



The mission of the Midland Downtown Farmers Market is to create a sense of community as well as promote local businesses, artisans, and producers. Our goal is to not only offer an outlet for these products but to also bring the community together for an event that celebrates our local diversity and choice.

We congregate in downtown Midland, TX every Saturday from the first Saturday in April until the last Saturday in October. We also have winter markets that meet on the second Saturday of each month so that you can take advantage of the beautiful year round produce the local farmers grow!

All of our vendors make, create, or raise what they sell, and all are your neighbors. We offer a variety of goods and services including, but not limited to, sustainably grown produce, local honey, locally raised meats, handmade body care products, baked goods, handmade jewelry, all-natural doggy treats, hand-knitted products, pickled and canned products, fair trade organic coffee, and so much more.

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Welcome to the Midland Downtown Farmers Market

The market is a 501 (c) (3) nonprofit organization. There are five Board members on the MDFM Board of Directors, two farmers/producers, two food item vendors, and one non-food vendor who represent the market. Board members are appointed by the Board, new Board members are carefully chosen for their dedication to the market, and their willingness to serve.

Established in 2007 by Mathew Hanson, the Midland Downtown Farmers Market became a nonprofit organization in 2010 and the name was trademarked in 2015 after a move from downtown Midland to the Museum of the Southwest. As of the close of the 2016 season MDFM consisted of over 80 vendors bringing the best local flavors to the Permian Basin on Saturday mornings.

We are a Texas Certified Farmers Market which means that all items available at the market must be made, grown, or produced in Texas. MDFM does not allow the resale of items; everything must be made, grown, or produced by the person bringing them.

The Board of the Midland Downtown Farmers Market prefers to have a variety of products offered, with little or no duplication. Not all products submitted to the Board for approval will be approved, and the denial of a product does not reflect on the quality of your item. While your product may be delicious or beautiful, they may not meet the Boards vision of the direction of this market or the rigors of this venue. Above all, the Midland Downtown Farmers Market is a **farmers market**, not a bake sale or a craft mall so please understand if you are not accepted as a vendor.

Current Board Members 2016

President - Dan McNearlin (D'Lisa's Delights gluten free bakery)

Vice President / Treasurer - Elaine Blount (Shade Tree Salsa)

Secretary - Annelorre Robertson (Artisan's Artifacts Pottery)

At Large - Jackeline Mandujano Dominguez (Dominguez Farms)

At Large - Bill Rutter (Dragonfly Farms)

Executive Director/Market Director - Kimberly Kennedy (Midland Brew Crew)

The Midland Downtown Farmers Market reserves the right to change, amend, modify, suspend, continue or terminate all or any part of this handbook either in an individual case or in general, at any time without notice.

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Vendors General Guidelines

The market meets every Saturday from the first weekend in April through to the last weekend in October, and then every second Saturday through the winter months. The market is open every Saturday unless the Museum campus is closed or in use by the Museum, these closures are listed on our season calendar at the last of this publication, on Google Calendar (search for MDFM Activity Calendar) and on our website at <http://www.midlanddowntownfarmersmarket.com/calendar.html>

The market does not close due to weather conditions unless the streets are closed or there is a travel advisory issued for our area (generally the market is always open from April through October.) Our hours are 8:30 a.m. until 12:30 p.m. Vendors are not permitted to leave early unless arrangements are made with the market director. Vendors must provide their own canopy, tables, chairs, scales, containers, change, pricing, bags, signage, trash receptacles and any other item required for their booth display and operation.

The Midland Downtown Farmers Market does not allow flyers, business cards, or marketing media to be handed out to visitors of the market (this includes these items being handed out by visitors.) Requests for a booth for marketing purposes will be ignored.

All vendors must have a sign prominent in their booth listing their name, business name, and contact information must be included. This sign can be as small as an 8x10-inch frame, but must be clearly visible to all market visitors.

We do not require pre-payment for spots or ask you to pay your booth fee for a market you miss. The market director will come by on Saturday morning before closing and collect the booth fee for that day, the fee schedule is as follows

Farmers/Ranchers/Producers - \$10.00 If you bring anything other than your produce to sell the booth fee increases to \$25.00 (this includes baked goods, craft items, jams, etc. even if these items are made from produce from your farm.)

Food vendors \$25.00

Non-food/Craft vendors - \$25.00

Nonprofits are free - arrangements must be made with the Market Director first.

Winter market fees are \$10 for everyone each Saturday you attend.

Produce vendors who require more space are allowed up to two spaces, if more space is needed the vendor must pay for that extra space (\$10 for produce only - \$25 if the producer is bringing prepared food or craft item.)

Electricity is available at the museum if you need to plug anything in; the cost is \$10 per Saturday and will be collected with the booth fee each Saturday.

The Midland Downtown Farmers Market and its Board members are not responsible for any taxing or sales permits you may need for your booth. All vendors should be aware of any licensing or regulations and must comply with local, state, and national rules regarding the sale of their products. The market director and Board members of the market may ask to see your licenses, permits or certification at any time so please have them with you at the market.

A list of the most common licenses and permits are included in the vendor categories section of this document. It is the responsibility of all vendors to follow Health Code Regulations as set up by the city of Midland and the state of Texas.

Representatives from the Texas Comptroller do visit the market on occasion checking tax ID's so it is best to be prepared for their visit. MDFM does require proof that your food product is produced in a licensed kitchen, and may request to see your food license and inspect your kitchens if your food item does not fall under the protection of the Texas Cottage Food Law.

