

Application Packet for Certified Producer's Certificate

This application packet contains the following documents:

1. Certified Producer's Certificate (blank form)
- 1a. Certified Producer's Certificate (Supplement) (blank form)
2. Instructions for Completing the Certified Producer's Certificate Form
3. Example of a Certified Producer's Certificate
4. Direct Marketing Requirements for Partnerships, Sharecropping Agreements, and Similar Contractual Agreements
5. Direct Marketing Requirements for Farm Leases
6. Commodities that need to be broken down by Variety or Type
7. Additional Information: Apples, Eggs, Honey, Labeling, Laws, Nursery Stock, Organic Products, and Quality of Produce
8. Scale Information
9. Administrative Civil Penalties for Direct Marketing
10. Frequently Asked Questions

CERTIFIED PRODUCER'S CERTIFICATE

ISSUING COUNTY: _____

CERTIFIED PRODUCER

NAME:	
DBA:	
ADDRESS:	
CITY AND ZIP:	
PHONE: (RES.)	PHONE: (BUS.)

FOR OFFICIAL USE ONLY

CERTIFICATE NUMBER:
COUNTY FEE:
ISSUING DATE:
EXPIRATION DATE:
AMENDED DATE:
COPIES ISSUED:

Only those products listed below, and grown at the following production site(s) by the certified producer may be sold at a certified farmers' market.

PRODUCTION SITE(S) 1.		2.					
3.		4.					
5.		6.					
STORAGE LOCATION (A)		MONTHS IN STORAGE		STORAGE LOCATION (B)		MONTHS IN STORAGE	
SITE #	COMMODITY	VARIETY/TYPE	AMOUNT/UNIT GROWN	HARVEST SEASON	EST. PRODUCTION (LBS., CTN.)		

AUTHORIZED COUNTY(IES) - transporting products into another county for the purpose of selling at a certified farmers' market within that county is permitted only in the authorized counties listed on this certificate.

Name(s) of the Producer(s) that the Certificate Holder May Sell FOR:	Certificate Number	Date Declared	Name(s) of the Producer(s) Authorized to SELL the Certificate Holder's Product:	Certificate Number	Date Declared

I have reviewed this certificate and certify that the information provided is true and correct. I further certify that persons representing me are family members, or employees as defined by the regulations cited herein, or a certified producer I have authorized to sell on my behalf. I understand that violations of these regulations may subject me to criminal and/or civil penalties, including fines up to \$1,000.00 per violation, and/or suspension or revocation of this Certificate and/or my privilege to participate in certified farmers' markets. This certificate is valid when embossed by the issuing county.

This certificate is issued under authority of Title 3, Chapter 3, Article 6.5 of the California Code of Regulations. It authorizes the certified producer to sell produce directly to consumers at a certified farmers' market.

Issuing Agricultural Commissioner

BY: _____

 Certified Producer's Signature

****THIS CERTIFICATE MUST BE CONSPICUOUSLY POSTED AT POINTS OF SALE****

Instructions for Completing the Certified Producer's Certificate

Please review the example certified producer's certificate to help you fill out your certificate.

NAME: Name(s) of the producer(s)

If you have entered into a farming partnership, sharecropping or similar agreement, you must provide the Agricultural Commissioner a notarized copy of the agreement. Please see "Direct Marketing Requirements for Partnerships..." for additional details.

DBA: "Doing Business As", if applicable, list the name of your business

ADDRESS: street address

CITY AND ZIP:

PHONE: (RES)

PHONE: (BUS)

PRODUCTION SITE(S):

List the street address of all sites where you are producing agricultural commodities that you would like to sell at a certified farmers' market. If you do not own the production site, you must provide the Agricultural Commissioner with a notarized copy of a lease agreement. Please see "Direct Marketing Requirements for Farm Leases" for further details.

STORAGE LOCATION

MONTHS IN STORAGE

List the street address of any facilities, which you use to store your produce, and the number of months your produce is in storage.

For each commodity, which you are listing on your certificate, please list, on a site by site basis, the following information:

SITE #: The number of the production site from the box above. List only one site number per box. If a commodity is grown on multiple sites, list each site in a separate box. Please see the example certificate, commodity, bachelor buttons, which is listed on two sites.

COMMODITY: The common name of the agricultural product.

VARIETY/TYPE: The variety or type of agricultural product. If you do not know the variety, write "unknown". If you are growing several different varieties, list each separately. Please see "Commodities That Need to be Broken Down by Variety or Type."

AMOUNT/ACREAGE: Please see the example certificate for options.

