

# **Harvesting and Selling: A Guide for New, Small Urban Producers**



*Assembled by the Urban Agriculture Action Team  
Of the Dallas Coalition for Hunger Solutions  
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# Harvesting and Selling: A Guide for New, Small Urban Producers

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# Introduction

Welcome to *Harvesting and Selling: A Guide for New, Small Urban Producers!* This guide is aimed at those interested in selling locally grown food items at area farmers markets. In the following pages you will find information about the topics to think about as you're getting ready to sell. While no one-size-fits all template exists for urban agriculture, there are some best practices to know and to apply.

In the following pages you will find things to think about as you get ready for your urban food production adventure. These topics include deciding the best marketing option for your project, finding farmers markets, and registering for them as well as best practices for harvesting and handling, food safety measures, and insurance needs. Information about chickens, eggs, and bees are also included.

Please note that this Guide was written by and for Dallas, Texas, area producers. However, much of the information contained herein is generic (especially for Texas). You may want to verify your specific city's/town's regulation if you are not in the Dallas metropolitan area.

A well planned project is more likely to be a successful project. Good luck!



# Part 1: Preparing for Market

In preparing yourself and your food production operation to sell at a farmers market, there are several things to think about. It is important to know where you will sell and plan for what you will sell before launching into planting those crops. Below are some of the major categories of topics to think about.

## A. Allowable Foods

Typically, farmers markets have guidelines about what is allowable to sell at a market. For fresh fruits and vegetables, these guidelines have to do with where the food was grown in relation to the market (how far from the market was the food grown) and whether it was grown by the person selling it or not. Most local markets are wanting fresh foods that are sold by the person who grew it and within a 100 or 150-mile radius. Typically, buying food from a wholesale distributor is not allowed. Buying from another farmer or gardener you know may be allowed as long as you are honest and transparent about doing this. These same points are also true for meats, poultry, and eggs.

Each market will have its own rules about jams & jellies, baked goods, and other artisan foods. These rules will include what items are allowable to sell and how many vendors are selling these items each week. For this reason, you may be allowed to sell certain items, but not others. Market managers carefully balance vendors and products at farmers markets so that customers have the best experience and vendors have the most success possible.

## B. Market Options

In Dallas, Texas, there are several options for farmers markets:

- **Good Local Markets:** <http://www.goodlocalmarket.org>  
GLM market has two locations, with one market on Saturday and one on Sunday, and operates most of the year. This is a producer only market. You can find more information about being a vendor here: [http://www.goodlocalmarket.org/?page\\_id=1271](http://www.goodlocalmarket.org/?page_id=1271) . There is an application fee for this market.
- **Dallas Farmers Market:** <http://dallasfarmersmarket.org>  
The DFM is located in downtown Dallas and operates markets on Friday, Saturday, and Sunday year round. This is a producer only market. You can find more information about being a vendor here: <http://dallasfarmersmarket.org/join-the-market/> . There is an application fee for this market.

Other current monthly markets include one at Cliff Temple Baptist Church and one in the Bertrand neighborhood in South Dallas. Sometimes, there are markets for special events or for a short period of time. There are also markets in surrounding suburbs.

In general, however, it is a good practice to have a regular sales outlet for your foods. Consistency as a vendor at a market will give you a better chance to build a regular customer base. If you decide to sell at a farmers market, it will take time to develop a consistent customer base. Creating an appealing market display with prices clearly marked and a friendly smile will help customers feel comfortable with you and your products.

Another best practice is to talk with the market manager about your products and about the market to be sure it is a good fit for you. Market managers appreciate vendors who communicate with them. They can be good allies in learning more about being a good vendor.

### **C. Permitting**

The local health department often requires farmers market vendors to obtain a permit. The manager of the farmers market you will be attending should have this information readily available for you. You may also be able to find permitting information on the farmers market websites with the vendor information.

Typically, local health departments will require permits for any vendor who is preparing any food onsite. Those vendors selling uncut (whole) fruits and vegetables, however, may not need a permit, unless the vendor will be providing samples of many of the produce.

For Dallas, the city code for these permits can be found under the Temporary Food Establishment permit in Chapter 17, Articles IX and X. The actual code can be found by going here: [http://www.amlegal.com/codes/client/dallas\\_tx/](http://www.amlegal.com/codes/client/dallas_tx/) and clicking on the View Code button.



## Part 2: Best Practices for Market

As someone getting ready to grow food to sell at the farmers market, you should be thinking all the way through the process of growing, harvesting, and selling your produce. Below are several topics to think about as you are planning.

The following section focuses on fruits and vegetables. The state and local rules about livestock, whether raising or slaughtering animals for sale at a farmers market or retail setting, are restrictive enough that it is nearly impossible to do this in the majority of the city of Dallas. We have chosen to skip livestock in favor of information about growing fruits and vegetables. There is information, though, about the production of eggs in Section 5.

### A. Planning and Harvesting

Before putting seeds in the ground, you should know how long that fruit or vegetable will take to grow and what it should look like when ready to harvest. This should be part of your planning. Seed packets typically have information about how long the plant will take to mature. We also recommend the books listed below for information about many different crops.

