through Monroe Farm Market must come from a known source - NEVER purchased from a registered livestock market. Meat animals are either: Raised and finished on

farm of origin (birth); or Purchased as weaned animals from a known farm of origin (birth) and live out the rest of their life on the finishing farm (no more than two farms over the animals' lifetime.) Poultry and fish may be raised from chicks or fish purchased at no more than 2 weeks of age. All meat and dairy products must come from a producer that can provide birth and health records on each animal. The seller must be able to provide these records to MFM on request. The farm must disclose the use of purchased (not home birthed) animals in the farms' description on the MFM website and all other marketing materials. Each individual package of meat, poultry, dairy products, fish, or honey must be permanently labeled with the name of the selling farm to allow traceability.

3. **Egg Sales:** Eggs must come from poultry produced in the local region as defined by MFM and be under the immediate care or control of the selling farm. A small egg producer is any person marketing 150 dozen eggs or less per week of his/her own production. As a small producer you must register with the WVDA and follow all WVDA requirements as follows;
 - A. Small producers must label their cartons with:
 - i. The name and address of the person producing and selling the eggs.
 - ii. The date the eggs are packed
 - iii. The words "Ungraded Eggs" in print of at least five-eighths (5/8) inch
 - B. Eggs shall be washed. Eggs shall be transported at forty five degrees F (45°), unless the time for transportation is less than three (3) hours. Eggs are to be stored and displayed at the Farmers Market in cold holding equipment capable of holding forty one (41°F) or less. The eggs must reach the forty one degree (41°F) temperature within four (4) hours of receipt at the market.
 - C. Small producers are permitted to pack in recycled or used cartons when the distributor's name, address, expiration date, size and grade are marked out and replaced with the labeling required for small producers. Cartons shall be clean and free of odor or debris.
 - D. Any vendor selling eggs shall have a valid Food Establishment Permit from the local county health department.

4. **Value-added Agricultural Products:** This category includes products made of raw agricultural products grown by the seller that have been processed and whose sale a government agency regulates. Value Added Products include Baked Goods (all edible products which are processed in an oven AND which incorporate any form of flour as a component), Other Edible Products (Jams, Jellies, Candy, Syrups, Fruit Butters, etc.), and Non-Food Products (Pet Food, Cosmetics, Soap, etc.). All producers selling any form of edible value-added product must register with the Monroe County DHHS Sanitarian.
 - A. Baked Goods products will include a significant proportion of ingredients produced on the vendors own property, exclusive of flour, shortening and sugar. Where there is no integral product (ie: bread, bagels, cake) or such cannot be produced locally, (ie: chocolate, spices, bananas, citrus) the labor of the vendor shall be accepted as satisfying the vendor contribution to the product.
 - i. For vendors who are engaged in commercial bakery operation as a primary business and have no marketed agricultural production, the use of locally grown ingredients whenever possible will meet the requirements.
 - B. Other Edible Products shall include Jams, Jellies, Candy, Syrups, Fruit Butters, and any other food product allowed by WVDHHR for sale at farmers markets. Products will include a significant proportion of ingredients produced on the vendors own property, exclusive of sugar. Where there is no integral product or such cannot be produced locally, (ie: chocolate, spices) the labor of the vendor shall be accepted as satisfying the vendor contribution to the product.
 - C. Non-Food Value Added Products shall include all other products whose origin lies primarily in agricultural material produced on vendors' farms and which are not intended for consumption by humans as food. This includes animal products such as animal by-products used as pet food, prepared pet foods, vegetable or animal formulations intended and sold as cosmetic preparations, and soap. A significant portion of the products ingredients must be sourced from farm products that the vendor would, in its original form, have been permitted to market through MFM.