HARVEST SEASON: List the months during which the commodity will be harvested and/or available at a certified farmers' market.

EST. PRODUCTION: Please estimate the amount of production you will be selling at the market in the units in which you will be selling them at the market (i.e. 200 pounds, 50 bunches, etc.).

AUTHORIZED COUNTY(IES)

Please list the counties in which you intend to sell your agricultural commodities.

Name(s) of the Producer(s) that the Certificate Holder May Sell FOR:

As a certified producer you may sell certified agricultural products for up to two other certified producers (producers "B" & "C") during a 12 month period. You must provide the Agricultural Commissioner's Office with a letter from producers "B" and "C" authorizing you to sell their produce. Your name must also be listed on the certified producer's certificates of producers "B" & "C" as being authorized to sell for them. At the certified farmers' market, you must display certificates for producers B" and "C" as well as your own. Your produce and the produce from producers "B" & "C" must be segregated and labeled with the name of the producer.

Name(s) of the Producer(s) Authorized to SELL the Certificate Holder's Product:

Please list the names of up to two certified producers who are authorized by you to sell your produce at a certified farmers' market.

STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
FRUIT AND VEGETABLE QUALITY CONTROL

**CERTIFIED PRODUCER'S
CERTIFICATE**

Name: Grower, Sally
Name: ,
DBA: Greener Grasses
Address: 789 Gully Rd.
City: Anywhere 95000
Home Phone: (707) 555-1234
Business Phone: (707) 555-1111
Fax:
Organic Reg. Nursery Lic. New:



Page 1 of 2
Certificate Number: 201-49-06
Fee Paid: \$
Embossed Copies:
Issuing County: Sonoma
Issuing Date: 6/15/2005
Revised Date:
Expiration Date: 12/31/2005

Production Sites:
1. 789 Gully Rd., Anywhere
2. 4123 Rosemary Dr., Anywhere
3. ,
4. ,
5. ,

Production Sites:
6. ,
7. ,
8. ,
9. ,
10. ,

Storage Location 1: ,
Storage Dates 1: From: to

Storage Locations 2: ,
Storage Dates 2: From: to

Only those products listed below, and grown at the listed production site(s) by the certified producer may be sold at a certified farmers' market.

Name(s) of Producer(s) that the Certificate Holder may SELL FOR:	Date Declared:	Home County:

Name(s) of Producer(s) Authorized to SELL the Certificate Holder's Products:	Date Declared:	Home County:
Jack Beanstalk	1/25/2001	SONOMA

AUTHORIZED COUNTY(IES): Transporting products into another county(ies) for the purpose of selling at a certified farmers' market within that county(ies) is permitted only if the authorized county(ies) listed on this certificate.

AUTHORIZED COUNTIES:	SONOMA NAPA	SAN FRANCISCO SAN BENITO				
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Class	#	Site #	Commodity	Variety	Amount/Acreage	Harvest Season	Est. Production
Eggs	1	1	Eggs	Chicken	30 hens	Jan to Dec	2 dz/day
Flowers	2	1	Bachelor Buttons	Unknown	1 - 50' row	May to Jul	50 bunches
	3	1	Gerbera	Unknown	1 - 50' row	May to Aug	150 stems
Fruits	4	2	Apple	Fuji	3 trees	Sep to Nov	100 lbs
	5	2	Apple	Gravenstein	2 trees	Jul to Aug	200 lbs

I have reviewed this certificate and certify that the information provided is true and correct. I further certify that persons representing me are family members, or employees as defined by the regulations cited herein, or a certified producer I have authorized to sell on my behalf. I understand that violations of these regulations may subject me to criminal, and/or civil penalties, including fines up to \$1,000 per violation, and/or suspension or revocation of this Certificate and/or my privilege to participate in certified farmers' markets.

This certificate is issued under authority of Title 3, Chapter 3, Article 6.5 of the California Code of Regulations. It authorizes the certified producer to sell produce directly to consumers at a certified farmers' market.