Information about when to plant various fruits and vegetables here in North Texas can be found here: <http://agriflifestd.tamu.edu/urbantarranthorticulture/files/2010/06/A-47-Recommended-Planting-Dates-for-North-Texas.pdf>. It is also included in the appendix.

You will also want to think about the tools you might need to properly harvest as well as buckets or baskets to hold the produce once it's harvested. Scissors can go along way in being helpful, but a small investment in the right tools could help increase your productivity and your profit.

Some vegetables, like lettuces, will need to be washed before selling, but many do not need to be washed and will actually stay fresher longer without being washed. The space, water access, and knowledge about which vegetables to wash should be on your list of things to learn and plan for when preparing to grow for market.

Book recommendations:

Frank Tozer, *The New Vegetable Growers Handbook: A user's manual for the organic vegetable garden*. Green Man Publishing, 2013. ISBN: 978-0-9773489-9-2

John Jeavons, *How to Grow More Vegetables Than You Ever Thought Possible*. Ten Speed Press, 2012.  
ISBN: 160774189X



Curtis Allen Stone, *The Urban Farmer: Growing Food for Profit*. New Society Publishers, 2015.  
ISBN: 0865718016

Jean-Martin Fortier, *The Market Gardener: A Successful Grower's Handbook for Small-scale Organic Farming*. New Society Publishers, 2014. ISBN: 0865717656

## **B. Storage and Refrigeration**

Different crops require different storage. For example, potatoes shouldn't be kept in the refrigerator, but greens should be. Unless you are always harvesting the morning before a market, you will need to plan for storing your crops from the time you harvest until the time you go to market.

Often, fruits and vegetables will need to be chilled as soon as they are harvested to prevent wilting or rotting. This is especially true in the summer in Texas. Chilling can often be accomplished by putting the produce in a refrigerator. But, this might take more space than your home refrigerator can accommodate. Coolers and ice can be used, but take care not to freeze the produce or give it freezer burn. Use a barrier like burlap or other cloth between the ice and the produce.

When planning for your food production operation, take into consideration how you will store your produce before you take it to market. If you think you will need extra storage space, be sure to include that expense as part of your business planning.

## **C. Packaging for Sale**

How you will package and sell your fruits and vegetables is something that should be considered during the planning phase of your project. Many items can simply be placed in a basket and sold for a set amount, as is often seen at farmers markets. In this case, growers may sell 4 tomatoes for \$5.00 or 3 squash for \$2. Some growers sell their items by the pound, though this requires a scale that is legal for trade. All of the pricing, though, should be based on the costs of producing the food.

Some products, like mixed lettuces are typically weighed and placed in ½ pound or 1 pound bags or clamshell containers. While this is not strictly necessary, having something – produce bags or similar - for customers to put their lettuces or greens in will be needed.

Considering the sale price of each item will also play a role in thinking through its packaging. Whether it's plastic bags mentioned above or cute wooden baskets, these items also need to be in your planning and on your expense list.

If you are thinking about selling to restaurants or wholesale entities, you will need to know the standard sizes, or case packs, for each of the items you are growing. Each

type of produce has a standard case size that varies from item to item. Industry standards also exist for sizes and shapes of produce. Industry standards for case-pack sizes can be found here: <http://asi.ucdavis.edu/programs/sarep/publications/food-and-society/infosheet-producepackguide.pdf>

For farmers market sales, think about getting some cute baskets for showing off your vegetables. For example, many growers display the squash (or whatever) that they are selling at 3 for \$2 in a basket so that customers can see the amount they are buying for \$2. Sometimes you can find inexpensive baskets at craft or hobby stores and at various places online. We also recommend the Texas Basket Company in Jacksonville, TX. You can find them online here: <http://www.texasbasket.com>. You can find all sizes of baskets here for many different purposes, including harvesting.

Also for farmer's market sales, if you sell items by the pound you will need a scale that is approved for trade. The scale will specifically say this. You will also need to register your scale with the state of Texas. Go here for more information:

<http://www.texasagriculture.gov/RegulatoryPrograms/WeightsandMeasures/Devices.aspx>.

If you sell by the item (one squash, a bag of greens, three potatoes, a basket of (x), etc.) you will not have to worry about this.

## **E. Transportation**

In preparing for selling at a farmers market, do not forget to think about how you will get that produce to the market and keep it fresh for the length of the market. Many fruits and vegetables do not hold up well when in the Texas sun for hours on end. Your farmers market tent will help block the sun, but also think about having coolers and reusable ice packs to keep certain items cool.

### ***Additional resources:***

*ATTRA: Market Gardening: A Start-Up Guide*

<http://douglas.uwex.edu/files/2010/05/Market-Gardening-Getting-Started-ATTRA.pdf>

## **F. Food Safety**

Hand washing is the best way to lower the risk of spreading potentially harmful microorganisms and cross-contamination. The best practice is to wash your hands with soap and clean running water, and dry with single-use towels.

