



TEXAS
Health and Human
Services

Texas Department of State
Health Services

TEXAS DEPARTMENT OF STATE HEALTH SERVICES

**DIVISION FOR REGULATORY SERVICES
ENVIRONMENTAL AND CONSUMER SAFETY SECTION
POLICY, STANDARDS, AND QUALITY ASSURANCE UNIT
PUBLIC SANITATION AND RETAIL FOOD SAFETY GROUP**

**PUBLIC SANITATION AND RETAIL FOOD SAFETY GROUP
REGULATORY CLARIFICATIONS**

October 1, 2015 (Revised: February 21, 2017)

PSRFSGRC – No. 18

SUBJECT: Certified Food Manager Requirements for Farmer’s Markets

Applicable Texas Food Establishment Rules (TFER) Sections:

§228.2 (57) definition Food Establishment

§228.33 Certified Food Protection Manager and Food Handler Requirements

§228.222 Temporary Food Establishments

Question:

Is a Certified Food Protection Manager required at a Farmer’s Market?

Response:

Farmer’s Market vendors do not meet the definition of a food establishment. Therefore, farmer’s market vendors are not required to have a Certified Food Protection Manager (CFM) for operation.

Support:

The definition of a food establishment excludes an establishment that offers only prepackaged foods that are not TCS foods; produce stands that offer whole, uncut fresh fruits and vegetables, and cottage food production operations. If the vendor performs open handling of TCS foods, then the vendor may be required by the regulatory authority to obtain a Temporary Food Establishment Permit. §228.33 (c) states that temporary food establishments are exempt from meeting the CFM requirements; however, §228.222 (a)(2) states that a temporary food establishment may be required by the regulatory authority to have at least one person on site who has a minimum of an accredited food handler certification.

Agree to form and substance:



Christopher Sparks, MPA, R.S.
Manager
Public Sanitation and Retail Food Safety Group

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