Lisa Correia

Certificate Holder (Signature)

Lisa Correia, Agricultural Commissioner, Sonoma County

THIS CERTIFICATE MUST BE CONSPICUOUSLY POSTED AT POINT OF SALE

STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
FRUIT AND VEGETABLE QUALITY CONTROL

CERTIFIED PRODUCER'S CERTIFICATE

(Supplement - Page 2 of 2)

CERTIFICATE HOLDER(S):

Sally Grower

CERTIFICATE NUMBER:

201-49-06

<i>Class</i>	<i>#</i>	<i>Site #</i>	<i>Commodity</i>	<i>Variety</i>	<i>Amount/Acreage</i>	<i>Harvest Season</i>	<i>Est. Production</i>
<u>Fruits</u>	6	1	Melons	Honeydew	40 plants	Aug to Oct	400 lbs
<u>Herbs</u>	7	1	Rosemary	Unknown	2 - 50' rows	May to Aug	100 bunches
	8	1	Yacon	Unknown	2 - 50' rows	Apr to May	100 bunches
<u>Honey</u>	9	1	Honey	Clover	25 hives	Jun to Sep	750 lbs
<u>Nursery Stock</u>	10	2	Cucumbers	Lemon	60 - 4" pots	Apr to Jul	60 - 4" pots
	11	2	Ranunculus	Unknown	30 - 1 gal pots	Mar to Jul	30 - 1 gal pots
	12	1	Rose	Abbey d Clurey	12 - 5 gal containers	Mar to Dec	12 - 5 gal containers
	13	1	Rose	Baronne Prevost	20 - 1 gal containers	Mar to Dec	20 - 1 gal containers
<u>Vegetables</u>	14	2	Corn	Super Sweet	2 - 50' rows	Jul to Oct	100 ears
	15	1	Gai Choi	Valencia	2 - 50' rows	May to Jul	100 bunches
	16	2	Peppers	Big Chili	1 - 25' row	Jul to Oct	75 lbs
	17	2	Tomatoes, Cherry	Cherry Bell	5 plants	Jul to Oct	100 lbs

I have reviewed this certificate and certify that the information provided is true and correct. I further certify that persons representing me are family members, or employees as defined by the regulations cited herein, or a certified producer I have authorized to sell on my behalf. I understand that violations of these regulations may subject me to criminal, and/or civil penalties, including fines up to \$1,000 per violation, and/or suspension or revocation of this Certificate and/or my privilege to participate in certified farmers' markets.

This certificate is issued under authority of Title 3, Chapter 3, Article 6.5 of the California Code of Regulations. It authorizes the certified producer to sell produce directly to consumers at a certified farmers' market.



Certificate Holder (Signature)

Lisa Correia, Agricultural Commissioner, Sonoma County

THIS CERTIFICATE MUST BE CONSPICUOUSLY POSTED AT POINT OF SALE

§1392.9.1. Direct Marketing. Requirements for Partnerships, Sharecropping Agreements, and Similar Contractual Agreements.

(a) Every person or entity that enters into a partnership as defined in Section 1392.2(s), sharecropping, or similar contractual agreement with another person(s) or entity and that applies for a certified producer's certificate under such agreement shall provide the issuing agricultural commissioner, at the time of application, with proof of partnership as defined in the United States and California Tax Codes, or the Partnership's Federal Tax Identification Number and a copy of their current written agreement which shall contain the following:

(1) A clear, concise and accurate description of the property to be farmed. The description shall include the present use of the property, the dimensions, and the location of the property; and

(2) Partners shall demonstrate equitable risk by submitting a description of each party's financial and material resource input, which shall include the degree of involvement each party has in agricultural production; and

(3) The date of the agreement and the signatures of all parties involved; and

(4) A guarantee of the signatures on the agreement by a notary public executed at the time of signing by all parties. The notarized signatures on the agreement of all parties executing the agreement.

(5) A statement of verification that the property or properties to be farmed by the partnership or producers cooperating under a similar contractual agreement are under the exclusive control of the partnership as a separate entity from its individual members.

(b) Notwithstanding the above, an enforcing officer representing the Department or agricultural commissioner may request such additional documentation as is reasonably necessary to show that the conditions of this article are being met.

(c) To qualify for a certified producer's certificate, all parties listed on the certificate shall:

(1) Have entered into the agreement prior to planting of annual and biannual crops; and

(2) Have entered into the agreement prior to or within 30 days after preparing perennial field crops for the subsequent cropping pattern (e.g., prior to the fern stage of asparagus or prior to cut back of artichokes); and

(3) Have entered into the agreement prior to bloom of tree and vine crops; and

(4) Be engaged in agricultural production upon the land which is the subject of the agreement.

(d) Any change in the terms of this agreement shall invalidate a certified producer's certificate issued under such terms. Any such change shall be reported immediately and all embossed copies of certificates issued to the partnership shall be surrendered to the issuing agricultural commissioner.

§1392.9.2. Direct Marketing. Requirements for Farm Leases.