Vendors products are expected to be of the highest quality (taste, freshness, and craftsmanship). The Board reserves the right to revoke a vendor's right to sell at the market at any time if the quality of the vendors' products or packaging does not meet the standards of the market or health department.

Complaints from market visitors are taken seriously and may also result in forfeiture of the right to sell at the market. The market director will discuss problems and complaints with the vendor and a plan of action will be agreed upon, if the vendor fails to correct the problem or more complaints are received, the vendor could forfeit the right to sell at the market.

Vendors are encouraged to voice any complaint, concern, idea, or compliment with the market director and the Board by filling out the Vendor Concern Form located on the MDFM website <http://www.midlanddowntownfarmersmarket.com/forms.htm> All information shared with the market director is only shared with MDFM Board members and is kept strictly confidential at all times.

The Board will be kept apprised of all situations with vendors at the market and the vendors may request a face to face meeting with the Board if they wish to contest the decision made by the market director.

Vendors will determine their own pricing. Collusion among vendors to set prices or pressure another producer to set prices is against the law and could result in forfeiture of the right to sell at the market. For your convenience a price comparison sheet is available on the MDFM website from April through the end of October , which lists local store prices of common items found at the market. It is located here <http://www.midlanddowntownfarmersmarket.com/prices.html>

Prices must be clearly posted and legible on all products for sale at the market. Producers may use a menu Board with their prices per pound listed on it, those vendors with products such as jars or containers must have a price on each item.

No sales are allowed before 8:30, no exceptions. 'Saving' items for customers before 8:30 is discouraged (we want everyone to have a fair chance at getting those delicious farm fresh eggs, produce, etc.) though customers are allowed to wait on line with their items before 8:30.

Be sure to bring along enough change for your transactions, there is no access to ATM's and other vendors do not usually carry enough of their own change to share with anyone else.

Hawking (this means to sell goods by attracting the attention of people by calling out or walking through the market trying to sell your items) is strictly prohibited. Vendors may not go to other vendors booths trying to sell items. At the end of the market vendors are free to give any leftover produce away or offer it at a reduced price to other vendors, but this is not allowed until after the market ends.

Disparaging remarks about the Midland Downtown Farmers Market, any market vendor, market patron, or the Museum of the Southwest, will not be tolerated and could result in the vendors right to sell at the market being revoked.

If a vendor has a problem with another vendor, a patron of the market, or a problem with the market (including management or direction,) the vendor should bring it to the attention of the market director so that the problem can be addressed. If a vendor has a problem concerning the market director the vendor can bring their concern to a Board member, Board members are listed at the beginning of this publication along with their business name so that you can easily identify them.

Posting problems with the market, market management, or market vendors on any social media outlet, or discussing these problems with customers while at the market is not allowed and could result in the vendor losing their right to vend at the market.

Complaints about another vendor should be brought to the attention of the market director through email so that the problem can be resolved. All complaints will be investigated in complete confidence and appropriate action taken without revealing the identity of the complaining person. If a vendor is suspended the vendor may appeal the decision to the Midland Downtown Farmers Market Board whose decision shall be final. The market director is responsible for resolving vendor disputes.

If a vendor has a problem with another vendor, a patron of the market, or a problem with the market (including management or direction,) the vendor should bring it to the attention of the market director so that the problem can be addressed. If a vendor has a problem concerning the market director the vendor can bring their concern to a Board member, Board members are listed at the beginning of this publication along with their business name so that you can easily identify them.

Violations of market rules will result in the following disciplinary action by the market director, the vendor has the right to appeal to the Board of the Midland Downtown Farmers Market if they do not agree with the decision of the market director. The market director will set up a special session of the Board to hear the vendors appeal and make a decision within one week of the meeting.

First offense - The vendor will be warned in a verbal and written statement about the rules that have been broken and how to avoid the situation again.

Second offense - The vendor will be notified in a verbal and written statement that the rules have been broken again and the vendor will be suspended from the market for one week period (for craft vendors it will mean sitting out for one month.)

Third offense - The vendor will be notified in a verbal and written statement of the situation and will be suspended from the market for the remainder of the season.

The Board of the Midland Downtown Farmers Market reserves the right to immediately suspend a vendor indefinitely for any reason, and without warning or appeal.

The Midland Downtown Farmers Market is a family activity, please refrain from using profanity. All items brought to the market must be family appropriate and may not contain profanity, or adult content.

The Museum of the Southwest is a smoke free campus; if a vendor wishes to smoke they must leave the museum campus to do so. (You may not stand outside the fence to smoke as this is considered Museum property.)

The Midland Downtown Farmers Market is a pet friendly activity for our visitors and our vendors please remember that every domestic animal must be on a leash held by its owner or securely fastened to a stationary object that cannot be easily moved by the animal. What is stationary to a small poodle would not be stationary for a mastiff, so please be sure that the item you have tethered your pet to is sufficient for your animals size. There is a pet station right inside the gate to the museum on K Street, you can find poop bags and a place to dispose of those bags there, so please pick up after your pet (dogs are welcome at the museum, but poop is not)

Please keep trash picked up in your area, we are very lucky to be welcomed to the Museum front lawn and we like to keep the grounds looking as beautiful as we can. A quick once over to make sure that you are not forgetting anything when you leave is also recommended.

Children are not allowed to climb on the fences, statues, porch, or any structure on the grounds of the Museum. If you see anyone climbing or sitting on a statue near you, please ask them to get down or have someone get the market manager to take care of the situation. Vendors are welcome to bring their children with them to the market, but please be in control of your children at all times. Please make sure that your children are aware that they may not enter or 'cut through' any vendors booths while at the market, they may play in the grassy areas behind the booths but they are not permitted to use vendors booths as their playground or hiding space. Continual complaints about a vendor's child by market visitors or other vendors may result in you being asked not to bring your children with you to the market.