If running water isn't available, wear disposable single-use gloves while harvesting. If the task is maintenance only, traditional gardening gloves are recommended.

Compost bins should be placed downhill from the garden to prevent run-off from entering into the garden. Create barriers between the compost and the garden to keep it



from getting into the garden before you're ready to use it, with careful attention to flooding. Place bins away from the fence line to keep rats away.

A properly managed compost pile will not have meat or dairy in it and will reach a temperature of at least 130 degrees Fahrenheit for 5 days before use on the garden. Use a long-stemmed thermometer to ensure that the compost has been over 130 degrees Fahrenheit for at least 5 days before using in the garden.

Vermiculture (composting with worms) requires the same considerations as other compost (except for temperature)..

Sanitizing tools can help reduce the risk of cross-contamination. If tools are used to harvest crops and a pathogen happens to be on the crops, and the tools go unwashed, the pathogen can be transferred to the next crop it touches. Wash and sanitize tools, and store clean tools and containers in an area where animals can't get to them e.g. a locked shed.

Regularly wash and sanitize containers used for harvesting. Use containers that will not cross contaminate the fruits and vegetables. Do not reuse plastic bags or harvest into wooden boxes or unwashed buckets. Clean off as much dirt and debris as possible while still in the field, so as to reduce the risk of contamination inside.

**For immediate consumption:** All harvest should be washed and/or processed in a space with a clean sanitized surface, and with clean hands and sanitized utensils.

**For later consumption:** For the lowest risk, do not wash the harvest until it's ready to be consumed. The harvest should be stored in a clean, pest-free area in separate containers (or new plastic bags) for each crop, away from household chemicals. Wash the harvest before eating.

Volunteer Management is part of food safety. Develop safety procedures for your garden and regularly remind volunteers about them. Orient new volunteers and explain why safety procedures must be followed. Post operating procedures and food safety information throughout the garden. Create a notebook of procedures that can be available to garden workers when the garden manager isn't on site.

Garden managers and coordinators must set the standard and model the safety procedures for others working in the garden. Post signs and provide training to stay safe.

For more information on food safety for gardens, visit this web site:  
<https://chapmanfoodsafety.files.wordpress.com/2012/12/foodsafetywebcurriculum-10-24-12.pdf>

**G. Food Safety Modernization Act (FSMA)** – You may hear about this legislation in the news or from various farm and agriculture organizations. The Food Safety

Modernization Act is the first major overhaul of US food safety regulations in decades. The Act was authorized in 2011, but the rules were just finished in 2015. Here are some basics about the Act and how it might affect you and your food operation.

FSMA currently affects those raising crops and facilities that hold, pack, process, or manufacture food for consumption in the US. If you are affected by this law, it will most likely be because you are growing fruits, vegetables (including mushrooms and sprouts), tree nuts, peanuts, and/or herbs for human consumption. Below are some of the basics about FSMA.

You will be required to comply with part of the FSMA regulations if you sell **more** than \$25,000 annually on a three-year, rolling average. If you sell **less** than \$25,000 you will be considered to have the “de minimus” exemption.

For farms that sell **more** than \$25,000 of produce annually may still qualify for modified regulations. These are called “qualified exempt” farms. These farms must meet the two qualifications below:

1. *You have less than \$500,000 in sales of all food (not just produce) based on the average of the previous three years and adjusted for inflation; and*
2. *Your sales to “qualified end users” exceed your sales to all other purchasers.*

*A “qualified end users” is either (1) the consumer of the food (an individual, not a business), or (2) a restaurant or other retail food establishment that is located either in the same State or same Indian reservation as the farm that produced the food, or not more than 275 miles from the farm.*

*If these criteria are met, then the farm is...eligible for modified requirements.<sup>1</sup>*

Farms selling more than \$500,000 in food sales will be required to comply with all parts of the FSMA Produce Rule.

Once you reach the level of \$25,000 in produce sales, you will need to seek additional information and training about compliance with FSMA regulations. At the time of publication of this handbook, the Texas Department of Agriculture is the planned implementation and enforcement agency for the FSMA Produce Rule in Texas.

<sup>1</sup> “ Understanding FDA’s FSMA Rule for Produce Farms.” National Sustainable Agriculture Coalition, August 2016. <http://sustainableagriculture.net/wp-content/uploads/2008/08/FSMA-PRODUCE-RULE-FINAL.pdf> (date viewed 11/21/2016), pg 7.

## Part 3: Cottage Food Law

Effective September 1, 2013. (See the following website for more information: [www.texascottagefoodlaw.com](http://www.texascottagefoodlaw.com) ) For additional information on specific questions, go to the Q&A section of the aforementioned website.

Summary (from website):

1. You may sell the following homemade food items:

- Baked goods that do not require refrigeration, such as cakes, cookies, breads, and pastries.
- Candy
- Coated and uncoated nuts
- Unroasted nut butters
- Fruit butters
- Canned jams and jellies
- Fruit pies
- Dehydrated fruits and vegetables including dried beans
- Popcorn and popcorn snacks
- Cereal, including granola
- Dry mixes
- Vinegar
- Pickles
- Mustard
- Roasted coffee or dry tea
- Dried herbs or herb mixes



2. You must earn \$50,000 or less in gross sales per year from the sale of the above food items.

3. No health department or local government authority can regulate your production of these items. There are no licenses, registration, or permits required by state law. (With the exception of basic food handler's certification, see item 10.)