(a) Every person or entity who enters into a farm lease with another person(s) or entity and who applies for a certified producer's certificate under such agreement shall provide the issuing agricultural commissioner, at the time of application, with a copy of the current written lease agreement which shall contain the following:

- (1) A clear and concise accurate description of the leased property. The description shall include the present use of the property, the dimensions of the leased property and the location; and
- (2) The purchase price (cost) of the lease; and
- (3) The date of the agreement and the signatures of all parties involved; and
- (4) A guarantee of the signatures on the agreement by a notary public executed at the time of signing by all parties. The notarized signatures on the agreement of all executing the agreement.

(b) Notwithstanding the above, an enforcing officer representing the Department or agricultural commissioner may request such additional documentation as is reasonably necessary to show that the conditions of this article are being met.

(c) To qualify for a certified producer's certificate, the person applying for the certificate shall:

- (1) Assume all financial risks associated with producing agricultural products; and
- (2) Enter into the agreement prior to planting of annual and biannual crops; and
- (3) Enter into the agreement prior to or within 30 days after preparing perennial field crops for the subsequent cropping pattern (e.g., prior to the fern stage of asparagus or prior to cut back of artichokes), and
- (4) Enter into the agreement prior to bloom of tree and vine crops, and
- (5) Perform agricultural production upon the land which is the subject of the agreement.

(d) Any change in the terms of this agreement shall invalidate a certified producer's certificate issued under such terms. Any such change shall be reported immediately and all embossed copies of certificates issued to the partnership shall be surrendered to the issuing agricultural commissioner.

Commodities That Need to be Broken Down by Variety or Type

Apples
Apricots
Beans
Berries
Carrots
Corn
Cucumbers
Eggplant
Figs
Grapes
Herbs
Honey
Lettuce
Melons
Mushrooms
Nuts
Onions
Peaches
Pears
Peppers
Plums
Potatoes
Prunes
Radishes
Squash
Tomatoes

If you know the variety of other vegetables, fruit, etc., please include it on your certificate.

Additional Information: Apples, Eggs, Honey, Labeling, Laws, Nursery Stock, Organic Products, and Quality of Produce

Apples:

Red Delicious, Golden Delicious, Jonathan, Rome, Newtown Pippin, McIntosh, and Granny Smith apple varieties may only be sold after the Agricultural Commissioner has determined that they are mature and “released” them. Apple orchards throughout the County of Sonoma are sampled prior to picking and tested for maturity. Call the Agricultural Commissioner’s Office to find out if the variety you wish to sell has been released.

Gravenstein apples are considered mature when their soluble solids level reaches 10.5%.

All other varieties of apples must be “properly mature”, meaning that at the time of picking, the apple has reached a stage of minimum maturity which ensures palatability and completion of the ripening process.

Additional information on apple quality can be obtained from the Agricultural Commissioner’s Office.

Eggs:

To sell shell eggs at a farmers’ market, growers will need to obtain an egg handler’s registration number from the California Department of Food and Agriculture (CDFA). There is a \$15 mill fee per year for egg handlers who sell at a certified farmers’ market. Forms to register with CDFA are available from the Agricultural Commissioner’s Office.

Egg cartons **must be marked** with the following information to sell at a certified farmers’ market:

- Name, address, and zip code of packer
- Julian date packed (day of the year) - January 1st would be the first day of the year, and December 31st would be the 365th day of the year
- Sell by date (1 month from date of pack)
- Keep refrigerated
- State handler’s code (obtained from CDFA)
- Size (regulations allow for only 4% underweights in a given size)
- Grade (example Grade AA or Grade A)

Any other markings on a re-used egg carton must be obliterated

Additional information on egg size and grade can be obtained from the Agricultural Commissioner's Office.

Honey:

Producers of honey need to follow the United States Standards for grades of extracted honey. Honey being sold at a farmers' market needs to have producer's name, address, and zip code. Honey needs to have a grade, color, and weight on the container. The United States Standards will determine the color and grade. A summary of these standards can be obtained from the Agricultural Commissioner's Office.

Laws and Regulations:

Certified Farmers' Markets operate under state laws and regulations adopted to encourage the direct sale by farmers to consumers of California agricultural products. Failure to comply with these laws may result in notices of noncompliance and/or fines. Please read through the attachment "Administrative Civil Penalties for Direct Marketing" to avoid problems. To see the complete text of the law, please go to www.cafarmersmarkets.com/legislation or you may pick up a copy from the Agricultural Commissioner.

Labeling:

Produce sold at a certified farmers' market is exempt from size, standard pack, container and labeling requirements. However, all fresh fruits, nuts, and vegetables sold in closed consumer containers shall be labeled with the name, address, and zip code of the producer, and a declaration of identity and net quantity of the commodity in the package.

