



Food Safety Guidelines for Public Markets

About this guide

This guide was prepared by Nova Scotia Environment and Climate Change to help operators of public markets meet food safety requirements. The wording may differ from the laws and regulations referred to. When accuracy is critical, consult official sources.

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Food Safety Guidelines for Public Markets
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1. Introduction

Nova Scotia Environment and Climate Change (ECC) has prepared these guidelines to help vendors who sell food products at public markets and organizers of public markets meet the food safety requirements set in the Nova Scotia Food Safety Regulations and the Nova Scotia Food Retail and Food Services Code.

If you operate an eating establishment, food shop, or mobile food service under a food establishment permit, and happen to be in the same location as a public market, you do not have to follow these guidelines.

Section 3 of the Food Safety Regulations (N.S. Reg. 52/2021), under the Health Protection Act, exempts some places where low-risk foods are prepared or sold. All other foods offered for sale must be prepared in a permitted food establishment.

2. Definitions

Food: A raw or processed substance, ice, beverage, milk or milk product used or intended to be used for human consumption, and an ingredient that may be mixed with food for human consumption.

Food Establishment: Any premises, including a mobile, stationary, temporary or permanent facility or location and the surroundings under control of the same person, in which food is processed, manufactured, prepared, labelled, served, sold, offered for sale or distributed free of charge, dispensed, displayed, stored or distributed, but does not include a dwelling except a dwelling used for commercial food-preparation (Health Protection Act, Section 75[c]).

Food Safety Consultant: An experienced food safety professional who provides expert knowledge for a fee. They work in an advisory capacity only and usually are not accountable for the outcome of a consulting exercise.

Low-risk Food: Food that is not potentially hazardous. In a public market, these are classed as Schedule B foods.

These food products do not pose significant health hazards by themselves, do not require refrigeration, and include whole fruits and vegetables and some baked goods. Low-risk foods are shelf-stable and have a pH level of 4.6 or below and/or a water activity of 0.85 or less.

Not for Profit: A community organization or a recognized charity operated for the good of a community or community organization. It does not include an individual or group operating for personal gain.

Organizer: A person issued a Public Market Organizer Permit and who has care, management, and control of the public market site.

Permitted Eating Establishment: A commercial kitchen that holds a Food Establishment Permit issued by EEC.

Potentially Hazardous Food: Foods having the potential to support the growth of pathogenic micro-organisms or the production of toxins. In a public market, these foods are classed as Schedule A food products.

These foods require temperature control to ensure food safety and can be any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish (edible mollusca and crustacea), or any other ingredients in a form capable of supporting growth of infectious and/or toxigenic micro-organisms. This does not include low-risk foods (see definition above).

Public Market: A venue where organized groups of vendors gather on a regular basis in a common location to market food and other items for which they are responsible, under the direction of a public market organizer. This includes food sales at any market setting.

For the purpose of this guideline

- A public market requires three or more food vendors, with at least one selling Schedule A foods
- regular basis means an established and planned schedule
- the sale of Schedule A products at these venues is restricted to no more than two business days per week

Public Market Organizer Permit: A Food Establishment Permit granted to the organizer, specific to the location where a public market (as defined above) is operated.

Public Market Vendors Permit: A Food Establishment Permit granted to a booth operator or for a Schedule A product in accordance with the Food Safety Guidelines Public Markets. This permit must be associated with a market holding a Public Market Organizer Permit. The food items authorized for sale under this permit may only be sold at the associated public market.

Vendor: A person who occupies a stall or space in a market for the purpose of offering food products for sale.

3. Permits

- The Inspection, Compliance and Enforcement Division of ECC issues public market permits. See Appendix 1 for applications and fees.
- Organizers of public markets, as defined below, must have a Public Market Organizer Permit. This permit must be issued before any Public Market Vendors Permits are issued.
- Vendors who sell Schedule A Foods (see Section 5) must have a Public Market Vendors Permit. Schedule A foods are typically potentially hazardous foods and may require temperature control.

