

Open Air Markets Requirements for Food Protection Within a Retail Food Facility

All retail food facilities in Pa under the new Food Code, Chapter 46, are required to have food protection, floors/walls/ceiling coverings and outer opening protection. As such, the Department recognizes that this jeopardizes the intent and atmosphere of an open-air market building or stand. In order to stay in compliance with the new food code, while still protecting food and food safety, the Department has come up with the following policy for open-air style market or farmers market stands.

1. Under all circumstances, food must be maintained in sound condition (46.201)
2. All food processing (ex: melon or fruit cutting, cake assembly, food re-packing, food assembly, etc...) must occur in a secure, screened or otherwise fully protected processing/packaging area. Equipment for food processing and warewashing equipment must also be stored in this location. No exceptions. 46.922 (e)(f)
3. Packaged foods ONLY may be displayed in an open-air setting (46.922 (e)(5), Other limiting conditions). Raw, un-washed, non-ready-to-eat fruits and vegetables from the farm may be displayed in any setting and are not applicable to this policy/interpretation.
4. An open-air setting MUST have overhead protection (ex: a building structure or tarp type set up).
5. At the end of each business day, all packaged foods must be removed and/or secured in clean, rodent/insect proof structures or containers. (Ex: building closed and secured from rodent/insect entry; removal to storage truck; removal to another building for storage).
6. All foods must be inspected routinely for signs of insect, rodent or environmental contamination.
7. If packaged food is becoming contaminated due to lack of insect control, rodent presence or environmental contamination, the facility may be required to be screened or otherwise protected, 46.922 (e)(f), to assure food safety.
8. Ice machines or ice bins placed in the open-air settings: This ice may be used only if the ice is used as an exterior coolant (ex: chilling unwashed, non RTE vegetables). This ice cannot be used as an ingredient in food (drinks, cooling of washed RTE produce). Ice as an ingredient must be in secure, screened or protected locations.
9. Any refrigeration equipment in the open-air setting must be emptied at the end of each business day and the food placed in a secure location IF the market is not capable of being secured from rodent, insect or environmental contamination, with doors, windows or other such closures as required under 46.922(e)(f) during non business hours. Additionally, before its next use, the equipment must be examined for cleanliness. This DOES NOT apply to vending machines that were designed to be insect/rodent proof, such as *some* food (requires overhead protection), soda vending machines, or bagged ice storage units.
10. Any hot holding equipment must follow the same rules as #9 AND all foods within the unit must be pre-wrapped such that, no preparation or food exposure occurs. See #2 above.
11. This does not apply to a food facility that opens into a larger structure, such as a mall, airport, farmers market building, or into a larger structure, such as a porch, and the outer openings from the larger or attached structure are protected against the entry of insects and rodents. (46.922 (e)(2)).