Nursery Stock:

If you are selling nursery stock at a certified farmers' market, you must have a copy of your nursery license with you at the market. The Agricultural Commissioner may issue a "Fee Exempt Nursery License" if your anticipated annual sales of nursery stock amounts to less than \$1,000. The "Fee Exempt Nursery License" allows you to sell nursery stock only in Sonoma County. If you wish to sell nursery stock in additional counties and/or your expected sales will be greater than \$1,000, you must obtain a license to sell nursery stock from the California Department of Food and Agriculture. The basic fee is \$100. Applications for this license are available from the Agricultural Commissioner.

Organic:

Any person selling organic products or representing products as organic at a certified farmers' market must conspicuously post a copy of their current State of California organic registration and, if applicable, documentation of their organic certification.

Quality of Produce:

All fresh fruits, nuts and vegetables sold shall comply with the California Code of Regulations governing maturity and quality.



FARM MARKET SCALES

1. All commercial scales must be “typed approved” for commercial use. The state of California and the Federal Government issue type approvals to scale manufacturers.
2. Before you purchase a scale, make sure to ask the suppliers if it is “typed approved” for commercial use in the state of California. If you have any questions regarding scales, you can contact our office at the number listed below.
3. Before an approved scale is used for commercial use, it is required that the user have the scale inspected and certified by the County’s Weights and Measures Division or a licensed “service agent”. The scale must be inspected yearly thereafter. Call our office to set up an inspection appointment.
4. A scale owner/user is responsible to make sure that their scale(s):
 - a. Are appropriate in design for the commodity being weighed.
 - b. Start on zero before any weighing is done.
 - c. Is level and clean of any obstructing debris.
 - d. Readout is visible to the customer.
 - e. Have batteries that are charged (electric scales).

Check the phone book yellow pages for scale vendors in your area.

SONOMA COUNTY WEIGHTS & MEASURES
133 AVIATION BLVD. SUITE 110
SANTA ROSA, CA 95403;
PHONE (707) 565-2371; FAX (707) 565-3850

ADMINISTRATIVE CIVIL PENALTIES FOR DIRECT MARKETING

Authority Cited Food and Agricultural Code Section 47025 (a)

Rev. 5/23/02

CODE SECTION	VIOLATIONS/PENALTY	MINOR \$50-\$150	MODERATE \$151-\$400	SERIOUS \$401-\$1,000
Section I.	Certified Producer Violations			
1. CCR 1392.4(a) FAC 47002	Certified producer selling Product(s) not of their own production.			1 st Violation.
2. CCR 1392.5(c) 1392.7(a)2 FAC 47020	Refusing to submit to inspection.			1 st Violation.
3. CCR 1392.4(d)	Producer not having a certified producer's certificate.			1 st Violation
4. CCR 1392.4(d)	Certified producer selling with an expired certificate and not in the renewal process with CAC.		2 nd NC in 12 months	Repeat NC within 12 months of Moderate penalty.
5. CCR 1392.4(d)	Valid certified producer's certificate not in possession, and/or not posted. (not embossed)	*2 NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
6. CCR 1392.4(a) 1392.5(b),(c) 1392.7(a)1	Certified producer selling product(s) which they produced but do not have listed on their certified producer's certificate.	*2 NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
7. CCR 1392.4(f)2	Certified producer selling at a certified farmer's market for other certified producer(s). i.e. "Second Cert." • Authorized certified producer's certificate(s) not in possession and/or posted for other certified producer(s).	2 nd NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
8. CCR 1392.4(f)2	"Second Cert." • Product not separated and identified.	*2 NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
9. CCR 1392.4(f)4 CCR 1392.4(f)3	"Second Cert." → Name of certified producer(s) not listed on certificate of other certified producer who is authorized to sell the certificate holder's products. (Agreement was made but paperwork not done <u>not</u> a resell situation). And/or "Second Cert." → Name of certified producer not listed on other producer's certificate that the certificate holder may sell for (Agreement was made but paperwork not done <u>not</u> a resell situation).		1 st Violation	Repeat NC within 12 months of Moderate penalty.
10. CCR 1392.4(f)1	A certified producer representing more than 2 other certified producer(s) in a 12-month period and/or a certified producer being represented by more than 2 certified producer(s) in a 12-month period.		1 st Violation	2 nd or more violations.

NC = Documented notice of noncompliance, or notice of violation.

* = Penalties will be assessed after two documented notices of noncompliance/violation are issued.