- These permits must be posted where they can easily be seen by the general public.
- Vendors who sell at more than one public market must have a permit for each market. They will also pay the fee for each permit.
- Each permit allows vendors to sell for **two** days a week at one market.
- Where the market operates several days of the week, vendors who wish to operate more than two days per week may do so by applying and meeting the requirements for a Food Establishment Permit.
- Vendors need to apply at least two weeks before they intend to sell at the market to allow time for the application to be processed. A Public Health Officer will contact the vendor to discuss the application.
- Vendors who sell Schedule B foods (see Section 6) do not require a permit but are still subject to the Health Protection Act. Schedule B foods are typically low-risk foods that do not require temperature control.
- **Vendors (Schedule A and B) who sell foods at public markets do not have approval to sell these food products at retail/commercial food stores. Vendors should talk to their local Public Health Officer to learn requirements for retail/commercial sale.**

For organizers: proposed new market structures, renovations, or expansions made to existing structures must be forwarded to the Public Health Officer for review, recommendation, and approval before those proposed changes are made (as per section 18A of the Food Safety Regulations).

4. General Information for Vendors

Vendors must ensure that the physical setup of their booth or structure intended to house food service activities

- is protected from rain, wind, and direct sunlight
- has an overhead cover (canopy, tarp, or umbrella) to protect the food from contamination
- keeps sources of contamination (example: animals and young children) out of food handling areas

Food Hygiene

Training

- A minimum of one food handler, who is in charge, must have a valid food hygiene training certificate recognized by the department. It is recommended that all personnel involved in food preparation and service should attend a food hygiene course. For more information visit [Food Hygiene \(Handling\) Courses | Inspection, Compliance and Enforcement | Nova Scotia Environment](#)
- A vendor who has completed food safety training acceptable to the Public Health Officer must be on site at all times during the operation of a food service booth selling Schedule A products.

- Food hygiene courses will not be mandatory for vendors selling commercially prepackaged Schedule A foods, including inspected pre-wrapped meat/fish or eggs.
- Food safety training is recommended for Schedule B market vendors and public market organizers.

Food Handler Hygiene

- All food handlers must
 - wash their hands as often as is necessary to prevent contamination of food and food areas—especially after using the toilet or handling money
 - wear clean clothing
 - confine their hair (hairnets, hats)
 - refrain from eating, drinking, and smoking/vaping while working in the booth
 - wear vinyl gloves or refrain from handling food entirely if they have cuts and or bandages
 - not handle food, not help with food preparation, and not be in the booth if they have symptoms of an illness that could be spread. Symptoms include, but are not limited to, diarrhea, fever, vomiting, jaundice, and/or sore throat with fever.
- When multiple personnel are present, the vendor should designate one person to handle money only. This measure helps reduce the risk of contaminating food and food areas.

Handwashing

Proper handwashing is one of the most important things you can do if you handle food. Using gloves does not replace the need for proper handwashing.

- Vendors who sell Schedule A foods must have handwashing facilities at their booths along with liquid soap and paper towels in dispensers.
- Vendors do not need handwashing facilities if the food is prepackaged.

Handwashing station equipment includes

- sink or basin/gravity-fed container
- sufficient supply of running water
- liquid soap
- single-use paper towels
- wastewater disposed of in an appropriate manner

The type of handwashing equipment required depends on the level of food preparation done on site. See Appendix 2: Handwash Setup and the Equipment section (below).

Food Protection

Vendors must demonstrate to the Public Health Officer's satisfaction that they have controls in place to keep their product is safe.