4. If Department of State Health Services or your local health department has reason to believe your operation poses an immediate and serious threat to human life or health, they may take action, including getting a warrant to enter your home, and shutting down your operation.

5. You may sell the food at your home, deliver the food to your customer, or sell your food at the following locations: farmers markets, farm stands, or municipal, county, or nonprofit fairs, festivals, or events.

6. Your food must be packaged in a way that prevents the product from becoming contaminated. Items that are too large or bulky for conventional packaging, like wedding cakes or cupcake bouquets, are not required to be packaged.

7. Your food must be labeled according to the [labeling requirements](#). (See footnote 1 below) The label must be affixed to the package, except for items that are too large or bulky for packaging; in that case the label may be incorporated into the invoice.

8. You may not sell your food over the internet (for example: Etsy), and you may not ship your product.

9. You may not sell wholesale: in other words, you must sell your product directly to the end consumer. You may not sell your food to a reseller such as a grocery store, restaurant, or coffee shop.

10. You must obtain a [food handler's card](#) (See footnote 2 below) prior to selling your food. If you have anyone assisting you in the preparation of your product, such as an employee, they must also obtain a card if at any time they will be unsupervised by you. This does not include members of your household.

11. You may not sell any food which requires time and temperature control to prevent spoilage - this is known as a "potentially hazardous food". However, you may use potentially hazardous products in your food, like milk, eggs, and cream, as long as your FINAL PRODUCT does not require refrigeration (cakes, cookies, candy, etc).

12. No municipal zoning ordinance can prevent you from having a cottage food operation in your home. However, your neighbors can still take action against you if your business becomes a nuisance to them.

Other items of note:

**Food** sold by a cottage food production operation **must be packaged** in a manner that prevents product contamination, except that a food item is not required to be packaged if it is too large or bulky for conventional packaging.

You must use your home kitchen if you sell under the Cottage Food Law – you cannot construct a separate kitchen on your property, or use another kitchen other than your home kitchen.

Go to the Q&A section of the website, [www.texascottagefoodlaw.com](http://www.texascottagefoodlaw.com) , for additional specifics on what you can and cannot do, as well as what is taxable and what is not, in regard to sales tax,

Footnotes:

(1) The labeling rules:

*(d) Labeling requirements for cottage food production operations. All foods prepared by a cottage food production operation must be labeled.*

*(1) The label information shall include:*

*(A) the name and physical address of the cottage food production operation;*

*(B) the common or usual name of the product;*

*(C) 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; and*

*(D) 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."*

*Labels must be legible.*

*Labels must be attached to the food package, except for items that are too large or bulky for packaging; in that case, the label can be incorporated into the invoice.*

*The rule requires you to list any of the 6 major allergens present in the food.*

(2) *With the passage of HB 970, all cottage food operators are required to complete an accredited class in Food Handler's Training. Your certification is good for two years.*

*You can get your card for \$7.99 in about an hour at the following online course:*  
<https://www.efoodcard.com/tx>

# Part 4: Chickens and Eggs

## A. The Summary

Egg sales are regulated by the Texas Department of Agriculture.

## B. Labeling Requirements:

If you are selling eggs from your own flock without claiming any egg grade or size or selling for resale, you are not required to obtain a license. You are, however, required to identify your eggs as “Produced by [your name]” and provide your address. *NOTE: If you grade your eggs, then you may be required to register with the State of Texas. See “D” below.*

## C. Storage Requirements

- All packed eggs stored under refrigeration at a temperature of 45 degrees F. or less
- Eggs shall be transported and held in areas that are clean and sanitary – not stored or transported with or adjacent to any contaminating source or materials

## D. Licensing:

However, if you are:

- Selling someone else’s eggs, you could be termed a Dealer and subject to licensing by the State of Texas.
- A Dealer - a person who buys or sells eggs for the purpose of resale, then you must register with the State, or
- An egg broker, or
- Establish the grade, size, classification of eggs offered for sale or sold

Then you must obtain a license for each separate facility where eggs are graded and/or stored, packed, processed. You must also follow the regulations for storage, labeling, and transport of eggs.

If you think you need to obtain a license, then go to

[http://txrules.elaws.us/rule/title4\\_chapter15](http://txrules.elaws.us/rule/title4_chapter15)

The Egg License Application (REG-200) can be found at

[http://www.texasagriculture.gov/Portals/0/forms/REG/Egg/reg\\_200\\_egg\\_license\\_application.pdf](http://www.texasagriculture.gov/Portals/0/forms/REG/Egg/reg_200_egg_license_application.pdf)

Reference: Texas Administrative Code, Title 4: Agriculture; Part 1: Texas Department of Agriculture; Chapter 15: Egg Law

### **E. The Details:**

Who must obtain a license?