Decisions to suspend or revoke a certified producer's certificate, or privileges to participate in certified farmers' markets will be made at the discretion of the agricultural commissioner on a case by case basis.

CODE SECTION	VIOLATIONS/PENALTY	MINOR \$50-\$150	MODERATE \$151-\$400	SERIOUS \$401-\$1,000
Section 1. Con't	Certified Producer Violations			
11. CCR 1392.4(f)5	Certified producer selling or offering for sale a greater amount of other certified producer's products than their own.	*2 NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
12. CCR 1392.4(f)9 1392.4(f)10	Certified producer not keeping records of products sold for or by other certified producer. Failure to supply records on demand.	1 st Violation	2 nd Violation	Repeat NC within 12 months of Moderate penalty.
13. FAC 47005	Refusing to allow inspection or entrance.			1 st Violation Plus Suspension and/or Revocation
14. FAC 47005.1	Refusing to allow inspection of products and/or subject products to inspection			1 st Violation Plus Suspension and/or Revocation
15. FAC 47005.2	Refusing to allow seizure of evidence.			1 st Violation Plus Suspension and/or Revocation
16. FAC 47022	Nonconforming products, i.e. <ul style="list-style-type: none"> • Minimum Grade Stds. • Minimum Maturity Stds. • Closed Consumer Cont.(IRQ) • Egg Labeling Requirements 	3 NC's in 12 months	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
17. FAC 47022.1	Deceptive pack i.e. nice cherries on top of basket, tiny ones on the bottom.	1 NC's in 12 months	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
18. FAC 47022.2	Mislabel/Misleading statement.	2 NC's in 12 months	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
19. FAC 47022.3	Falsify documents or false statements to obtain certificate.			1 st Violation Plus Suspension and/or Revocation
20. FAC 47022.4	Unlawfully removing NC or product held under NC.			1 st Violation
21. FAC 47022.5	Refusing to submit for inspection or stop any vehicle for inspection.			1 st Violation Plus Suspension and/or Revocation
22. FAC 47022.6	Refusing to allow inspection of property, storage etc.			1 st Violation Plus Suspension and/or Revocation
23. FAC 47022.7	Altering any official document issued by an Enforcing Officer.			1 st Violation Plus Suspension and/or Revocation

Section II.	Certified Farmers' Market Violations	Minor \$50-\$150	Moderate \$151-\$400	Serious \$401-\$1000
1. CCR 1392.9(a) 1	Failure to ensure the sellers are represented by the proper person selling.	2 Market NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
2. CCR 1392.9(a)2	Failure to ensure the producers are selling only certified and non-certifiable products in the area designated as the CFM.	2 Market NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.

CERTIFIED FARMERS' MARKET PROGRAM FREQUENTLY ASKED QUESTIONS

1. With the new regulation effective January 8, 2000, how much time will the County Agricultural Commissioner (County Ag. Comm.) allow certified producers to update their certificates (second certificates)?

Two weeks after being notified by the certified farmers' market (CFM) manager or County Ag. Commissioner's personnel.

2. Does every partnership and farm lease agreement under Section 1392.9.1 and Section 1392.9.2 require notarized signatures on all agreements of all parties at time of certification and renewal?

Yes, notarized signatures are required for all partnerships and farm lease agreements.

3. Are noncertifiable agricultural products such as olive oil, dried fruit, jams, etc. required on load sheets?

No, only certified products listed on the certificate are required.

4. Who is responsible for ensuring producers have a valid certificate?

The California Department of Food and Agriculture (CDFA), County Ag. Commissioners and CFM managers are responsible.

5. Who is responsible for ensuring a certified producer selling on behalf of another certified producer is selling a greater volume than the producer he/she is selling for?

CDFA, County Agricultural Commissioners and CFM managers are responsible.

6. What are some examples of payments allowed for services of a producer selling for another producer?

Sharing stall fees and fuel, etc. Commission sales or buying and re-selling are prohibited.

7. Are partnership agreements and lease agreements required to be written and notarized?

Yes, a copy of a current written lease or proof of partnership agreement is required.

8. Does the veteran's exemption apply to the new \$0.60 CFM fee?

No, the new fee is assessed to CFMs only, not producers.

9. Is it required to obtain a nursery license for selling cut flowers at a CFM?

No, it is not required by CFM laws and regulations.

10. Can a certified producer sell produce grown by a university?

Yes, if utilizing a second certificate and the university has a certified producer's certificate.

11. Do CFM managers need to collect load lists daily?

Yes, and the records must be maintained for not less than eighteen months.