5. **Wool, Leather, Pelts and Other Products Derived from Animals:** Wool and pelts must be from the farmer/grower's own animals, but may be carded and cleaned off-farm. Wool/yarn must be spun by the farmer/grower. No more than 25% of exotic, out of region, fibers may be added to the yarn during processing and spinning. For pelts, animals may be processed off-farm. Upon request the farmer/grower must provide the MFM with the name, address and telephone number for the facilities where wool and pelts are processed off-farm. For products made with the farmer/grower's wool, including blankets, socks, mittens, scarves and caps, upon request the farmer/grower must provide information on any processor that is involved in making these products (ie: where are the blankets being made?)
6. **Arts and Crafts:** Although MFM is established for the sale of farm products, limited handmade (by the farmer/producer) arts and crafts that pass the approval of the Market Coordinator may also be sold. For special events planned by the Executive Committee and Market Coordinator, guest artisans may be invited to participate with their approved items.

Member Rules and Guidelines:

1. Farmers intending to sell through the on-line market and/or the on-site market must first file a vendor application with the Market Manager. This document provides contact information, product information and a signed statement that the vendor meets all federal, state and local requirements and agrees to adhere to the MFM Rules and Regulations.
2. The market manager may ask to be provided with appropriate paperwork regarding liability insurance, state and federal licenses and other verification of farm or producer compliance with applicable laws.
3. Each vendor may set their own prices.
4. "Dumping" (the selling of products at greatly reduced prices, with the intention of undercutting the prices of other vendors) will not be allowed. This can be grounds for indefinite suspension from the market. If you have second quality products, they may be clearly marked as such and sold at a reduced price.
5. The Executive Committee or its representative(s) reserves the right to inspect any participant or member's farm by appointment. This will include random inspections. The primary purpose of a farm inspection will be to determine whether the member is in fact producing all that he/she is selling at the market. Upon notification, participant or member must make all production areas available within three (3) days. Refusal to allow inspection is grounds for indefinite suspension. A decision from the Executive Committee regarding the inspection must be rendered not later than five (5) days from the completion of the inspection.
6. Any grievance regarding the actions of the other vendors must be brought to the attention of the MFM Executive Committee, by way of reporting the initial grievance in writing to the Market Manager (on-line) or Market Coordinator (on-site); not directed to the vendor in question. The Executive Committee will determine if a special meeting needs to be called to settle the grievance.
7. Inappropriate language or behavior, profanity, or other harassment or abuse by a member toward another member, employee or customer is grounds for immediate and/or potentially permanent expulsion from the market.
8. MFM reserves the right to cancel the privileges of any member who in the opinion of the Executive Committee has violated the rules governing the market. Fees will not be refunded.

9. Members may appeal the interpretations of these regulations or the decisions of the Market Manager, Market Coordinator or Executive Committee by submitting a written appeal to the Executive Committee. The appeal will be considered within one (1) week and a written response will be returned to the appealing vendor.
10. All scales used by producers to weigh market products shall be legal for trade and certified by the WV Weights and Measures Division.
11. All vendors are responsible to the State of West Virginia for collecting and reporting West Virginia sales tax as appropriate.
12. The MFM, the Executive Committee, and the town of Union are not responsible for product liability or personal liability for individual producers or customers. Each producer will provide his/her own liability insurance or sign a liability insurance waiver agreeing to be financially responsible for any damages.
13. The MFM shall be Smoke, Drug and Alcohol Free.
14. The MFM will not discriminate against anyone because of race religion, color, creed, national origin, sex, age, disability, or sexual orientation.
15. Fees for membership in the local market and the on-line market will be set annually.

On-line Market Procedures, Rules and Administration Process:

16. The On-line MFM allows sales of products that meet the MFM Member Rules and Guidelines requirements. Producers who sell through the on-line market must abide by the MFM Member Rules and Guidelines as well as all federal, state and local licensing, regulations, labeling and inspection requirements. In addition, the operating procedures listed below must be followed regarding delivery day criteria, packaging and labeling, product descriptions and invoicing.
17. Products available on the on-line market are on a first come, first serve basis for our customers. Membership will not be limited in size. MFM reserves the right to limit order volume based on supply and demand. Buyers will be notified as soon as feasible if the volume of a product is going to be significantly changed from what is indicated on the current product list.
18. The On-line MFM will employ or select a Market Manager, whose duties shall be collecting fees, supervising the operation of the on-line market, paying invoices, and other duties assigned by the Board. The Market Manager will be responsible to the Executive Committee and report any violation of rules to the Executive Committee.
19. Farmers participating in the on-line market will pay an annual membership fee as well as a percentage commission on all sales made through the market.
20. Upon completion of the MFM Vendor Application and payment of vendor annual dues, producers must begin by creating an account on the farm market site www.monroefarmmarket.org. Please contact the market manager to provide instructions on creating your account on-line and adding products.
21. A detailed and concise product description and photo shall be included for all items.
 - A. Poor descriptions: *tasty, green lettuce; thick, juicy steak*
 - B. Better descriptions: *6" heads of tasty, red romaine; 3/4" thick, 6 oz. steak*