- A Dealer - a person who buys or sells eggs for the purpose of resale
- Each separate facility where eggs are graded and/or stored, packed, processed
- Any person who first establishes the grade, size, classification of eggs offered for sale or sold
- An egg broker

Exemptions:

- Producers who sell on the production of their own flocks without claiming any egg grade or size or selling for resale.
- Producers required to identify their eggs as “Produced by (producer’s name)” and give their address
- Hatchery buying eggs exclusively for hatching
- Hotel, restaurant or other public eating place where all eggs purchased are served by the establishment
- Agent employed and paid a salary by a person licensed for egg sales
- Retailer who sells eggs directly to consumers



Storage Requirements

- All packed eggs stored under refrigeration at a temperature of 45 degrees F. or less
- Eggs shall be transported and held in areas that are clean and sanitary – not stored or transported with or adjacent to any contaminating source or materials
- Eggs shipped across state line into Texas must be transported under refrigerated conditions as above.
- Eggs obtained or purchased from a broker must be identified by a lot number affixed to the end of the egg case when first placed in storage. This responsibility rests on the person who takes first possession of the eggs after receiving them in the state.

Labeling Requirements

- Commercially printed carton must include:



- size, grade, quantity of the eggs – printed on the top of the carton, boldface
  - Texas Egg License number of licensee – if required to be licensed
  - Address of the Texas licensed facility where the eggs were actually graded, labeled and/or packed
  - If producer exempt from licensing, and is using commercially printed carton, the cartons must be labeled “ungraded” followed by “produced by....” and have producer’s address – these are sold directly to the consumer
- Stock cartons:
    - If producer exempt, cartons must be labeled “ungraded” followed by “produced by ....” and the producer’s address and sold directly to the consumer
    - Labeling information must be legible and can be hand printed on the top of the carton.

#### Inspections and Removal

Cartons that contain any of the following must be removed from a retail display on a daily basis:

- Cracked eggs
- Leaking eggs
- Combination of cracked and leaking eggs

Violations prohibiting producer from exemption:

- If producer claims a grade designation on any portion of his production, he loses his identity as a producer and his entire production must comply with the provisions of the Texas Egg Law
- If a producer obtains eggs from any source other than his own flock and markets or disposes of those eggs along with his own production, he loses his identity as a producer and all eggs handled or produced by him must comply with labeling and inspection provisions

Reference: Texas Administrative Code, Title 4: Agriculture; Part 1: Texas Department of Agriculture; Chapter 15: Egg Law

#### **F. Chicken Laws DFW (current as of July 2016)**

**Allen, TX.** As of July 2016, Allen allows four hens, with coop at least 20’ from property line. One-time permit required.

**Arlington, TX.** Up to half an acre, there is a four hen limit. If the lot is over ½ and less than 1 acre, permitted to keep 10 hens. If the lot is larger than an acre, then the limit is 25. Still no roosters. Chickens must be contained in a coop or pen and at least 50' from neighbor's house, even on a lot that is less than ½ acre. Arlington's ordinance is contained in §5.02 Keeping of Fowl.

**Balch Springs, TX.** Chickens allowed; roosters allowed; no limit indicated. Nuisance ordinance applies.

**Carrollton, TX.** Permit required. Five fowl per acre; 6 only permitted on acre or more in a residential zone; however a rooster is permitted among the 6. In any case, chickens cannot be within 200' of a neighbor's home or business.

**Cedar Hill, TX.** Chickens allowed, no roosters, no permit required. For educational purposes, maximum allowed is 25 per acre.

**Dallas, TX.** No limit on hens (subject to nuisance ordinance); no roosters.

**DeSoto, TX.** \*\*

**Duncanville, TX.** "Fowl in the city is allowed without a permit."

**Garland, TX.** Limit 4 hens. Must be in an enclosure, not less than 30' from a dwelling other than the owner's. No roosters. Ordinance is §22.14.

**Glenn Heights, TX.** Covered by nuisance ordinance.

**Grand Prairie, TX.** One hen per 20 sq. ft. of coop/pen. Contained within the coop/pen. No roosters. Must be 150 feet away from any neighboring structures housing people.

**Irving, TX.** No restrictions on chickens. However, as of July 2016, the City Council is debating an ordinance to limit the flock to six hens and no roosters. Opponents are arguing that size of lot should determine number of hens and roosters.

**Lancaster, TX.** No fowl allowed.

**McKinney, TX.** Twelve hens allowed, no roosters.

**Mesquite, TX.** Chickens are not allowed in residential areas.

**Murphy, TX.** Limited to 2 hens, penned and at least 50' from the nearest neighbor dwelling in a residential zone. Ordinance is §4.04.004.

**Plano, TX.** Chickens are prohibited. As of June 2016, a group is working to change this.

**Red Oak, TX.** No more than a ratio of 10 chickens per acre

**Richardson, TX.** Chickens are allowed, no limit; no roosters. Subject to nuisance ordinance regarding odors, flies, unclean condition, etc.