As a courtesy to market vendors, the coffee booth (Midland Brew Crew) offers vendors a discount on drinks (\$1 coffee, \$1 off all other drinks) just make sure you tell them that you are a vendor so that they know to give you the vendor price.

Last but not least, rest room facilities are available at 9:30 a.m. in the main building of the museum. This is located directly in back of the front lawn where the market sets up, just follow the driveway west and instead of proceeding out the gate turn to the left and follow the walkway to the back of the museum.

You will see a short flight of stairs and a large double door; you will find the museum attendants there who will direct you to the restrooms (around the corner to the left.) If for some chance these doors are locked you can proceed north along the walk way to the children's museum (the rounded building to the north of the main building) which may be open.

Vendor Placement

Please note that no vendor is guaranteed a spot from week to week or season to season, placement is at the sole digression of the MDFM Market Director and the MDFM Board. The market director will try to keep booth spaces in the same location throughout the season; however, due to seasonal crops and the possibility of two vendors with like items being placed next to each other, these assignments may be shifted as needed. The focus of the market is the farmers who attend it, therefore all placement and booth assignments will always favor local farmers. The market director and supporting Board members are always assigned spaces 33 through 36 on the market chart below because these spaces have the best view of the entire market on Saturday morning.

Booth locations are assigned according to need - large scale farmers are assigned the spaces closest to the gates so that it is easier for them to unload. Food vendors with items that can spoil in the sun are assigned spaces on the South side of the driveway so that the back of their booths get the sun and the front of their booths stay mostly shaded.

Other factors that may affect your placement in booth location are the vendors consistent attendance during previous market seasons, the vendors ability to attend the entire market season, the special needs of the items the vendor is bringing, and seniority are all taken in to account. (If you are not there every week you may not have the same spot each time you return to the market.)

If you are using an umbrella instead of a tent your booth will be located at the end of the vendor row as umbrellas do not offer the booth next to you protection from the sun as another tent would.

Correspondence and Media

Once you are approved by the Midland Downtown Farmers Market Board you will be put onto the market directors mailing list - EMAIL IS A MUST FOR ALL VENDORS! All announcements, events, and notices will be made through the mailing lists so it is imperative that you have access to an email service and are able to use it several times each week.

The MDFM market director sends out an email to all vendors on the Monday before a scheduled Saturday market, vendors who wish to attend the market must respond to this email to be guaranteed a booth space. If you do not respond to the Monday email you will not be included in the MDFM newsletter or on the social media the market employs to inform the community of what vendors will be at the market. The market director will respond to your emails requesting a spot on Saturday with your booth placement for that week. Vendors who show up to the market on Saturday morning without replying to the email (or calling to alert the market director of their wish to attend the market) will have to make due with whatever space is available.

If a vendor cannot attend the market after requesting a booth space they must text, email, or call the market director as soon as possible so that arrangements can be made to fill the spot that will be left open.

The Midland Downtown Farmers Market has a Facebook page that is updated frequently to keep the community interested in the market. On Friday mornings the list of vendors is posted on Facebook so that visitors know what vendors will be available at the market on Saturday morning. You must like the MDFM page for us to be able to link to your page (and send potential customers your way.)

We recommend all vendors have a Facebook page for their business; they are free, easy to set up (we can help if needed) and offer a way to have your name out there for potential customers with very little upkeep. You can find the MDFM Facebook page here <https://www.facebook.com/midlanddowntownfarmersmarket>

The market director keeps a Twitter page updated with market vendor information; this feed is listed on the MDFM webpage so that visitors to the page can see what vendors will be attending the market. You can access the feed by going to <https://twitter.com/AtMDFM> or from the MDFM webpage at www.midlanddowntownfarmersmarket.com. The feed starts listing vendors on Tuesday and is updated until Friday with vendors who respond to the Monday email (and also lists if a vendor cancels.)

While the market director tries very hard to keep all media updated and correct, there are times when a vendors information is left out or disappears from the newsletter, which is why it is important to have a Facebook page for your business. If that happens, the vendor can go to the MDFM Facebook page on Friday mornings and watch for the post about who will be attending and add their information if it was left off, or if the vendor has a sale or special interest item that will be available on Saturday morning. The MDFM Facebook page has over 8000 followers which makes this a very useful way to advertise your business.

Vendor Categories

All vendors must submit a vendor application each season before they are allowed to sell, this is to update any contact information or changes that may have come about and to aid in scheduling farm visits. For vendors who are not producers or farmers, this is not the time to add items to your list of items you bring.

If you wish to add an item to your booth you must fill out the form for approval of a new item. All forms for vendors at the market are located here www.midlanddowntownfarmersmarket.com/forms.html

All vendors must get approval from the Board for any new items they wish to bring to the market. If you have any questions about whether or not you need to be approved you can ask the market director, they will be able to tell you if your new item needs Board approval. Be aware that if you bring an item that you have not been approved for you could be asked to remove it from your booth.

If you are not an agricultural producer (farmer, rancher, etc.) and are absent from the market for four consecutive markets without contacting the market director, you will be dropped from the vendor list and will have to re-apply to become a vendor. Craft vendors, if you are absent from the market for more than four months without contacting the market director you will be dropped from the vendor list and will have to reapply to become a vendor again.