The attribute boxes should be checked to best represent the production methods of the product: ie Natural, Organic, Conventional, grass-fed, etc.

22. By no later than 7:30pm Sunday night, each producer must update his/her listed items on www.monroefarmmarket.org that will be available for the delivery on the following Thursday. If internet access is not available, please call the market manager before 6pm on Sunday. The market manager will assist as time permits.
23. If producers wish to provide wholesale pricing for restaurant sales, please let the market manager know by 8 am on Monday as well, unless this has been previously established.
24. Ordering is enabled through the on-line site at 8pm on Sunday through 12 noon on Tuesdays on delivery weeks.
25. Farmers will receive their orders via email or phone call (if email is not available) by 5 pm on Tuesday.
26. The farm market manager or their designee is responsible for administrative duties on delivery day.
27. Vendors are encouraged to schedule days to help at the drop-off site as well as assisting the driver by accompanying him to Charleston. Please speak to the Market Manager about dates.
28. Delivery will be every Thursday during the peak season (July-September). Off-season (October – June) will be every other Thursday. We may adjust some deliveries during the holiday season.
29. On the occasion of inclement weather, the market manager will contact producers and customers if delivery is cancelled or postponed.
30. Each farmer is expected to have products to the Union site between 8-9:30 a.m. on Thursday. Any items arriving past 10 a.m. may be refused for delivery at the discretion of the driver and market manager.
31. The farmer is expected to provide a master invoice of all products he/she sold that week to the market manager. Invoices should be emailed to the Market Manager the evening before delivery so that price adjustments can be made prior to Thursday morning. If email is unavailable, provide adjusted prices through telephone contact.
 - A. Master invoice- must include
 - i. Delivery date
 - ii. Buyers' names
 - iii. Buyers' total charges not including tax
 - iv. Weights and quantities signified for each item if applicable
 - v. Total tax charged
 - vi. Grand total
32. Products are to be packaged and labeled for each buyer with PRODUCT NAME, BUYERS NAME, PRODUCERS NAME, and VOLUME OF PRODUCT.
33. No boxing or bagging in inappropriate used containers. *Ex. Reusing egg cartons for eggs is acceptable; reusing beer boxes for vegetables is not.*
34. Eggs must be packaged:
 - A. In cartons for individuals the carton must be labeled with the buyers name and following state rules for labeling.

- B. In cases for restaurants the case must be labeled with the restaurant name, producer's name and the eggs packed in flats where a case marked 30 dozen contains 30 dozen.
- C. If a buyer purchases more than 1 dozen eggs from the farmer, multiple cartons should be placed, whenever possible, in one closed bag or box with the customer's name.

35. Fruits and Vegetables:

- A. Items must be bagged or boxed in standard vegetable boxes.
- B. Heirloom tomatoes must be packaged in a single layer.
- C. If a buyer purchases multiple vegetables or fruits from the farmer, their items should be placed, whenever possible, in one closed bag or box with the customer's name.

36. Meats:

- A. Must be frozen and packed in a cooler.
- B. Individual meat packages must be labeled with the buyer's name either on the product itself or a closed paper or zip lock bag containing the meat.
- C. If a buyer purchases more than 1 meat package from the farmer, all of their packages should be placed, whenever possible, in one closed bag with the customer's name.

37. Baked goods, jarred products and miscellaneous:

- A. Individual items must be labeled with the buyer's name.
- B. If a buyer purchases more than 1 item from the farmer, if appropriate, place all similar packages in a closed bag or box that is also labeled with the buyer's name.