**Seagoville, TX.** No chickens allowed on less than one acre, unless a school maintains as part of an FFA or 4-H project, in which case no more than 90 days in any one calendar year after permit obtained. More than one acre, limit of 20 chickens, and must be at least 100 feet from any private residence or public building.

**Wilmer, TX.** \*\*

**Wylie, TX.** Chickens not allowed.

\*\* No information available for these municipalities. If you live in one of these areas and want to keep chickens, you are advised to call the city offices to determine what limitations, if any, there are on keeping chickens.

# Part 5: Bees and Honey

**CAVEAT: Bees are living creatures and require a commitment.**

## **A. Permits/Regulations:**

- No permit or registration pursuant to Texas Honey Exemption (Senate Bill 1766) is needed if:
  - Production is under 2500 lbs. of honey per year
  - Honey or honeycomb is sold or distributed by the producer personally or with the help of a family member
  - Honey is sold directly to the consumer at the beekeeper's home, a farmers market, or a municipal, county or nonprofit fair, festival or event
  - Honey and producer are located in Texas
  - The honey is "pure" honey (raw and not blended with any other product or otherwise adulterated)

**NOTE: If any of the following apply, then you fall under the licensing and permitting laws:**

- If the honey is bottled in a "Department approved" kitchen or facility outside your home, you must obtain a manufacturer's license, even if the total production is under 2500 pounds.
- You wish to wholesale or sell through the internet
- Then you must register or use a registered FDA Food Facility ([www.access.fda.gov](http://www.access.fda.gov)), follow FDA food labeling regulations (internet search for FDA Food Labeling Guide), and obtain a food manufacturing license from the Texas Department of State Health Services ([www.dshs.state.tx.us/foods](http://www.dshs.state.tx.us/foods))
- For full details if you believe you fall under the licensing and permitting laws, visit <http://txbeeinspection.tamu.edu/beekeepers/honey/>

## **B. Laws**

- City nuisance laws come into play if a neighbor complains or is injured

## **C. Hive Placement**

- Ideal placement for a hive is in full sun; afternoon shade helps in hot Texas summers
- Observe zoning law setbacks if in a residential area
- Consider the line of flight when placing a hive; hives should face inward toward the center of the property, not in a walkway
- Consider the need for boundary fencing or hedging when placing a hive
- Make sure there is forage (unsprayed) available for the bees

## **D. Insurance**

- Backyard hives can be covered under a homeowner’s liability insurance; check with your insurance company
- Urban farms usually obtain liability insurance and you should check to see if your insurance coverage is sufficient for maintaining hives

### **E. Harvesting and Selling**

- Expect to harvest honey around year 2 of beekeeping; during the first year the honey goes back to the bees to make sure they have enough for winter
- Put honey for sale in jars made specifically for that purpose; available online

Labeling requirements apply as follows:

- Net weight in both avoirdupois (standard) and metric
- Beekeeper’s name and address
- The statement: “Bottled or packaged in a facility not inspected by the Texas Department of State Health Services”
- For detailed information on labeling, see Trinity Valley Beekeepers Association web site at [www.tvbees.org](http://www.tvbees.org)

### **F. Definitions**

- Animal husbandry – the science of breeding and caring for farm animals, including bees
- Apiary – a place where six or more colonies of bees or nuclei of bees are kept
- Beehive – an enclosed structure in which bees live and raise their young
- Colony – an aggregate of bees living together with a queen in a hive or dwelling as one social unit
- Filtering – pouring liquid through a porous material to separate particulate/solid matter
- Line of flight – the route bees take through the air to enter or leave the hive
- Nectar – sugar-rich liquid produced by blooming plants that attracts pollinating animals
- Nectar flow – the time of year when native vegetation is in full bloom
- Nucleus (“Nuke”) – A small mass of bees and combs used in forming a new colony
- Pollen – Dust-like grains formed in the anthers of flowering plants in which the male elements or sperm are produced
- Straining – pouring a liquid substance through a porous or perforated material to separate any particulate/solid matter
- Swarm – a body of honeybees that travel from a hive accompanied by a queen looking to start a new colony
- Rescue bees – the specialized practice of hive/swarm removal and relocation that places the safety of bees as a top priority; involves no-kill methods

### **G. Bee Clubs and Associations**

- Collin County Hobby Beekeepers

- Denton Beekeepers Association
- Metro Bees
- Texas Honeybee Guild
- Trinity Valley Beekeepers Association

## Part 6: Insurance Recommendations

Taking your produce or a value-added product to market always comprises some inherent risk. Good safety practices and insurance are the most effective ways to mitigate your risks and protect your assets that might be exposed to a lawsuit in the event of an accident or injury.

### **A. General Liability Insurance**

General Liability Insurance provides liability coverage for property damage or personal injury that might occur as a result of the operation of your business or farming activities. The main purpose of this insurance is to protect your business assets (or your personal assets if you do not have a business organization) from losses from a lawsuit.

Many farmers markets - including the [Dallas Farmers Market](#) - require vendors to carry general liability insurance. A general liability insurance policy would cover the expenses associated with an accident or injury for which you may be deemed responsible, which occurs while you are selling at the Farmers Market. Market rules will usually require that the Farmers Market be named as an additional insured on the producer's general liability policy as a condition to lease space in the market.

