

November 13, 2012

Helder Gil, Legislative Affairs Specialist
Department of Consumer and Regulatory Affairs
1100 4th Street SW, Room 5164
Washington, D.C. 20024



Re: Proposed Regulations to Amend Chapter 5 of Title 24 of the District of Columbia Municipal Regulations

The D.C. Farmers' Market Collaborative appreciates this opportunity to submit comments regarding the proposed vending regulations released October 6, 2012 which will be set forth in Chapter 5 of Title 24 of the District of Columbia Municipal Regulations.

Farmers' markets provide important benefits to the District by, among other things, offering healthy and fresh products to residents, and supporting local producers. Farmers' markets in D.C. also give back to the city by donating fresh fruit and vegetables to local nonprofits serving low-income families, and providing nutritious food to low-income residents through the WIC, Senior Farmers' Market Nutrition Program and Food Stamp (SNAP) programs. Many markets have raised money for "bonus bucks" to increase the buying power of low-income residents so that they can purchase more healthy foods. Several markets operate in so-called "food deserts," working to bring nutritious food to areas underserved by healthy food retail. In short, farmers' markets stand apart from traditional vendors, and, therefore, we feel that the District should regulate farmers' markets under different requirements and standards.

We thank DCRA for their continued efforts to work with the Collaborative on farmers' markets licensing and permitting in the first and second round of these regulations, and for including language that exempt Class C license holders from many provisions.

Specifically, we are in agreement with the pieces of the proposed regulations that remain unchanged from the second round of proposed regulations, which:

1. Clarify which provisions would apply to the activities of farmers' markets Class C Vending License Holders, which would not be issued Vending Site Permits.
2. Broadly define -- and thereby exempt from Class C license/permit requirements -- "persons selling" at farmers' markets.
3. Clarify that an individual person or entity managing a farmers' market needs only one Class C License, and with that license can operate at multiple locations (provided that the operator holds the necessary permits to operate at each location).

We support that these proposed regulations require market managers (either individuals or organizations) of farmers' markets to obtain a Class C Vending Business License from the Department

of Consumer and Regulatory Affairs (“DCRA”), and a Public Space Permit from the Department of Transportation (“DDOT”) or a Certificate of Occupancy for use of private space from DCRA. A Class C License Holder would not be required to obtain a Vending Site Permit from DDOT.

However, we are concerned about a number of proposed regulations in the current third round that do not fit with the realities of how farmers’ markets are run. Given the unique nature of farmers’ markets, we are concerned about how these obligations on the front end would impact them.

As an example, one proposed change (536.5) would require that we have DOH inspection certificates before we can apply for our annual permits. The problem is that many markets operate on a seasonal basis, and thus would not be operating at the time that they apply for permits. There would literally be nothing with food to inspect.

The new proposed regulations, unlike the previous version, have several provisions, such as 501.4 (b), that indicate persons holding Class C Vending Business Licenses are “food vendors” comparable to persons holding Class A Vending Business Licenses. Thus, we presume that persons seeking to obtain a Class C Vending Business License would be required to obtain the certificate and other documentation, and otherwise comply with the requirements in, Section 502.2. This is also confirmed by the newly added provision 536.5, in the section specific to farmers’ markets.

The issue of how best to promote farmers’ markets while ensuring for the health and safety of residents requires coordination among several district agencies, including DCRA, DOH and DDOT. Our goal from the beginning has been to seek the promulgation of regulations that acknowledge the unique circumstances of farmers’ markets and the important benefits that they provide. We believe that the changes in the most recent version result in a set of regulations that are written to focus on traditional food vendors and group farmers’ markets with traditional food vendors in ways that do not reflect the ways in which markets function and operate.

As such, the Farmers’ Market Collaborative believes that these regulations should create a clear, transparent and doable process to license and permit farmers’ markets that recognizes the unique value of farmers’ markets to the city’s business, nutrition, and community landscape (which we do not believe is the case in this current version), or create separate legislation. We also acknowledge the recent changes to the DOH food code (specifically, Chapter 37, subtitle A (Food and Food Operations) of title 25 of the DCMR), which we understand have been finalized, but have not yet been published in the D.C. Register. In this respect, we believe it is difficult to comment on the impacts to farmers’ markets caused by changes in the yet-to-be published DOH food code which are also reflected in these proposed regulations.

We would welcome the opportunity to meet with DCRA, as well as DOH, in relation to health code issues to craft provisions that will appropriately regulate our activities. We have been operating farmers’ markets in the District for 15 years, and have a wealth of knowledge about the intricacies of our operations as they might relate to DCRA as well as DOH. There are also excellent examples from

neighboring states that can serve as a template as we move forward in this conversation. We would like to work together with DOH and DCRA to ensure that we are meeting the highest standards, while reducing unnecessary burdens to government and streamlining requirements so that they best fit the actual practices of District farmers' markets.

Respectfully submitted,

The D.C. Farmers' Market Collaborative

The D.C. Farmers' Market Collaborative is convened by D.C. Hunger Solutions. Since 2007, this body of representatives from farmers' markets and anti-hunger organizations has promoted the benefits of farmers' markets and implemented strategies to increase market capacity to serve low-income communities. The Collaborative includes, among others: Bloomingdale Farmers Market, Columbia Heights Community Marketplace, DC Greens (Glover Park-Burleith), 14&U Farmers Market, FreshFarm Markets, Mount Pleasant Farmers' Market, Rose Park Farmers Market and the Ward 8 Farmers' Market. D.C. Hunger Solutions, an initiative of the Food Research and Action Center, is dedicated to ending hunger and improving the nutrition, health, and well-being of low-income people in the District of Columbia.

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