

DRAFT 10/18/19

The following are producer only guidelines to assist the Market manager in the assessment of new applications, and a tool for the Market inspector to use while conducting visits. These are guidelines recommended by the Public Market Advisory Commission, though the manager has the authority to make the final decision on individual applications using the criteria as dictated in the Market Operating Rules, section II.2.:

Producer: A Producer is a 1) vendor who grows and/or raises and offers for sale one or more of the following items: fresh produce, edible fungi, edible grains, meat, fish, dairy, eggs, live plants, cut flowers, apiary products, maple syrup and sugar, and/or 2) a vendor who makes and offers for sale value-added and prepared food.

... Artisan: An Artisan is a vendor who uses creative skills in manufacturing or arranging materials resulting in a finished product, and offering for sale one or more of these created products such as: toys, furniture, jewelry, decorative items, holiday greens, apparel, and pottery, etc. Vendors must use considerable time and effort to produce a finished product, as determined by the Market Manager.

... Mobile Food Vendor: A Mobile Food Vendor is a vendor who sells food items that the vendor produces for immediate consumption which are prepared by the vendor at the Market in a licensed unit or prior to the Market in a licensed kitchen.

These guidelines are created with the following intentions:

- Define what “producer only” means for certain products, to determine the level of involvement a producer, artisan, or mobile food vendor should have in the creation of their product
- Outline terms that are realistic and follow common practices
- Recognize the imperfect definition of “producer only” and set priorities for choosing vendors, such as use of local ingredients, uniqueness, quality, capacity, and a current availability at market
- The manager should maintain final say and judgement over applications as is currently outlined in the Operating Rules, as each is unique and must be considered on a case by case basis, while keeping in mind these intentions

### **Produce/cut flowers**

#### **Grower vendor checklist**

\*Not required practice but suggested. Does the vendor:

- ☐ Use own equipment & tools
- ☐ Use own land or have lease with details of responsibilities on file with the market
- ☐ Owner or employees plant
- ☐ Owner or employees irrigate
  - ☐ NA
- ☐ Owner or employees harvest

Required:

- Vendor is active in production more than 50% of the time that it takes to get product from farm to market
- Owner or employees perform post-harvest handling and packing
- Owner actively manages production (assessment, decision making, and day-to-day)
- Three or more of the Grower vendor checklist applies
- An employee in the above checklist must either be an official legal employee, or take direction/answer to the owner on a regular basis. An employee is NOT an independent contractor. The factors designating someone as an employee include: (1) A specific wage or salary, (2) An implied or written contract, and (3) Control of the person's work by the employer. A person may work for a business and not be an employee. In this case, the person is considered to be an independent contractor in relation to the other party, and he or she is self-employed. That is, the relationship between the two parties is between two businesses, one of which is providing a service to the other.
- The main vendor on the application on file with the market, that is benefitting from the sales, is a direct employee or owner of the business

## Honey

Minimum: Perform majority of hive checks and week-to-week management of the bees, including mite treatments, etc. Active in 50% or more of the time it takes to get product from farm to market.

Preferred: Minimum +

- ☐ Perform own honey extraction
- ☐ Perform own bottling
- ☐ Manage bee yard/land around hives

**COMMENT:** In Reading the part about bees/honey, it might be easier if instead of using “ vendor must be involved in at least 50% of the time it takes to produce, we list the major activities, like extracting, bottling, weekly hive checks , setting up and moving hives seasonally, hive maintenance and repair, and say vendor must do at least 3 or 4 out of the listed activities to qualify as a producer. It would give us a way to objectively assess the duties being done.

**Maple syrup.** Tap trees and collect sap. Boil and reduce sap.

**Coffee.** Roasted by vendor. Vendor should do all value added practices, such as flavoring and mixes, themselves.

**Cheese.** Minimum: Culture the cheese and age if applicable.

Preferred: Minimum +

- ☐ Use own animals for milk production

## T-shirts/clothing

Clothing and t-shirts should either be sewn by the artisan, or graphics should be designed and silk screened by the artisan themselves onto the material. The vendor should avoid having an outside company both make the shirts and copy the design onto them, *unless significant artistic effort has been placed into the design, as determined by the manager.*

## Meat

The Ann Arbor Farmers Market recognizes that it is common practice for meat vendors to purchase feeder animals, raise them and then process them for meat. Each animal type has a different lifespan, so it is difficult to determine an exact amount of time an animal should spend in the care of the producer to be considered raised by them. Therefore, to be considered as produced by a vendor, the Public Market Advisory Commission recommends that an animal be in the care and possession of a vendor on the vendor's approved property location for at least 50% of its life, before being processed and brought to market.

### **Tea and Spices**

Minimum: Vendor must create their own custom blends and package the tea themselves. Preferred: Minimum + Ingredients are grown, dried, and packaged by the vendor. Priority will be given to vendors using local ingredients.

### **Plants/Seedlings**

The Ann Arbor Farmers Market recognizes that it is common practice for plant and vegetable vendors to purchase seedlings from an outside source, raise them and then sell them as plants at market. Each plant has a different lifespan, some are annual and perennial, and so it is difficult to determine the exact amount of time a plant should spend in the care of the producer to be considered raised by them. Therefore, to be considered produced by a vendor, the commission recommends that a plant be in the care and possession of a vendor for at least 3 weeks for annuals, and 6 weeks for perennials.

### **Enforcement**

- (A) During review of a new application, the Market Manager should ask for further details for any product to determine whether or not it fits the above guidelines
- (B) During inspection, the Market Inspector will ask for information about the aforementioned products, as applicable, to ascertain whether or not they qualify. If they do not qualify, the inspector will inform the manager in his/her inspection report
- (C) The manager may follow up with a vendor and ask for records to determine if they meet these guidelines. Records could include receipts, invoices, business records, etc.
- (D) If there is a question as to whether or not a vendor meets producer only qualifications that the Market Manager cannot decide, the Public Market Advisory Commission may review the application and give its recommendation

**COMMENT:** Every vendor growing plants should have to show proof of purchase for every item individually like a 4" geranium pot being sold should have to show purchase of pot, dirt, tag, plug, fertilizer. Hanging baskets being sold would show 10 or 12" basket, tag, 3-5 plugs or liners, tags, etc. Flats should show flat, cell pack, dirt, tags, seeds or the 512 or 288 plug tray if they buy the seedlings to transplant into the flats.

Allowing a vendor to purchase a pot or basket "prefinished" and just allowing them to hold it for 3-6 weeks opens the door to huge fraud. Most plants won't and can't grow more than ½" – 2" in that amount of time. Like rosemary-avender-callies-begonias to name a few. Some will take months to get to 6". If a vendor has to show he bought all the pots dirt, tags, plugs, liners, flats, cell packs, heat, fertilizer,

seeds, they will be less likely to go buy it now that they have so much invested in their own. I think there should be 2 yearly inspections – one in early April so you can see all their plants and one in august to see all their planted produce in the field. Because you can't plant in MI in August and pick it in Sept except maybe cucs, zucs, radish, some 30-40 day crops.