### **B. Product Liability Insurance**

Each year roughly 1 in 6 Americans (or 48 million people) gets sick from a foodborne illness, according to the Center for Disease Control. Foodborne illnesses are caused by bacteria, viruses or protozoa on or in contaminated food. Salmonella, E. coli, listeria, and campylobacter are examples of these pathogens, which can cause serious health consequences for those infected. Food growers and value-added producers will want to consider options to minimize both health risks to the public and liability risks to their own business and assets.

Having a good food safety plan in place is the best possible protection against foodborne illness, both for consumers and for the business and reputation of the food producer. But even when a producer has exercised all reasonable care in the production and sale of a food product, the producer can still be held liable if that food causes someone to become ill.

Product liability insurance will provide protection if the illness results from a product you sold. It will pay for injuries and medical treatment resulting from consumption of your product. In addition to paying for the damages to your customers, this coverage may also pay your defense costs in a lawsuit, and any judgments of the court, up to the



policy limit.

### **C. Commercial Automobile Insurance**

If you have employees or volunteers who are using your vehicle(s) for purposes of your business - like getting your product to a market - commercial automobile insurance will protect you from losses that occur while they are using the vehicles, as well as for damages that may occur to your vehicles.

### **D. Worker's Compensation Insurance**

If you have employees helping you with harvesting and/or transporting your products to market, you may want to explore workers compensation insurance. Worker's compensation is a state-regulated insurance program in Texas that covers employees for income and medical expenses if they sustain work-related injury or illness. Texas law does not require employers to provide workers compensation insurance. However, a worker can sue your business for these damages. Except in the case of gross negligence that results in an employee's death, worker's compensation insurance can limit your liability if an employee sues your business for damages. It is also important to note that, under Texas law, volunteers are not covered by an employer's worker's compensation coverage.

For guidance specific to your personal and business liability exposure related to your farming and production activities, you should consult an attorney and/or an insurance professional who have experience with these issues.

Some resources for insurance include:

Farmers Market Insure Now, <http://www.farmersmarketinsurenow.com>

Food Liability Insurance Program, <https://www.fliprogram.com/who-qualifies>

## Part 7: General Definitions

**Anti-bacterial Soap** – a cleaning product to which active antimicrobial ingredients have been added.

**Antimicrobial** - an agent that kills microorganisms or inhibits their growth.

**Artisanal** – a distinctive product, especially food or drink, made usually by hand or using traditional methods.

**Bacteria** – are microscopic living organisms, usually one-celled, that can be found everywhere; can be dangerous, such as when they cause infection, or beneficial, as in the process of fermentation (such as in wine) and that of decomposition.

**Cold Storage** - the keeping of something in a refrigerator or other cold place for preservation.

**Community Garden** - a community garden is a single piece of land gardened collectively by a group of people.

**Community Supported Agriculture (aka CSA)** - a system in which a farm operation is supported by shareholders within the community who share both the benefits and risks of food production.

**Compost** - organic matter that has been decomposed and recycled as a fertilizer and soil conditioner.

**Compost Bins** – a container for storing decomposed organic waste.

**Compost Thermometer** – used to measure the temperature of compost, to gauge how far along the decomposition has progressed.

**Contamination** - the unintended presence in food of potentially harmful substances, including microorganisms, chemicals, and physical objects.

**Control Measure** - any action or activity that can be used to prevent, eliminate or reduce an identified hazard..

**Co-op (aka Co-operative Farm/Garden)** - an association of persons who share responsibilities voluntarily for their mutual, social, economic, and cultural benefit; can be incorporated as a formal business.

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**Cottage Food** – homemade food products.

**Cottage Food Law** - laws that allow small-time producers to use appliances in their homes to bake, cook, can, pickle, dry or candy certain low-

risk foods for sale. (See **Texas Cottage Food** Law below.)

**Cottage Food Operation (aka CFO)** - a for-profit business that sells homemade food products.

**Cross-contamination** - the transfer of harmful substances or disease-causing microorganisms to food by hands, food-contact surfaces, sponges, cloth towels and utensils that touch raw food, are not cleaned, and then touch ready-to-eat foods; can also occur when raw food, chemical containers or soil amendments touch ready-to-eat foods.

**Cryptosporidia** – a microscopic parasite that causes the diarrheal disease cryptosporidiosis.

**CSA (aka Community Supported Agriculture)** - a system in which a farm operation is supported by shareholders within the community who share both the benefits and risks of food production.

**Decomposition** – the state or process of rotting; decay

**EBT Card (aka Electronic Benefits Transfer Card)** - an electronic system that allows state welfare departments to issue benefits via a magnetically encoded payment card.

**E. coli** – a large and diverse group of bacteria; most strains of E. coli are harmless, others can make you sick.

**Edible** - anything that people can safely eat.

**Electronic Benefits Transfer Card (aka EBT Card)** - an electronic system that allows state welfare departments to issue benefits via a magnetically encoded payment card.