12. Can a market manager ask the producers what the retail price is on their products?

Yes, if provided in market rules or to determine compliance with second certificates or provisions for load list compliance.

13. When selling for another producer and that producer's product runs out halfway through the season, can another person fill in for that position?

Yes, but only if one other second certificate is available (only valid if amended by the County Ag. Commissioners).

14. What are financial and material resource inputs in a farm partnership?

Money, tractors, fertilizer, labor, seed, pesticides, etc.

15. Are the varieties of products such as potted herbs (oregano, basil, rosemary, etc.), kale, lettuce required on the load lists?

Yes, the identity of the products as listed on the certified producer's certificate are required.

16. What's the procedure to amend a certified producer's certificate?

Return all embossed copies of the certified producer's certificate to the issuing County Ag. Comm. for amendments.

17. If one parcel of property has five owners and each has a percentage of the property, what would be the requirements if one producer wants to apply for a certified producer's certificate?

The certified producer shall specifically designate that portion of the property and the specific crops under their control.

18. What agricultural products must be certified by the County Ag. Commissioners if sold at a CFM?

In addition to fresh fruits, nuts and vegetables, shell eggs, honey, nursery stock, and cut flowers must also be certified.

19. What is a "noncertifiable agricultural product" and what are some of the products which may be found in a CFM?

Products which are considered as noncertifiable include processed products from certified agricultural products such as fruit and vegetable juices, shelled nuts, and jams and jellies. Other examples include catfish, trout, and oysters from controlled aquacultural operations, livestock and livestock products, and poultry and poultry products.

Though these products are not "certified," they must have been produced or derived from plants or animals raised or produced by the producer. These processed products may include, or have added to them, a limited number of ingredients or additives which act only as preservatives or are essential in the preparation of the product. Examples include pickles and cucumbers in a brine or vinegar solution for curing or pickling, natural smoking of meat or poultry for drying and preserving, flavorings such as smokehouse, hickory, or jalapeno added to shelled nuts which do not change the visual identity of the product, sulfites added to dried fruits and vegetables, and sugar, fruit juices, and pectin added to fruits to make jams and jellies.

20. Who is responsible for ensuring that sellers of noncertifiable agricultural products comply with the direct marketing regulations?

County Ag. Commissioners, CDFA and CFM managers.

21. What is the "designated area" of a CFM and why is the sale of nonagricultural products prohibited in this area?

The designated area is that the area described in the application as the location of the CFM. The applicant(s) must provide a map showing the proposed "layout" of the market. Nonagricultural products for sale are not allowed within this area.

The exclusion of nonagricultural products is intended to maintain the intent and integrity of a CFM, which is the direct sale of products produced solely by the producer.

22. Can nonagricultural products be sold within general proximity of the designated area of a CFM?

Yes, provided the point of sale of the nonagricultural products is separate and apart from the CFM's designated area. Suggestions to comply with this requirement include placing signs or posters to designate the areas, use of ropes or barriers to separate the areas, or by simply separating the areas by enough distance so that the public knows the areas are separate and apart.

23. What is CURFFL and the Sherman Food and Cosmetic Law, and when must producers selling at CFMs comply with their applicable requirements?

CURFFL, which is the acronym for California Uniform Retail Food Facilities Law, and the Sherman Law specify requirements for the sale of agricultural products at CFMs. The regulations address the sale of processed products which potentially create a health risk to the consumer. The applicable provisions of these two laws are already being enforced by state and county health agencies. They were included in the regulations to specify applicable requirements that must be met when selling products at CFMs or roadside stands at or near the production point.

24. Are there other agricultural products besides fresh fruits, nuts, and vegetables exempt from applicable size, pack, container and marking laws and regulations?

No, all other products must comply with all applicable rules and regulations.

25. What requirements must a producer meet to sell nursery stock at a CFM?

The applicant's nursery stock production must be verified by the County Ag. Comm. The applicant requesting certification for nursery stock must provide the County Ag. Comm. with a detailed list of the genus, or genus species, or the common name and variety of each type of tree, vine, plant, or shrub.

26. What requirements must a producer meet to sell honey and/or shell eggs at a CFM?

The applicant's production must be verified by the County Ag. Comm. prior to being certified. The on-site visit will verify ownership of the birds or hives.

Beekeepers are only certified in their primary county of operation. Since they must "register" in each county where the hives will be placed, the County Ag. Comm. can verify locations outside their county by contacting the other County Ag. Commissioners. The certificate will show the number of hives and the projected amount (pounds) of honey to be produced and marketed. Since the regulations apply only to California producers, only honey which was derived from bees and hives within the boundaries of California may be sold at CFMs.

