

NEVADA COUNTY AGRICULTURAL COMMISSIONER'S OFFICE
CERTIFIED PRODUCER'S CERTIFICATE INFORMATION

Purpose The purpose of the Direct Marketing Program is to assist growers in the sale of fruit, nuts, vegetables, honey, eggs, nursery stock and cut flowers directly to the consumer. Resale of purchased products is prohibited under this program. FAC 47000

Application Process To obtain a certified producers certificate (CPC), the applicant will need to complete the certified producer certificate form, using the supplemental pages as necessary. If you anticipate having others work for you at a market when you will not be present (employees, family, etc.) you will need to include a list of authorized representatives with your application. 3CCR 1392.5

FAQ

Where can a certified producer sell their agricultural products?

A certified producer can sell their agricultural products at a field stand, farm stand or a CFM. When selling at an outlet or location, you cannot have an authorized representative sell on your behalf. Furthermore, when a certified producer sells their agricultural products at a CFM, they must provide a product list (load list) to the market manager within 48 hours of the conclusion of the market day.

Who can sell and conduct business on my behalf at a CFM?

A certified producer can have an "authorized representative" sell and/or conduct business on their behalf at a CFM but must provide the county agricultural commissioner with a list of those authorized representatives. The certified producer is responsible for the actions of their authorized representative, including any violations and associated penalties and/or suspensions. Furthermore, an authorized representative can only sell on behalf of one certified producer per CFM, per market day, unless selling on behalf of a cross-referenced certified producer, as discussed in Section 1392.4(e).

If I am selling agricultural products that I produced in the agricultural section of a CFM, can I also sell nonagricultural products at my vendor stand?

No; the sale of nonagricultural products is not be permitted in the ag. section of a CFM.

Which agricultural products are certifiable?

Certifiable agricultural products include whole fresh fruits, nuts, vegetables, herbs, cultivated mushrooms, shell eggs, honey, cut flowers, unprocessed grains, and nursery stock.

Which agricultural products are NOT certifiable?

Noncertifiable agricultural products include dairy, pollen, unprocessed beeswax, propolis, royal jelly, raw sheared wool, livestock meats, poultry meats, rabbit meats, and fish, including shellfish that is produced under controlled conditions in waters located in California. Additionally, all certified agricultural products that have been processed are noncertifiable agricultural products for purposes of direct marketing.

What are my responsibilities when selling on behalf of another certified producer?

If a certified producer is cross-referenced, and authorized to sell on another certified producer's behalf, and the market allows this practice, the certified producer must:

- Conspicuously post each valid CPC and the respective sign or banner
- Not sell the same commodity, variety, or product on the same day, at the same CFM
- Separate each certified producer's agricultural products
- Have a documented, signed agreement in place before sales commence
- Provide a product list (load list) to the market manager within 48 hours of the conclusion of the market day

Conditions (Summarized) of Direct Marketing Sales FAC 47004, 3CCR 1392.4A set of the regulations pertaining to the Direct Marketing Program is available from the Agricultural Commissioner's Office at a minimal charge, or downloaded online at no charge.

- ✓ All certifiable agricultural products that are sold at a certified farmers' market, or an outlet or location, must be produced by the certified producer, and listed on the certified producer's certified producer's certificate.
- ✓ The sale of nonagricultural products shall not be permitted in the defined marketing area where only agricultural products may be sold at a certified farmers' market.
- ✓ The Certified Producers' Certificate (CPC) must be displayed in full view of the consumer at the Certified Producer booth in the Certified Farmers' Market.
- ✓ Producers are required to post a conspicuous sign or banner that contains the farm or ranch name, the county of production, and a statement that they only sell what they grow or similar representation.
- ✓ When any agricultural products are sold by weight, the type-approved scale used must be tested and sealed for use by a County Sealer prior to first use, and annually thereafter.
- ✓ Pre-packaged, closed containers must be labeled with IRQ requirement (*identity* of the product, the net *quantity* within the container and the name, address and zip code of the responsible party on the outside of each container). There are no exemptions to this requirement. The link provides additional labeling information. <https://www.cdfa.ca.gov/dms/programs/qc/labelingreq.pdf>
- ✓ Processed products have additional labeling requirements, including but not limited to products on or off farm, identity reference of the facility where the food was processed, and applicable requirements under HHS code sections. All supporting documents must be made available upon request to an enforcing officer. 3CCR1392.4(l)
- ✓ Only authorized representatives may sell for the producer at a Certified Farmers' Market; a current list must be on file with the Agricultural Commissioner's office. An authorized rep may only sell on behalf of one certified producer, per market day, unless operating under a second certification agreement.
- ✓ There are legal document requirements for farm leases, partnerships, sharecropping, second certificates sales and similar contractual agreements. These legal agreements must be notarized and in place prior to applying for a certified producers certificate. The documents are not required to be submitted, but must be produced upon request by an enforcing officer. Complete details may be found under 3CCR 1392.9.1, 3CCR 1392.9.2, 1392.4

Other possible requirements as a producer of agricultural products

- Selling nursery stock? You need a nursery license, must be available for review at points of sale.
- Eggs? Egg handlers license from CDFA, must be available for review at points of sale.
- Organic? Organic registration, and if earning >\$5000 annually, also certification documents. If you are not registered organic with the state organic program, it is illegal to use the word organic in any way to describe your practice. Organic registration must be visibly posted, and certification documents must be available upon request, at points of sale. FAC 47004
- Prior to the purchase and use of pesticide(s) in the production of an agricultural commodity, the operator of the property SHALL obtain an operator identification number from the county commissioner. 3CCR Section 6622.