Be advised that vendor spaces at the market are in high demand, and there is a waiting list of vendors wanting to participate at the market so we cannot promise that once dropped from the vending list you will get back in.

Produce Vendors

Farmers and ranchers are our priority at the Midland Downtown Farmers Market, even gardeners with just a few bushels of goods are important to us. We are here to help you get your harvest to the Permian Basin community, and we encourage those interested to stop by and see the market, visit with our vendors, and see if you would like to join our growing market family!

With the success of the Midland Downtown Farmers Market, the rules for accepting produce vendors have changed. Starting in 2017, produce vendors must fill out the Produce Vendor application and all produce that will be brought to the market that year must be listed. The Board schedules an appointment with the producer and the farm visit team will visit the farm, verifying the producer which will allow them to sell at the market. Farmers are not permitted to sell any produce or products not listed on their produce vendor application without verification from the farm visit team (this will require the produce update form to be filed and another farm visit scheduled before the item can be sold at the market.) The update form is also available on our website at www.midlanddowntownfarmersmarket.com/producerapplication.html

Producers may offer samples of their items at the market, the state does not require you to obtain a food handlers license to offer samples but these rules set forth by the state must be followed:

- Have potable water available
- Distribute the samples in a sanitary manner
- Wash any produce intended for sampling with potable water to remove any visible dirt or contamination
- When preparing the samples, either wear clean, disposable plastic gloves or observe proper hand washing techniques immediately before preparation;
- Use smooth, nonabsorbent, and easily cleaned (i.e. metal or plastic) utensils and cutting surfaces for cutting samples, or use disposable utensils and cutting surfaces;
- Samples of cut produce and other potentially hazardous foods shall be maintained at a temperature of 41°F or below and discarded within two hours after cutting or preparation.

Honey Vendors - Small honey production operations may sell honey directly to consumers at farmers markets in accordance to Health and Safety Code Chapter 437, Section 437.001(7). The honey must be labeled in accordance with Subchapter E, Chapter 131, Agriculture Code and must include the net weight of the honey expressed in both the avoirdupois and metric systems, the beekeeper's name and address, and the statement, "Bottled or packaged in a facility not inspected by the Texas Department of State Health Services."

Cattle And Poultry Vendors - Meat or poultry products must be processed in compliance with the regulations for livestock processing (Texas Health & Safety Code Chapter 433.) A temporary food establishment permit is also required. Raw milk is not allowed to be sold at the market in accordance with Texas State law.

Fish Vendors - Fishermen must possess a license from the TPWD or the fish and other cultured species must be produced and raised in a facility that has an aquaculture license from TDA. A temporary food establishment permit is also required.

Egg Vendors - The labeling requirements of the Egg Law, Section 15.8, state that a producer must also label the stock cartons with the word "ungraded", in addition to the producer's name and address. Egg producer that sells only ungraded eggs from their own flock to consumers at a farmers market are exempt from licensing by the Texas Department of Agriculture. Eggs brought to the farmers market for sale must be

stored at a temperature of 45° Fahrenheit or less and meet the specific labeling requirements stated above. Unfortunately this means that eggs cannot be set out on tables for display, but must be kept in a cooler until the time they are sold (though you are welcome to have one carton set out on the table for display as long as customers are given cartons that have been kept in the cooler.)

The sale of live animals at the Midland Downtown Farmers Market is prohibited – No live chicks, or any other animal may be brought to the market for sale or to give away. The only animals allowed to be brought to the market are those brought by the animal rescues, or vendors personal pets (on leashes please!)

Organic Farmers - Farms and processors with \$5,000 or less in gross income from organic sales are exempt from USDA NOP standards and may label products as organic without USDA organic certification. If a vendors gross income exceeds \$5000 they must be certified to make the organic claim.

Certification costs vary depending on the size of your production operation and on the accredited agency you choose to use. In general, organic certification costs run between \$200 – \$1500. Your costs will include an application fee, site inspection fee, and an annual certification fee. Of course, your total costs will also include any expense you must make to bring your growing and production processes into compliance with National Organic Program standards. The Texas Department of Agriculture has a cooperative agreement with the United States Department of Agriculture to provide cost share assistance to producers, processors, distributors or other handlers of organic agricultural products. More information about organic certification can be found here

<https://www.ams.usda.gov/about-ams/programs-offices/national-organic-program>

Food Item Vendors

The Midland Downtown Farmers Market allows foods produced in home bakeries under the Texas Cottage Law to be brought to the market to sell. All vendors of food items must have an up to date food handlers license which can be obtained for only \$7.99 here <https://www.efoodcard.com/tx> there is a larger list of food handlers online training courses here <https://www.dshs.texas.gov/food-handlers/training/online.aspx>

All items brought for sale must be labeled according to the Texas Cottage Law guidelines, you can find many answers to any questions you may have about the Texas Cottage Law at this website <http://texascottagefoodlaw.com> .

A cottage food production operation is defined as an individual, operating out of the individual's home, who:

- Produces a baked good, candy, coated and uncoated nuts, unroasted nut butters, fruit butters, a canned jam or jelly, a fruit pie, dehydrated fruit or vegetables, including dried beans, popcorn and popcorn snacks, cereal, including granola, dry mix, vinegar, pickles, mustard, roasted coffee or dry tea, or a dried herb or dried herb mix.
- Has an annual gross income of \$50,000 or less from the sale of the described foods
- Sells the foods produced directly to consumers at the individual's home, a farmers' market, a farm stand, or a municipal, county, or nonprofit fair, festival or event.
- Delivers products to the consumer at the point of sale or another location designated by the consumer.