Vendors must ensure that

- foods are protected from contamination at all times (i.e., properly covered with lids, plastic/aluminum wrap, or sneeze guards)
- thermometers are present in all coolers/refrigerators
- raw foods are displayed and handled separately from cooked and ready-to-eat foods to avoid cross-contamination
- food contact equipment and surfaces are smooth, non-absorbent, easily cleanable, and protected from contamination (see Appendix 3: Sanitizers)
- food service utensils and dishes are changed every two hours
 - If re-usable dishes/utensils are used and dishwashing is available, they can be properly cleaned and sanitized as required (see Appendix 3: Sanitizers).
 - If re-usable dishes/utensils are used and dishwashing is not available, dirty utensils can be stored in separate, labelled bags/containers away from clean utensils/dishes to prevent cross-contamination.
 - If disposable utensils/dishes are used, they must be discarded after two hours.
- if dishwashing equipment is made available in the vendor booth, the appropriate number and size to accommodate proposed operation is to be reviewed and accepted by a Public Health Officer
- all foods and utensils are stored at least 15 cm (6 inches) off the ground and protected from sources of contamination
- reusable dishware (such as mugs) are only used in markets that have a permitted kitchen with appropriate facilities for dishwashing. Otherwise, all items used by the public (example: plates, bowls, cutlery) are single service only. Re-use of single-service items is prohibited.
- self-serve condiments are either offered in individual packages or dispensed from a container that protects the condiment from contamination

Specific Guidelines for Schedule A Foods

- All ingredients used to prepare food (example: meats, fish, poultry, and eggs) must come from a source subject to inspection or be exempt from the Food Safety Regulations.
- Meat/fish vendors must keep records, invoices, and receipts so the food sources can be tracked.
- Ice and water are food items. The water used to make ice must come from a commercially bottled source, an approved municipal supply, or a potable (safe) water supply.
- Ice must be stored properly so it does not become contaminated.
- Foods must be prepared at a permitted commercial kitchen and stored there until the food is taken to the market to be sold. Vendors who do not own or operate a permitted commercial kitchen must submit a Permission to Use a Permitted Eating Establishment Form (See Appendix 4).
- Foods must be transported to the market in a manner that prevents contamination.

- Food must be stored, transported, and maintained at proper temperatures:
 - Cold foods must be kept at 4°C (40°F) or colder
 - Hot foods must be kept at 60°C (140°F) or hotter
 - Reheat foods to 74°C (165°F) or hotter
- Food probe thermometers must be available to monitor internal food temperatures and must be sanitized between uses.
- Unsold Schedule A products that were held hot must be discarded.
- Other unsold Schedule A products, depending on shelf life, must be returned to and held at the permitted eating establishment to be resold at a public market.
- Contact your local ECC office for more information before submitting your Public Market Vendor’s Permit application.

Equipment

- The equipment required depends on the level of food preparation that happens in the booth.
- If selling only prepackaged foods, the vendor does not have to have a dedicated handwash station.
- This table shows the minimum requirements. There may be additional requirements based on specific food and handling risks.

Levels of Preparation	Equipment Requirements
<ul style="list-style-type: none"> • Level 1: No food preparation is done on site (heat/cook to serve, hot holding, cold holding only). All preparation is done at a permitted commercial kitchen. 	<ul style="list-style-type: none"> • Handwashing—Gravity-fed handwashing station at booth if there is no plumbing on site. • Dishwashing—No plumbing on site or communal plumbing for dishwashing on site (hot and cold water).
<ul style="list-style-type: none"> • Level 2: In addition to level 1 activities, includes minimal food preparation done on site, such as mixing and cooking. 	<ul style="list-style-type: none"> • Handwashing—Hot/cold water (pressurized) handwashing station in immediate vicinity of booth. • Dishwashing—Communal dishwashing sinks on site of adequate size for pots and cooking ware OR in-booth dishwashing sink(s) of appropriate number and size to accommodate vendor operation. This must be reviewed/approved by a Public Health Officer. • Cooking equipment and appropriate surface for food contact (materials and adequate surface area).

