



Interim Guidance for the Operation of Farmers' Markets

Updated: August 3, 2020

This guidance is provided for farmers' market operators and vendors in response to the COVID-19 public health emergency.

Background

On March 7, 2020, Governor Andrew M. Cuomo issued Executive Order 202, declaring a state of emergency in response to COVID-19. Community transmission of COVID-19 has occurred throughout New York. To minimize further spread, social distancing and frequent cleaning measures should be put in place.

On March 16, 2020, Governor Cuomo issued Executive Order 202.3, restricting all on-premises consumption of food and beverage at eating and drinking establishments statewide.

On March 20, 2020, Governor Cuomo issued Executive Order 202.6, directing all non-essential businesses to close in-office personnel functions. Essential businesses, as defined by Empire State Development Corporation (ESD) guidance, were not subject to the in-person restriction, but were, however, directed to comply with the guidance and directives for maintaining a clean and safe work environment issued by DOH, and were strongly urged to maintain social distancing measures to the extent possible. Farmers' markets were designated an essential business.

On April 12, 2020, Governor Cuomo issued Executive Order 202.16, directing essential businesses to provide employees, who are present in the workplace, with a face covering, at no-cost, that must be used when in direct contact with customers or members of the public during the course of their work. On April 15, 2020, Governor Cuomo issued Executive Order 202.17, directing that any individual who is over age two and able to medically tolerate a face-covering must cover their nose and mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not maintaining, social distance. On April 16, 2020, Governor Cuomo issued Executive Order 202.18, directing that everyone using public or private transportation carriers or other for-hire vehicles, who is over age two and able to medically tolerate a face covering, must wear a mask or face covering over the nose and mouth during any such trip. It also directed any operators or drivers of public or private transport to wear a face covering or mask which covers the nose and mouth while there are any passengers in such a vehicle. On May 29, 2020, Governor Cuomo issued Executive Order 202.34, authorizing business operators/owners with the discretion to deny admittance to individuals who fail to comply with the face covering or mask requirements.

On April 26, 2020, Governor Cuomo announced a phased approach to reopen industries and businesses in New York in phases based upon a data-driven, regional analysis. On May 4, 2020, the Governor provided that the regional analysis would consider several public health factors, including new COVID-19 infections, as well as health care system, diagnostic testing, and contact tracing capacity.

Face Coverings

Face coverings must be worn at the market. Anyone who is over age two and able to medically tolerate a face-covering must cover their nose and mouth with a mask or cloth face covering when in a public in accordance with Executive Orders 202.17 and 202.18, and any successor thereof.

Farmer's markets, farmers, vendors, and those authorized on their behalf shall deny admittance to any person who fails to comply and must comply with all requirements of Department of Health regulation Subpart 66-3 and any applicable guidance. Provided, however, that this shall be applied in a manner consistent with the federal American with Disabilities Act, New York State or New York City Human Rights Law, and any other applicable provision of law. See:

https://regs.health.ny.gov/sites/default/files/pdf/emergency_regulations/Enforcement%20of%20Social%20Distancing%20Measures.pdf.

New York Forward Guidance

- Farmers' markets, farmers, and vendors must also thoroughly review the guidance documents on the NY Forward, available at <https://forward.ny.gov/ny-forward>.
 - Farmers' markets must have a NY Forward Business Opening Safety Plan, also referred to as a Market Health Safety Plan, in place and on the premises. The plan must be made available to the State or local health or safety authorities in the event of an inspection.
 - Farmers/vendors must have a business safety plan in place and on premises in order to participate in the farmers' market. The plan must be made available to the farmers' market operators, the State, or local health or safety authorities in the event of an inspection. Farmers/vendors must complete the business safety plan most applicable to the goods or food being sold.
- Farmers' markets, farmers, and vendors should consult the appropriate guidance documents set forth by NYS Department of Health, <https://coronavirus.health.ny.gov/home>, NYS Department of Agriculture and Markets, <https://agriculture.ny.gov/coronavirus>, and any other state or local governments.
- Guidance is subject to frequent revision as NY continues its measured and phased re-opening through NY Forward. Farmers' markets, farmers, and vendors should regularly check the guidance documents set forth by NYS Department of Health, <https://coronavirus.health.ny.gov/home>, NYS Department of Agriculture and Markets, <https://agriculture.ny.gov/coronavirus>, on the NY Forward webpage, <https://forward.ny.gov/ny-forward>, and any other applicable state or local governments pages for the most up-to-date information.

