



**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**

**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:

A handwritten signature in cursive script that reads "Christopher Sparks".

Christopher Sparks, MPA, R.S.

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Manager  
Public Sanitation and Retail Food Safety Group

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