<ul style="list-style-type: none"> • Level 3: In addition to level 1 and 2 activities, includes full preparation on site (cutting/chopping, using re-usable dishware for public). 	<ul style="list-style-type: none"> • Handwashing—Dedicated hot/water (pressurized) handwashing station within the booth. • Dishwashing—Dedicated preparation/dishwashing sink(s) on site of appropriate number and size to accommodate vendor operation. This must be reviewed/approved by Public Health Officer. • Cooking equipment and appropriate food contact surfaces (materials and adequate surface area).
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Coolers

- Styrofoam coolers are not permitted.
- Frozen gel packs or bottles of frozen water should be used instead of ice in a standard hard cooler. Pack coolers in layers with sufficient cold mass to maintain cold holding during market operation. Foods must be cold prior to packing for transport.

Labelling

People need to know what is in the food they are eating or drinking. Some people could become very sick or even die if they eat a food they are allergic to.

Labelling is also important for food tracking purposes.

- Vendors may need to label the foods they are selling at the market in accordance with the Canadian Food Inspection Agency (CFIA) and Health Canada requirements. Check with the local CFIA office to find out if the food needs to be labelled and what information is needed on the label.
- Vendors can also use this Food Labelling for Industry Toolkit available at: [http://www.inspection.gc.ca/food/labelling/food-labelling-for\[1\]industry/eng/1383607266489/1383607344939](http://www.inspection.gc.ca/food/labelling/food-labelling-for[1]industry/eng/1383607266489/1383607344939)
- Meat products must have a label showing the plant number(s) where meat was slaughtered and processed.
- Prepackaged meats must have labels on package.
- If products are packaged on site, there must be a label on the bulk package.
- All unpasteurized juices and ciders must be labelled as “unpasteurized.”

Sampling

Vendors offering food samples must follow these guidelines.

Schedule A foods must be

- prepared in a commercial kitchen that has a permit from ECC (see Appendix 4 - Permission to Use a Permitted Eating Establishment Form)
- kept cold at 4°C (40°F) or below, or hot at 60° C (140°F) or above, with adequate cooking equipment, probe thermometers, and hot and cold storage facilities

Schedule B foods must be stored in rigid, covered containers until they are served.

For Schedule A and B foods:

- Fresh fruit or vegetables must be washed before they are prepared for samples.
- Foods must be held and dispensed in clean and sanitary conditions at all times.
- Disposable gloves, tongs, scoops, or clean napkins must be used so food handlers do not touch the food with their bare hands.
- Food handlers must wear clean clothing and hair restraints.
- Toothpicks must be put in the samples so customers do not touch the food with their bare hands.
- A waste container must be provided.

5. Information for Vendors of Schedule A Foods

Schedule A foods can be hazardous to human health because bacteria can grow in the food and potentially make people sick.

Vendors who sell Schedule A foods must also follow the specific guidelines listed under Food Protection in Section 4 above.

Examples of Schedule A foods:

- Meat and meat products
- Fish and shellfish
- Poultry and poultry products
- Uninspected (“farm fresh”) eggs*
- Fruit and vegetable juices processed on site
- Unpasteurized juices, ciders**
- Milk, cheese, and other dairy products
- Cut fruits and vegetables
- Fruits and vegetables to be marketed as for ready-to-eat purposes (example: washed, bagged greens)
- Potentially hazardous dessert products (example: cream-/meat-filled pastries, cheesecakes, pumpkin pies, quiche, toppings that can support bacterial growth such as cheese, cream cheese, or egg base frosting, whipped cream, meringue, sliced fruit/berries, etc.)

- Fresh refrigerated condiments (example: pesto, salsa, chutney, salad dressings containing raw egg)
- Plant-based foods (example: hummus, nut cheese, plant-based burgers/sausages)
- BBQ hotdogs, hamburgers, sausages, kabobs etc.
- Sandwiches
- Drinks requiring refrigeration (example: smoothies, bubble tea)
- Any other prepared food that is capable of supporting bacterial growth (such as samosas, pizza, falafels, salads, tofu, pierogies, sushi, meat pies, cooked vegetables, pasta, baked potatoes, baked beans, stews, curries)

Note* Uninspected eggs must only be sold to the final consumer and must be clean, washed and crack free