Farmers' Markets

To promote the health and safety of our farmers' market vendors and patrons, it is important that farmers' markets meet the following requirements for the duration of the Executive Order. These requirements are meant to maintain outlets for healthy local foods, while safeguarding our farmers, consumers, and communities from the spread of COVID-19.

Farmers' markets must:

- Space out vendors as much as possible.
- Minimize the food customers may directly access, and instead serve patrons.
- Increase the number of handwashing stations and make hand sanitizer, containing at least 60% alcohol, available to vendors and customers.
- Manage customer traffic within the market to eliminate congregating and to promote social distancing (i.e., maintaining a distance of at least 6 feet between customers).
- Know and understand the [Food Safety at Farmers' Markets Guidelines](#).
- Frequently check the [Department of Agriculture and Market's website](#) for updates and additional resources.
- Entertainment offered at the farmer's market must be ancillary to the market activity, and must be in compliance with all [NY Forward Guidance](#), including but not limited to Low-Risk Outdoor Arts & Entertainment and/or Low-Risk Indoor Arts & Entertainment, and must be consistent with the regions current phase or requirements of re-opening.

Farmers' markets may consider allowing only seniors or those with compromised immune systems to shop during the first hour the market opens, or prior to opening the market to the general public.

Farmers/Vendors

- In addition to food safety protocols that are taken by farmers on the farm, farmers' market operators should implement their own sanitary protocols. While the [CDC and FDA have stated that COVID-19 is not known to be transmitted in food or food packaging](#), farmers/vendors shall adhere to the following:
 - Do not permit customers to spend an excessive amount of time near the booth or table.
 - On-site sampling is not permitted. Pre-packaged samples may be provided to consumers for off-site consumption or at designated dining areas that conform to NY Forward food services guidance.
 - Limit the number of customers permitted at the table at one time, allowing for proper social distancing.

- Set up display tables in a manner that allows for social distancing between consumers (e.g. do not create close or confined spaces with displays in a manner where social distancing cannot be maintained).
- Frequently clean and sanitize surfaces and other frequently touched points of contact, including point of sale terminals.
- Frequently wash hands with soap and water or use hand sanitizer containing at least 60% alcohol, if soap and water are not available.
 - Gloves are recommended while handling products at the market.
- Pre-package raw agricultural products, such as apple, potatoes, onions, etc. to the greatest extent possible. All other foods, such as breads and baked goods, must be sold pre-packaged. Please refer to existing [food labeling laws](#).
- Be knowledgeable about the [Food Safety at Farmers Markets Guidelines](#).
- Frequently check the [Department of Agriculture and Market's website](#) for updates and additional resources.
- Do not allow customers to place personal objects, such as reusable bags, money, purses, or cell phones, on vendor tables.
- Employers must provide essential workers with masks free of charge to wear when interacting with the public in accordance with Executive Order 202.16. Additional information is available at [Interim Guidance on Executive Order 202.16](#).

Consider other approaches to facilitate the direct sale of farm markets. Alternative options may include:

- Online ordering, or other creative purchasing solutions, with pick up at the market. This is to help reduce crowds and the handling of cash or other currencies.
- A market-wide, community supported agriculture (CSA) or food box for pick up.

Cleaning/Sanitizing and Hand Hygiene:

Clean and disinfect buildings and equipment following the New York State Department of Health's (DOH) and Department of Agriculture and Markets' [Interim Guidance for Cleaning and Disinfection of Food Manufacturing Facilities or Food Retail Stores for COVID-19](#).

This [signage](#) providing guidance to STOP the SPREAD of COVID-19 should be posted in prominent locations. Alternative languages for the [signage](#) are also available. Regular hand washing with soap and water for at least 20 seconds should be done:

- Before and after eating.
- After sneezing, coughing, or nose blowing.
- After touching face, hair, cellphone and/or clothing.
- After using the restroom.
- Before handling food.
- After touching or cleaning surfaces that may be contaminated.
- After using shared equipment and supplies.

Additional Information is Available at:

New York State Department of Health's Novel Coronavirus (COVID-19) Website
<https://coronavirus.health.ny.gov/home>.

United States Centers for Disease Control and Prevention Coronavirus (COVID-19) Website
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>.