All cottage food products must have a legible label attached to the package. (For large or bulky items that are not packaged, you must provide an invoice or receipt that has the same information.) The label must include

- Name and physical address of the cottage food production operation;
- The common or usual name of the product;
- If a food is made with a major food allergen – such as eggs, nuts, soy, peanuts, milk or wheat – that ingredient must be listed on the label. *Some vendors have found it easier to list ALL ingredients on the label instead of trying to figure out which might be considered a known allergen.*
- The following statement: “This food is made in a home kitchen and is not inspected by the Department of State Health Services or a local health department.”

Some of the foods that are **not allowed** to be brought to the market **that have been prepared in a home kitchen** are... Meat, poultry, or seafood products, including beef jerky, dairy products, raw seed sprouts, salsas or other canned tomato products, canned vegetables, such as canned corn, green beans, or peppers, chocolate-covered fruits, baked goods that require refrigeration, such as cheesecakes, tres leches cake, pumpkin pie, and meringue pies, pumpkin, banana, and pear butters, pickled items containing anything other than cucumbers (no corn relish, chow chow, sauerkraut, etc.), barbecue sauces and ketchup.

Foods that **are allowed** to be prepared in a home kitchen and brought to the Farmers Market under the Texas Cottage Law are... Baked goods that do not require refrigeration, such as cakes, cookies, breads, and pastries, candy (including chocolate, chocolate-dipped pretzels, etc.) coated and uncoated nuts, unroasted nut butters, canned jams and jellies, fruit butters (excluding the potentially unsafe pumpkin, banana, and pear butters), fruit pies, cereal, including granola, dry mixes, vinegar, mustard, pickles (only cucumber pickles are allowed), dried herbs and herb mixtures, dehydrated fruit or vegetables, including dried beans, popcorn and popcorn snacks.

Prepared Food & Beverages – A license from the Health Department is required for vendors selling ready to consume products that are not covered under the Texas Cottage Law. Vendors with prepared foods must follow the City of Midland Health Department rules and regulations posted here https://www.municode.com/library/tx/midland/codes/code_of_ordinances?nodeId=PT2MUCO_TITVIIIFOES_HEGESA_CH4MOFOVE

Any vendor using an open flame, either gas or charcoal must have an up to date fire extinguisher at their booth at all times.

Herbal & Apothecary Item Vendors - The sale of legal herbs, both dried and fresh falls under the Texas Cottage Law and is allowed at the market (this includes teas.) Under no circumstances are vendors allowed to make medical claims (for example relieves pain, sleep aid) or statements that include any healing properties of the herb or mixture. Statements such as "Indigenous people believed..." or "traditionally used for" fall in a 'gray' area that the Federal Trade Commission generally ignore, but which the FDA could choose to persecute if they wish.

Labeling requirements for processed herbal items (sold other than in their natural fresh state) must include the ingredients, the address of the packaging site, the description of the product, weight of package, and the word "supplement".

Organic – To label any product organic, FDA standards must be followed. You will find labeling requirements here <https://www.ams.usda.gov/grades-standards/organic-labeling-standards>

Salsa and Canned Food Vendors

The following information comes directly from the Texas Department of State Health Services, if you have any questions concerning the requirements you are free to contact them. The market follows these rules when accepting vendors who want to bring salsa or canned food items not covered by the Texas Cottage Law to sell at the market.

"An individual who manufactures and packages food for sale is required to be licensed as a food manufacturer. A requirement of being licensed as a food manufacturer is that no manufacturing can take place in the home kitchen.

Individuals who make products in their home are in violation of the Texas Food, Drug and Cosmetic Act, Texas Health and Safety Code, Chapter 431 except for individuals operating under the Cottage Food Bill whose range of operation are restricted to the limited scope of food production processes, sale, and distribution allowed under the Cottage Food Bill. Information about operating under the Cottage Food Bill can be accessed by visiting Cottage Food Production Operations web page.

The production of **salsa** and canned foods fall under two specific federal regulations (CFR 113 and CFR 114). In order to determine whether you must comply with these regulations, we recommend you first contact Dr. Al Wagner, Texas A&M University Extension (979-845-7023), for a product evaluation. If the evaluation classifies your product as an "acidified" or "low-acid canned" food (which salsa is,) you must:

- 1) Complete forms 2541 and 2541a
- 2) Attend a Better Process Control School (Dr. Wagner conducts class once per year at Texas A&M in College Station)
- 3) Follow critical limits for production of product established by Dr. Wagner or other process authority"

Non-Food Item Vendors

Because the Midland Downtown Farmers Market is primarily an agricultural market, non-food item vendors participation is limited, all items that are not for human consumption are considered non-food items.

If you are not a farmer or producer, approvals are good only for one month so please make sure to be ready to come out to the market within that time unless you make prior arrangements with the market director.

All non-food item vendors items are juried by the Midland Downtown Farmers Market Board of directors, they are judged on the quality of the items, its usefulness, its uniqueness, the craftsmanship, and how well it fits in with the vision of the market.

Accepted non-food vendors are only allowed to sell at the market on the Second Saturday of each month. On the very rare occasion that the market director has an opening for a non-food item booth on a regular

Saturday market, interested vendors will be offered the spot. No non-food vendor will be awarded a spot two regular market Saturdays in a row so that all vendors are offered the same opportunity.