Inspection and Enforcement

- Inspection of the producer's growing grounds is authorized by the certificate holder upon issuance of the Certified Producer's Certificate. Growing grounds, storage facilities and equipment may be inspected by the Agricultural Commissioner during business hours. FAC 47005, 47005.1 & 47020.
- Formal, written complaints received by the Agricultural Commissioner will be investigated.
- Certified Farmers' Markets have laws, regulations, rules and policies which must be followed by all participants. Violations of the Direct Marketing Regulations can lead to fines, suspension of the certificate and/or associated privileges after an administrative hearing. A set of the regulations pertaining to the Direct Marketing Program is available from the

Agricultural Commissioner's Office at a minimal charge, or downloaded online at no charge. 3CCR 1392.10

What can't be sold in ancillary area:

FAC 47004(e) An operator of a certified farmers' market that also operates, manages, or otherwise controls a separate sales activity or vending event or marketing area in close proximity, adjacent, or contiguous to the operator's certified farmers' market shall not allow the sale or distribution of fresh whole fruits, nuts, vegetables, cultivated mushrooms, herbs, and flowers by vendors selling within those sales activity or vending event or marketing areas.

Non-agricultural products cannot be sold inside the designated CFM area of the market. Products that are characterized as services, arts, crafts, bakery, candy, soap, balm, perfumes, cosmetics, pottery, clothing, fabric, pasta, compost, fertilizer, candles, ceramics, foraged foods, and types of wares are not ag products. A product that combines a non-ag product with an ag product that materially increases the purchase price of the product disqualifies the product from being sold as an ag product.

Any "Yes" in the Certified Farmers Market Area column is contingent upon the fact that the vendor produced the item(s). A yes in the Ancillary CFM Area column, does not mean the vendor is producing all, or the majority of the products listed.

COMMODITY	CERTIFIED FARMERS MKT AREA Must always be of own production	ANCILLARY CFM AREA
Fresh whole (unprocessed) fruits, nuts, vegetables, herbs and flowers	Yes	No
Mushrooms	Yes (cultivated)	Yes (cultivated) No (foraged) No if other CFM growers of same commodity present.
Dried Fruit, Dried Beans, Dried Flowers, Dried Herbs	Yes	Yes
Candied Nuts	No (only light seasoning, sugar allowed)(as long as not "candies")	Yes, if processed in some way, roasted, blanched, Almond/walnut brittle
Spiced Nuts	Yes (but not processed in any other way)	Yes
Honey	Yes	Yes
Eggs	Yes (egg handlers license)	Yes (egg handlers license)
Meats	Yes	Yes
Wine/Hard Cider	Yes	Yes
Olive Oil	Yes	Yes
Foraged Foods	No	Yes
Nursery Products	Yes	Yes
Jams & Jellies	Yes (if primary ingredients of own	Yes
Wood chips, logs	Yes	Yes
Sauces, salsas	Yes (if primary ingredients of own production)	Yes
Potpourri	Yes (if all ingredients grown & if sold	Yes
Essential Oils	No	Yes
Wool, angora, mohair	No (considered fabric/clothing)	Yes
Crafts, all	No	Yes
Wreaths	No	Yes

Definitions from 3CCR 1392.2, FAC 47000.5:

Agricultural Products. Fresh or processed products produced in California, including fruits, nuts, vegetables, herbs, mushrooms, dairy, shell eggs, honey, pollen, unprocessed bees wax, propolis, royal jelly, flowers, cut flower, unprocessed grains, nursery stock, raw sheared wool, livestock meats, poultry meats, rabbit meats, and fish, including shellfish that is produced under controlled conditions in waters located in California. Agricultural Products include all certified and noncertifiable agricultural products as defined in subsection 1392.2(l) and subsection 1392.2(m).

Noncertifiable Agricultural Products. Noncertifiable agricultural products include all certified agricultural products that have been processed, any products that are produced from trees, vines, or plants of a certified agricultural product (including flowers and processed products), dairy, pollen, unprocessed beeswax, propolis, royal jelly, raw sheared wool, livestock meats, poultry meats, rabbit meats, and fish, including shellfish that is produced under controlled conditions in waters located in California. Noncertifiable ag product being sold in the CFM must meet the definition of agricultural products (above).

Processed Agricultural Products. Processed agricultural products shall be defined as agricultural products that have been altered or prepared by such means as, but not limited to, slicing, juicing, drying, shelling, smoking, freezing or cooking, provided, however, that the seller has produced all of the ingredients contained in the final product. The only exceptions to this production requirement shall be the inclusion of food coloring, pectin, rennin/rennet or ingredients used as preservatives, seasonings, and flavorings.

- (1) Preservative. An additive, substance or ingredient(s) added to agricultural products to prevent decomposition due to chemical change or microbial action and/or to protect against decay, discoloration or spoilage. Preservatives include, but are not limited to: sulfites added to dried fruits, dried vegetables or wine; sugar added in the making of jams, jellies and preserves; salt or salt brine solution for curing olives; or vinegar for pickling of products such as, but not limited to, beans, asparagus, and cucumbers.
- (2) Seasoning. Seasoning shall be defined as salt or spice used in food preparation.
 - (i) Spice. Spice shall be defined as any granulated or powdered aromatic plant products used in food preparation. Spices include, but are not limited to the following salts or spices: chili powder, black pepper, ginger, garlic, onion, jalapeno, cinnamon and nutmeg.
- (3) Flavoring. A substance, additive or ingredient, which may itself include seasonings or preservatives, that imparts flavor to a food without changing the consistency of or rendering unidentifiable the original product. Flavorings include, but are not limited to: liquid, powder or natural smoke, hickory, vanilla extract, nut oil, and soy sauce.
- (4) Food Coloring. For the purposes of this regulation, food coloring shall be defined as a dye or pigment that is added to a product to impart color. and be of the producers own production.