**Farm Food Safety Plan** - a set of written procedures that will help eliminate, prevent or reduce food safety hazards that may cause your customer to become ill or injured.

**Farmers Market** - a food market at which local farmers sell fruit and vegetables and often meat, cheese, and bakery products directly to consumers.

**Farm Stand** - – structure for displaying and selling farm produce.

**Food Borne Illness** - (also **foodborne disease** and colloquially referred to as **food poisoning**) is sickness resulting from the consumption of foods or beverages contaminated with disease causing microorganisms, chemicals, or other harmful substances

**Food Handling** – preparation and storage of food.

**Food Hub** - a centrally located facility with a business management structure facilitating the aggregation, storage, processing, distribution, and/or marketing of locally/regionally produced food products.

**Food Safety** - a scientific discipline describing handling, preparation, and storage of food in ways that prevent foodborne illness; routines that should be followed to avoid potentially severe health hazards.

**Food Safety Cross-contamination** - the transfer of harmful bacteria to food from other foods, cutting boards, utensils, etc., if they are not handled properly; especially when handling raw meat, poultry, and seafood.

**Food Safety Modernization Act (aka FSMA)**- reform of our food safety laws signed into law on January 4, 2011; aims to ensure the U.S. food supply is safe by shifting the focus from responding to contamination to preventing it.

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**GAP (aka Good Agriculture Practices)** - principles and specific methods to apply for on-farm production and post-production processes, resulting in safe and healthy food while taking into account economic, social and environmental sustainability.

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post-production processes, resulting in safe and healthy food while taking into account economic, social and environmental sustainability.

**Hand Washing Station** – a designated sink or location for the act of cleaning one's hands with soap and water for the purpose of removing soil, dirt, and/or microorganisms.

**Harvest** - the process or the result of gathering mature crops from the fields or gardens.

**Harvesting** – gathering mature crops from the fields or gardens.

**Hazard** - a biological, physical, or chemical property that may cause a food to be unsafe for human consumption.

**Hepatitis A** - a contagious liver disease that results from an infection with the Hepatitis A virus. It can range in severity from a mild illness lasting a few weeks to a severe illness lasting several months.

**Irrigation** - the supply of water to land or crops to help growth.

**Liability** - the state of being responsible for something, especially by law.

**License** - a permit from an authority to own or use something.

**Listeria** - bacteria that in some cases cause a serious disease called

listeriosis. The disease primarily affects older adults, pregnant women, newborns, and adults with weakened immune systems.

**Marketing** - the action or business of promoting and selling products or services.

**Market Manager** - an entity accountable for managing a product or business as **marketing** resources.

**Microbial Contamination** - Inclusion or growth of harmful microorganisms in an item used as food, making it unfit for consumption.

**Microorganism** – a form of life that can be seen only with a microscope; including bacteria, viruses, yeast, and single-celled animals.

**Neighborhood Market** - a physical retail market featuring goods sold directly by the farmers or producers to consumers.

**Norovirus** - the official genus name for the group of viruses previously described as “Norwalk-like viruses” (NLV). The most common symptoms are diarrhea, vomiting, and stomach pain. Noroviruses spread from person to person, through contaminated food or water.

**Packaging** - materials used to wrap or protect goods.

**Pathogen** - a bacterium, virus, or other microorganism that can cause disease.

**Permit** - An official document giving someone authorization to do something.

**Personal Hygiene** - Conditions or practices conducive to maintaining health and preventing disease, especially through cleanliness.

**pH** - a figure expressing the acidity or alkalinity of a solution on a logarithmic scale on which 7 is neutral, lower values are more acid, and higher values more alkaline, or basic.

**Pop-up Stand** - a small temporary tent or structure at a market, fair, or exhibition, used for selling goods.

**Potable** - Safe to drink.

**Product Liability Insurance** - Policy that pays for any damage or injury (within the limits of the cover provided) resulting from the use of the goods or services.

**Risk** - a situation involving exposure to danger.

**Salmonella** – a bacterium that occurs mainly in the intestine, especially a serotype causing food poisoning.

**Sanitation** - conditions relating to public health, especially the provision of clean drinking water and adequate sewage disposal.

**Sanitizer** - a substance or preparation for killing germs.

**Seller's License (aka Seller's Permit)**

– authorization to engage in business with the intention of selling.

**Seller's Permit (aka Seller's License)**

- authorization to engage in business with the intention of selling.

**Shigella** - a bacterium that is an intestinal pathogen of humans and other primates, some kinds of which cause dysentery.

**Single-use Containers** - an object that can be used to hold or transport something once.

**Single-use Gloves** – a hand-covering that prevents cross-contamination, and is disposed after one use.

**Storage** - the action or method of storing something for future use.

**Texas Cottage Food Law** – A law, passed in 2011, which allows people to sell specific low-risk foods directly to consumers from their homes, up to \$50,000 per year.

**Transportation** - The movement of something from one location to another.

**Vendor** - A person or company offering something for sale, especially a trader in the street.

**Warehousing Produce** - storing harvested fruits and vegetables in a commercial building.