** Vendors selling unpasteurized juice or cider must have the process evaluated by a food safety consultant and submit the documentation to the Public Health Officer. Find more information here: <https://inspection.canada.ca/preventive-controls/-u-fruit-juices-and-ciders/eng/1510684506336/1510684544698> and <https://www.canada.ca/en/health-canada/services/food-nutrition/legislation-guidelines/policies/guidance-document-unpasteurized-fruit-juice-cider-2014.html>. These products must also be labelled “unpasteurized” and properly stored and refrigerated at 4°C (40°F) or colder, or frozen at -18°C (0°F). Ciders/juices that are pasteurized to the CFIA standard of a 5-log reduction of E. coli O157:H7, but are not commercially sterile, must also be refrigerated at 4°C (40°F) or colder frozen at -18°C (0°F).

6. Information for Vendors of Schedule B Foods

Schedule B foods are not potentially hazardous foods. They include shelf-stable foods that can be kept safely at room temperature. Occasionally, these foods are refrigerated for food quality only (example: chocolates).

Low-risk foods have a pH level of 4.6 or below or a water activity of 0.85 or less.

- Vendors selling Schedule B foods are not required to have a permit under the Food Safety Regulations but are subject to the Health Protection Act.
- However, a Public Health Officer may ask for the vendor’s recipes or processes to make sure the food is safe. The vendor may need to have the food tested by a third-party food safety consultant.

Examples of Schedule B foods:

- Fruit-based jams and jellies, high acid pickles with a pH 4.6 or lower or Aw 0.85 or lower or use of a scientifically validated recipe. See these resources:
 - <https://nchfp.uga.edu/>

- <https://www.freshpreserving.com/>
- <https://www.bernardin.ca/>
- Baked goods, cakes, and pastries (excluding cream/meat fillings, and toppings that can support bacterial growth, such as cheese, cream cheese, or egg-based frosting, whipped cream, meringue, sliced fruit/berries, etc.)
- Hard candy, fudge, cotton candy, popcorn, chocolate
- Non-perishable chocolate-covered products
- Pasteurized fruit juices
- Honey
- Maple products
- Nut butter
- Reconstituted powdered drinks (water used must be from a commercially bottled source, an approved municipal water supply, or a potable water supply)
- Coffee and tea (milk/cream to be kept at temperatures of 4°C [40°F] or colder, and water used must be from a commercially bottled source, an approved municipal water supply, or a potable water supply)
- Whole fruit or vegetables, cut for harvest
- Wild edibles (example: fiddleheads, fungi, edible flowers etc.)—is the vendor’s responsibility to ensure that the plants are safe and of the edible variety per [Section 91\(1\) of the Health Protection Act](#)
- Bagged greens (only cut for harvest and no claims of pre-washed)
- Sprouts (visit: [Preventive controls for the hygienic production of sprouted seeds - Canadian Food Inspection Agency \[canada.ca\]](#) for more information)
- Dried fruits
- Dried pasta (excluding egg-based)
- Dry cereals, granola, trail mixes, grains, seeds, herbs, spices, loose tea leaves
- Some fermented products* (example: sauerkraut, kimchi, kombucha)
- Home-bottled/preserved, shelf-stable products* (example: tomatoes, beans, carrots, mushrooms, salsas, vegetable-based jams, pesto, sauces, dressings, any other product deemed by a Public Health Officer). These foods must have a pH of 4.6 or less, or a water activity of 0.85 or less.

* The foods in the list above that have an * must be tested by a third-party food safety consultant. The consultant will give the vendor a report indicating whether the recipes that were submitted are acceptable to produce a safe food product. The report must indicate any parameters that require monitoring to ensure compliance, such as pH, water activity, additive levels, and time/temperature, and must include accredited lab results. If the report indicates that the food product meets the definition of a Schedule B product, the vendor must show this report to the local Public Health Officer, who will give a Schedule B letter stating the vendor is allowed to sell these products.

7. Information about Other Food Products

Schedule C Foods

These foods present the highest risk to public health and are not permitted to be sold in a public market.