You are only allowed to sell the items you were approved to sell (on the application form that you filled out on the website) at any time if you wish to bring an item you have not been approved for, you must get approval for the new item by submitting the new item submission form at www.midlanddowntownfarmersmarket.com/forms.html

Soap and Cosmetic Vendors - There are no regulations regarding the sale of soap in the state of Texas or nationally, there are some rules however that must be followed. All soap is to have a label attached to it listing all ingredients used to make the soap (just like food) because these items are used on the body. The label must include

- What the product is
- The weight of the item
- Where the product was made or who is distributing or packing it
- All marketing copy must be true and not misleading
- An ingredient declaration so consumers know what is in the product

The FDA interprets the term "soap" to apply only when

- the bulk of the nonvolatile matter in the product consists of an alkali salt of fatty acids and the product's detergent properties are due to the alkali-fatty acid compounds, and
- the product is labeled, sold, and represented solely as soap [21 CFR 701.20 Electronic Code of Federal Regulations]

For all products other than soap, Texas requires registration of cosmetic manufacturers. There is a \$50 fee, plus .10 per product and a \$328 inspection fee (annually). That means lotions, lip balms, bath salts, and everything in between falls under the term cosmetic (and sometimes depending on what you claim it does under FDA laws.) You can find more information about these regulations here

<http://www.fda.gov/Cosmetics/GuidanceRegulation/LawsRegulations/ucm074201.htm>

<http://www.fda.gov/cosmetics/resourcesforyou/industry/ucm388736.htm>

Household Cleaning Items Vendors - The government only requires 'chemicals of known concern' to be listed on product labels, along with any hazards associated with the use of the product. This is the one product that does not require a list of ingredients, but you must list the weight of the product and where it was manufactured.

Pet Treat Vendors - Although pet food is usually non-potentially hazardous, it is not included in the cottage food law. Animal food is regulated by the Office of the Texas State Chemists, Texas Feed and Fertilizer Control Service. The FDA also regulates all pet items and requires that all animal foods, like human foods, be safe to eat, produced under sanitary conditions, contain no harmful substances, and be truthfully labeled. In addition, canned pet foods must be processed in conformance with the low acid canned food regulations to ensure the pet food is free of viable microorganisms. The current FDA regulations for all pet foods and treats require proper identification of the product, net weight or quantity statement, name and place of business of the manufacturer or distributor, and proper listing of all the ingredients in the product in order from most to least, based on weight be included on the label. In the state of Texas small package pet food must be registered, and the facility must be licensed. Complete information on these requirements can be found at

<http://www.fda.gov/AnimalVeterinary/Products/AnimalFoodFeeds/PetFood/default.htm>

and for Texas requirements you can contact the Office of the Texas State Chemists at (979) 845-1121 or visit their website at <http://otscweb.tamu.edu/> with labeling requirements for pet treats and food found here <http://petfood.aafco.org/Labeling-Labeling-Requirements#overview>

Nonprofit Guests

As a nonprofit organization, the market realizes the benefit of getting the word out to the community about what you do. A non-profit organization can apply for a free booth space once per season. Our nonprofit guests are held to the same rules and procedures that our regular vendors are held to, please make sure that anyone who is going to be attending your booth is also familiar with the rules.

The distribution of food, for sale or for free, is not allowed. Limited promotional items, such as T-shirts, and memberships or the sale of tickets to upcoming events are acceptable, all other items must be disclosed to the market director for approval before they can be sold at the farmers market.

As a guest of the market, your visit will be publicized in all of the MDFM media, the market director will contact you should any more information about your organization be needed. Please send any pertinent information or organizational logos that may be needed, as well as any special requests or needs to the market director. The Midland Downtown Farmers Market would appreciate any publicity your organization utilizes for this visit to include the Midland Downtown Farmers Market name or logo, this is not a requirement but we would be very thankful for the mention.

The Midland Downtown Farmers Market tries to create an environment where customers and visitors of the market feel welcome and comfortable and in an effort to create this atmosphere political or religious organizations are not allowed to obtain a booth space.

Emergency Procedure

There are three instances in which an emergency would be called during market hours:

1. **Fire:** If you see a fire somewhere at the grounds of the Museum, the first thing that should be done is to call 911. Only after 911 has been called should you notify the market director who will take control of the situation.
2. **Severe Weather:** Occasionally a weather situation may present itself and the market will be forced to close. In this situation the market director will alert everyone of the impending weather situation and will direct everyone to start packing up and leave the Museum grounds in an orderly fashion (visitors will be asked to step out of the driveway and vendors will be able to pull their cars up to load and leave.
3. **Medical Emergency:** If there is a medical emergency, call 911 and alert the market director, there are several medical personnel who are vendors at the market and they can help in medical situations (as of 2017 Jeff Kennedy at the Midland Brew Crew Booth is trained in CPR and Alex Kennedy who runs the Blue Bird Bakery Booth is a registered LVN.)
4. **Missing Person:** In case of a missing person (child) the market director will post people at both entrances to the driveway and at the West side of the Museum building to monitor the crowd while the director leads a search through the market for the missing person.

Saturday Morning Procedure

The market director arrives at the market at 6:00 (6:30 during the winter months) so if you have any problems you will be able to ask for help. You will have gotten a booth number from the market director if you responded to the Monday email.

Enter the driveway from Missouri Street and pull through to the marker with your booth number on it (your bumper should be lined up with the marker) unload your vehicle quickly and then move it over to the parking lot on K street (out the drive exit and to the left.) Please do not pull around vehicles ahead of you, if the person in front of you is not moving fast enough for you then get out and help so that they can leave quicker, or just sit there and wait. Pulling in to the museum driveway from K Street (near space 22 and 37) is NOT ALLOWED. In some cases vendors are granted permission to pull into the K Street entrance but only after speaking with the market director. Please make sure that your window is rolled down the entire time your vehicle is in the museum driveway, this is for your protection and the safety of those around the vehicles.