All egg producers are required to register with CDFA and comply with all applicable laws and regulations. The certificate will show the number of birds and projected volume of eggs (cartons or dozens) to be packed.

27. What is considered "at or near the point of production" when a producer is direct marketing products?

A point or location which normally does not extend beyond the first paved county or primary road.

28. What are the differences between a certified producer and a producer?

A certified producer is an individual or entity whose "farming activities" have been verified by the County Ag. Comm. Inspection of the production location(s) is necessary to verify that the producer has practiced the agricultural arts and produced the fresh fruits, nuts, and vegetables, shell eggs, honey, nursery stock, and cut flowers.

At a CFM, only a certified producer may sell the certified agricultural products listed above. They may also sell other agricultural products they have produced.

A producer selling at or near the point of production is permitted to sell all agricultural products which they produced.

29. What conditions must be met for a certified producer to sell for other certified producers at a CFM?

This selling activity is allowed only when specified in the CFM's rules and regulations. If not specified, a certified producer or their agent may only sell those agricultural products which they have produced.

The certified producer selling for no more than two other certified producers must also be selling agricultural products which they have produced. All products must be separated and identifiable by each embossed certified producer's certificate. All names must be added to certified producers' certificates by a County Ag. Commissioner.

30. What is the procedure for issuing a certified producer's certificate?

Upon determining that the producer meets the requirements, the County Ag. Comm. will issue one original certified producer's certificate, which will be maintained in the Commissioner's office. The County Ag. Comm. will issue the requested number of photocopies which shall be embossed.

If a certified producer wishes to amend a certificate, all embossed copies originally issued must be returned to the County Ag. Comm. The necessary changes can then be made to the original on file and new embossed copies are issued to the producer.

31. What types of regulations may a market adopt which are more stringent than the established state rules and regulations?

The market's rules and regulations may specify restrictions or requirements pertaining to the type and number of producers and certified producers, and the type and number of certified and noncertifiable agricultural products to establish and maintain a "good" balance of agricultural products. For example, a market may specify that a maximum of 20% of the sellers in the market may sell tomatoes. Another example is a certified producer selling for another certified producer. The market rules could specify that a certified producer may only sell for one other certified producer during the year.

32. What criteria should the County Ag. Comm. apply when issuing a certificate which is valid for less than 12 months?

Certificates should be issued only after planting. The effective period should coincide with the general growing and harvest season. For example, a producer growing melons and assorted vegetables might be issued a seasonal certificate with an effective date of April (after planting) and expiration date in September (when harvesting is normally completed).

33. What activities may the County Ag. Comm. charge when issuing certificates?

A fee may be charged for costs relating to issuing the original certificate, renewing an expired certificate, or amending a current certificate. A fee may also be charged for each embossed copy of the certificate issued to the certified producer.

34. Which County Ag. Comm. initiates the notice and hearing process to consider certificate revocation, the issuing county or the destination county where the alleged violation(s) occurred?

The regulations specify that any County Ag. Comm. may initiate the process after alleged violation (s) have occurred. Regardless of who initiates the process, findings which result in the certificate being revoked are applied on a statewide basis for the period of time determined by the County Ag. Comm.

35. How do the regulations affect participants whose actions result in the revocation of a certificate?

Individuals who act for and represent certified producers are subject to enforcement action should their actions result in violations of the regulations. For example, an employee who fraudulently misrepresents the certified producer may be subject to revocation of their participation rights in all direct marketing activities. If such findings are determined by the County Ag. Comm., they may specify the time period in which the employee cannot participate in any phase of direct marketing. However, certified producers are liable for the actions of their agents. Actions by their agents may result in the revocation of the certified producer's certificates as well.

This provision also applies to certified producers who have had their certificate revoked, either as a result of the circumstances noted above, or when violations have been issued directly to the certified producer. If the certificate is revoked, the certified producer may also not be allowed to participate in any phase of direct marketing, including becoming an employee for another certified producer or as a family member for another certified producer.

36. How long may the County Ag. Comm. revoke a certificate after violations have been determined?

The County Ag. Comm. has discretion in determining the revocation period of the certificate. The maximum period is 18 months.

37. Can commercial enterprises such as restaurants purchase agricultural products at CFMs?

Yes, the regulations allow these types of transactions. However, fresh fruits, nuts, and vegetables may only be sold to "nonconsumers" when complying with all applicable regulations, including standard pack, standard containers, and labeling requirements.

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