38. Coolers will be provided and labeled for each buyer or product by the market Manager and driver at the Union site. Meats and eggs will be placed in separate designated coolers. Other items may also be separated at the discretion of the vendor or Market Manager.

39. Farmers will place products in each buyer's cooler, KEEPING IN MIND not to squash delicate products from others.

40. Farmers will use highlighter available onsite to mark-off their items from the packing slip (attached to the top of each cooler) after products are placed in individual coolers. For meat, eggs and other separated items, they will highlight their items on the invoices in the driver's delivery book provided by the market manager. If there is more than one cooler for an item, farmers will highlight their items and put the number of the cooler beside the item on the invoice. Please refer to the market manager for clarification if necessary.

41. Should a farmer decide a product is too delicate to go into the individual customer coolers, he/she must provide properly labeled packages for each buyer, and place the products in an appropriate container or separate cooler with a list of customers and products clearly marked on top for driver to distribute. These items should also be highlighted and described as separated in the driver's book of invoices. Please refer to the market manager for clarification if necessary. Exceptions to packaging, labeling, invoicing and other logistical requirements can be adjusted for smoother operation by the authority of the Market Manager with input from delivery personnel as needed.

42. Buyers will be bringing their own bags to unpack their items on pick up day. Therefore, the coolers return each time and any materials you want to recycle need to be labeled. Recycled materials can be picked up the following week. Label all materials that you want back to recycle, such as personal totes and/or coolers.

43. The farmer will be paid the following week at the Union site, or check will be mailed if farmer is not participating the following week during peak season and checks will be mailed within 7 days of delivery during off-peak season.

44. Farmers may, if necessary, send their products with another farmer or person, HOWEVER, all requirements and criteria must be met and are the farmer's sole responsibility, not the person physically bringing the product(s). The person physically bringing the products must know the standard operating procedures for packing coolers or the product will not go!
45. There is to be no direct ordering from farmers by MFM On-line Customers, and no solicitation of MFM on-line customers by farmers with intent to circumvent MFM or to use customer contact information for any purpose other than MFM business.
46. If you are late delivering your product, it will not go! If product is not properly packed or labeled, it will not go! If product is in poor condition, it will not go!
47. If the above criteria are not consistently met, MFM Executive Committee has the right to disqualify a member from further participation in this program.

On-site Market Procedures and Administration Process:

48. On-site Market location will be at the Union Senior Center, 8395 Seneca Trail South, Union, WV 24983. The Market will be open Thursdays, May – October, 1pm–5:30pm.
49. The On-site MFM will select a Market Coordinator, whose duties shall be supervising the operation of the on-site market, and other duties assigned by the Board. The Market Coordinator will be responsible to the Executive Committee and report any violation of rules to the Executive Committee.
50. Stall locations will be established at the beginning of the market season by a drawing by the Market Coordinator. The courtesy of an established location will be given to regular participants. Weekly participants will fill-in to stalls as available.
51. All vendors must abide by all applicable federal, state and local health regulations in the harvest, preparation, labeling and safety of the product(s), s/he brings to market.
52. All vendors will have signs that display their name and address. Vendors must have an application and copies of all appropriate licenses. All displays should be neat and tasteful. Each vendor is liable for the safety of his or her own products.
53. All vendors shall be responsible for the cleanliness of their selling area, shall clean up their areas at the end of the market and take any debris and unsold products with them back to their farm.
54. All canopies, umbrellas, and other forms of stall cover must be sufficiently and safely secured.
55. If a vendor is unable to attend the market, the vendor's product **may** be sold by the Market Coordinator (if the coordinator is willing). The vendor will be responsible for delivering product to the market and picking up any leftover product at the end of the market. A small handling fee may be charged by the coordinator.
56. Food samples must be prepared off site or behind the vendor's market stand and presented in a safe and sanitary manner, according to the state Department of Health code. The vendor must provide trash receptacles for the disposal of any sampling materials such as cups, spoons or toothpicks.
57. In order to generate data for grant funding, all vendors must turn in an anonymous gross sales report to the Market Coordinator within 24 hours of the close of the market.