Do not set up your tent or items until you have moved your vehicle out of the way, if someone is blocking you and you cannot pull through, feel free to start unpacking but be sure to move your vehicle as soon as you can. If you are in a hurry and someone is unpacking their items so that you cannot park, you can speed up the process by lending a hand to the person in front of you. You may not honk, or be rude in any way to the other vendors. The market has a crew that arrives at 7:00 a.m. to help vendors unload and set up tents.

All tents must be either staked or weighted down with appropriate weight that will keep the tents from toppling over. Vendors will be held financially responsible for any and all damages to property cause by improperly secured canopies. Each canopy leg must have no less than 24 pounds anchoring each leg, or 50 pounds anchoring each umbrella, alternately tent stakes of at least ½" thickness and 12 – 15" in length, may be used to stake the canopy in place.

Weights should not cause a tripping hazard, should have soft or round edges to avoid cuts and scrapes, and should be located at ground level (not hanging where people can run into them. Examples of acceptable weight systems to anchor your canopy are...

A water filled bucket on each foot of a canopy and anchored to the canopy frame with bungee cord or rope. (The market has a water hose ready to fill buckets located just West of the museum's porch.)

Alternately a 2.5 gallon bucket filled with cement placed at each leg of the canopy and secured with a bungee or rope is also acceptable.

It is not sufficient to place the bucket on the feet of the canopy without securing the bucket to the canopy frame, the weights must be anchored with a rope or bungee. The best weights are strapped to the bottom of each leg, and then anchored with a bungee or rope to the top corner of the canopy. You may not tie your canopy to your tables, coolers, or chairs as this does not provide enough weight to properly secure you canopy. Cement blocks and gallon water jugs are not allowed.

If high wind weather conditions arise during market hours and you take your canopy down, please direct market visitors out of the way so that they are not injured.

The market is located in Midland, Texas so please have your displays ready for windy conditions. Make sure that everything is secure because it is more likely that you will encounter more wind than calm conditions. If you are a craft vendor setting up your display in your back yard on a windy day before your first appearance at the market will help you understand what you need to work on before you appear at the market. Wind is the major culprit in many instances of inventory loss at the market.

Vendor booths are 11 feet wide (wide enough to accommodate a 10 foot canopy,) canopies should be set up as close to one another as possible so that during the heat of the summer your neighbors tent will help keep your booth shaded and cooler. If you need more space you are welcome to spread out the back of your booth on to the lawn.

The Museum driveway is closed to market vendors vehicles from 8:15 to 12:35 due to insurance issues. If you arrive after 8:15 you must unload from the street and walk your items into the market, you cannot pull into the driveway, but the Market Director does have carts that you can borrow to make the process easier.

The driveway does not open to vendors cars until 12:35, please be certain of the time if you are the first one in line to load up at the end of the day. All of your items, your tables, and tent should be packed up and ready to go before you pull in to the driveway so that all you have to do is load and leave. The MDFM crew will be available at closing time to help everyone, if you need help just let them know and they will lend a hand.

Below is a map of booth locations with booth numbers for the Saturday morning set ups.



MDFM Calendar of Events 2017

April	May	June	July	August	September	October
1 Opening	6 Derby Day The Museum is hosting Derby Day and the market will be at the back of the Museum.	3	1	5 Dog Days Of Summer National Farmers Market Week	2	7 October 12 th National Farmers Day
8	13	10	8 Watermelon Festival	12	9 CLOSED Septemberfest!	14
15	20 Local Authors' Day	17 Local Artists' Day	15	19	16	21
22 Earth Day Celebration	27	24	22	26	23	28 Founders' Day!
29			29		30 Community Swap Party!	

Midland Downtown Farmers' Market
Midland, Texas
Vendor Rules and Regulations 2017 - 2018

The Board of Directors of the Midland Downtown Farmers' Market (MDFM) shall enforce these rules and regulations. The Board of Directors will interpret these regulations according to the best interest of the market.

Vendor Categories

Category One: Agricultural producers* - Unlimited Vendors

All products must be grown by the vendor unless given special permission by the MDFM Board of Directors. It will be permitted for two or more 'micro growers' to combine their locally grown products in a single booth.

Category Two: Non-agricultural food producers* - Limited to 45% of the vendors

The Vendors for this category are vendors offering food items produced by the Vendor. Examples would be: breads, baked goods, salsas, jellies, jams, pickled and preserved goods, sauces, herbs, pet treats and ready to eat food items that are approved to sell under Texas Cottage laws. Category Two food vendors will be selected at the discretion of the Board of Directors, with a local foods preference.

Category Three: Arts and Crafts producers* - Limited to 5% of the vendors

The Vendors for this category offer arts & crafts for fashion and home decor, non-food items for personal hygiene & home use. All items must be produced by the vendor.

Merchandise

All agricultural/horticultural products must be grown or wild gathered by the farmer/vendor or their farm assistants.

There will be no reselling of produce or any agricultural products.

All agricultural/horticultural products must be grown or produced in the state of Texas.

All vendors place of production are subject to inspection by the Board of Directors. A notification will be made prior to the inspection.

Only those (non-agricultural) products already approved to sell will be allowed. If a vendor wishes to sell a new product, that product must be first approved by the Board of Directors. New product submissions must be made through the website, including all information and pictures of the new product(s). The Board will then discuss approval during monthly Board meetings. Board members will not be available to discuss new submissions during market operation hours.