Examples of Schedule C Foods:

- Raw milk
- Low-acid canned/bottled food (not commercially produced) such as tomatoes, salsa, mushrooms, beans, and carrots (a pH of equal to or greater than 4.6) without product testing verification from an accredited laboratory
- Home-bottled meat, canned fish, smoked fish, shellfish and seafood products that are not produced in a licensed facility
- Uninspected meat, poultry
- Potentially hazardous food that has been stored at temperatures between 4°C (40°F) and 60°C (140°F) or prepared under unsanitary conditions
- Other such foods deemed to be unacceptable by the Public Health Officer

Novel Foods, Natural Health Products, Foods with Medicinal Claims

Novel foods, natural health products, and products with medicinal claims (example: chaga tea, tinctures) or health claims may fall under federal jurisdiction and require contact with Health Canada. Please review the following links to determine if food products fit into these categories:

- <https://www.canada.ca/en/health-canada/services/food-nutrition/genetically-modified-foods-other-novel-foods.html>
- <https://www.canada.ca/en/health-canada/services/drugs-health-products/natural-non-prescription/regulation.html>

Any novel foods must be reviewed and approved by Health Canada and documentation reviewed by the Public Health Officer before offering for sale to the public.

8. Information for Organizers

The public market organizer is responsible for the following:

General Responsibilities

- Ensure all food vendors are aware of the policies and guidelines for selling food, including the Food Safety Guidelines for Public Markets.
- Refer all food vendors to a Public Health Officer for consultation.
- Ensure vendors selling Schedule A foods have the proper permit.
- Maintain a list of vendors and what they sell—this list must be kept current and given to the Public Health Officer upon request.

- Be present on site while the market is open (or have a designated alternate present on site).

Structure

- Ensure the structure (building) where the market is located has been approved by a Public Health Officer.
- Keep the building and grounds free of pests.
- Keep the walls, floors, ceilings, and equipment clean and in good condition.
- Prevent dust and dirt from getting into food if the market is held on grass or ground.
- Get approval from the Public Health Officer for any new market structures, renovations or expansions made to existing structures before the changes are made.

Water

- The water supply must be safe for humans to drink. If the water comes from a private supply, regular testing must be completed.
- Water sample results must be made available to the Public Health Officer on request, if applicable.

Wastewater

- Wastewater must be plumbed directly into a sanitary sewer or on-site sewage disposal system.
 - However, if direct plumbing is not available, store wastewater in a covered, durable container (see Appendix 2: Handwash Setup) and dispose of it in an approved sanitary sewer, bathroom facility, or holding tank. Wastewater must not be disposed of by pouring over the surface of the ground or in a storm sewer.

Solid Waste

- Store all garbage generated by the public market in covered rodent- and insect-proof containers that are properly managed to prevent odour issues.
- Provide a sufficient number of covered garbage containers on the site. Have one approximately every 30 m (100 ft).
- Emptied garbage containers as often as necessary and follow provincial solid waste diversion (recycling) requirements.
- Provide a commercial-type container or dumpster at large markets and empty it as often as necessary.

Washrooms

Washrooms for vendors and the public are required in the vicinity of an outdoor public market, or in the building of a closed structure public market, in accordance with the NS Food Retail and Food Services Code.

- For outdoor markets, portable, self-contained toilets may be used at the discretion of the Public Health Officer.
- Arrange to have these toilets on site during market hours.
- Ensure the toilets are maintained.
- Provide handwashing near all public toilets/washrooms. This includes running water, liquid soap, and disposable paper towels in a holder. See Appendix 2 – Handwash Setup.
- The Public Health Officer has the right to refuse or limit food preparation in outdoor markets that do not have hot/cold running water.

For more information on food safety, visit novascotia.ca/nse/food-protection/

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Email: ice@novascotia.ca

Appendices

1 Application

2 Handwash Setup

3 Sanitizers

4 Permission to Use Permitted Eating Establishment Form