Fees and Spaces

Farmers/Ranchers/Producers \$10.00 (if the farmer is also bringing a craft product or non agricultural food item they do not get the reduced fee and will have to pay \$25.00

Non agricultural food vendors (you don't grow it) \$25.00

Non-food/Craft vendors - \$25.00

Nonprofits are free - arrangements must be made with the Market Director first.

Winter market fees are \$10 for everyone each Saturday you attend.

Electricity is available at the Museum if you need to plug anything in, the cost is \$10 per Saturday and will be collected with the booth fee each Saturday. A receipt will be issued for booth fees. (There may be occasions when the Market Director or the Board of Directors will reduce or waive the booth fee)

Regular Category One and Two vendors have assigned spaces and other vendors will be assigned the morning of the market based upon arrival time. A regular vendor is defined as one that sells at the MDFM a minimum of three weeks a month during the growing season.

Use of electrical service at the Museum of the Southwest can be purchased for a fee of \$10.00 per day; please advise the Market Director that you desire access to an outlet when you respond to the vendor email.

Licenses and Taxes

All vendors operating under the Texas Cottage Laws must be prepared to provide proof(s) of compliance per existing statutes.

All vendors are responsible for maintaining the necessary licenses and permits for their booth.

All vendors are responsible for the collection and payment of appropriate taxes to the state, county & city.

Upon request, all vendors must be able to display applicable license and permits.

Health Regulations

All vendors must follow Health Code Regulations as it is their responsibility to be in compliance.

All food vendors are responsible for the appropriate inspections by the State Health Department and must have the appropriate certifications, permits and licenses.

All food items for sale must be packaged and labeled with ALL ingredients listed on the labels along with the vendors contact information. (Mobile food vendors are the only vendors who are exempt from this rule.)

Vendor Booth

All vendors must have a sign which clearly displays their name, location and any available contact information.

Vendor booth set up must maintain a professional appearance.

Someone must be in attendance at the vendors booth at all times.

All items for sale at the Midland Downtown Farmers' Market must be clearly labeled with prices. Produce vendors and food vendors may have a 'menu' style sign or price sheet, but all non-food vendors are required to have prices clearly displayed on all items.

Vendor Appearance

Vendors must present themselves in an appropriate manner to all customers & other vendors.

Vendors must dress appropriately.

NO SMOKING is allowed on the Museum grounds or within a 40 foot boundary of the overall market. If you must smoke please go to a discrete location and dispose of cigarettes appropriately.

Location & Time

The Midland Downtown Farmers' Market is located at 1705 W. Missouri Street on the front lawn of the Museum of the Southwest in Midland, Texas.

Sales will start promptly at 8:30am and close roughly at 12:30pm.

No sales are allowed before 8:30am – no exceptions.

All vendors must notify the designated market contact of their plans to attend the following Saturday no later than 5:00pm on the Wednesday prior in order to be included in the weekly email.

Vendors must notify the Market Director if they are going to be late or absent the upcoming Saturday.

Vendors must arrive in a timely manner to allow for their booth set up and be ready to sell by 8:30am. If a vendor arrives after 8:30am, they must first check in with the Market Director, and their placement will then be determined.

Vendors must also do their best to stay until the end of the market. Leaving early creates 'holes' in the market setup, which causes an unprofessional appearance. If you need to leave early please notify the Market Director prior to set up so that placement accommodations can be made.

Quality Standards

All products and produce must be of top quality by the determination of the Board of directors. Any prepared foods sold must be prepared in compliance with the Health Department guidelines.

Vendors are encouraged to profile their farming or preparation practices.

Vendors are required to be able to tell their growing methods, e.g. Certified Organic, grown in organic methods, grown conventionally, or any combination thereof.

Upkeep

All vendors are responsible for the upkeep of the general market area as well as the area located near or in their booth space.

Consumer and Vendor Comments & Concerns

All consumer comments should be directed to the Market Director or to a member of the Board of Directors for discussion.

All suggestions, complaints and comments concerning vendors should be also presented to the Market Director or Board of Directors either through a verbal conference or in writing with a date and signature of the vendor.

Vendor Suspension

Any vendor may be suspended from selling by action of the Board of Directors for failure to comply with the Rules and Regulations of the Midland Downtown Farmers' Market.

The Board of Directors reserves the right to amend these rules and regulations at any time.

**Midland Downtown Farmers' Market
Midland, Texas**

Vendor Contract of Compliance

I, _____, (herein referred to as "Vendor") acknowledge that I am applying to become a vendor at the Midland Downtown Farmers Market located at the Museum of the Southwest 1705 W. Missouri Midland, Texas and agree to the rules and regulations of the Midland Downtown Farmers' Market. Vendor acknowledges that I am only allowed to sell those items for which I have been approved. Vendor acknowledges that products sold at the Midland Downtown Farmers Market must be grown by me, prepared by me or crafted by me and understand that MDFM Board members may perform site inspections. Vendor must agree to release Midland Downtown Farmers' Market and the Museum of the Southwest from any and all injury, liability, loss or damages that may occur to property or self, while on the Museum grounds. Vendor hereby agrees to indemnify and hold harmless Midland Downtown Farmers' Market and the Museum of the Southwest for any action or liability which may arise from my participation in this event.

I understand that failure to comply with any of these rules and regulations can result in my termination as a vendor at the Midland Downtown Farmers' Market.

Vendor Signature

Business Name

Date

Vendor Phone Number

Vendors Email Address