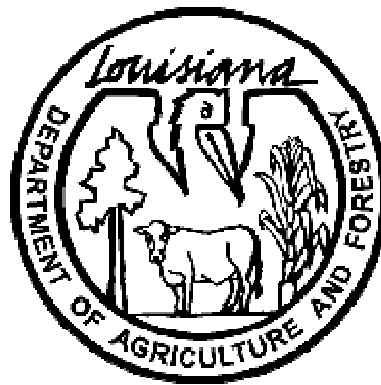


LOUISIANA FARMERS' MARKET NUTRITION PROGRAM - 2023

FARMER HANDBOOK



LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY
MIKE STRAIN DVM, COMMISSIONER

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FARMER HANDBOOK
For Farmers Participating in the
Louisiana Farmers' Market Nutrition Program

**Program Guidelines, Policies & Procedures, Complaint Process,
Abuse & Sanction Policy and Procedures for Offering, Conducting
and Rendering Final Decisions on Hearings**

PROGRAM GUIDELINES

The purpose of the Farmers' Market Nutrition Program (FMNP) is to improve the health of low-income seniors and WIC clients (if applicable) and encourage the purchase of locally grown fresh fruits, vegetables and cut herbs directly from farmers; additionally, the purchase of honey by seniors is authorized, but it is **not** an eligible food for WIC FMNP participants. A direct purchase of eligible produce increases the farmers' share of the food dollar, keeps more of the consumer dollar in local communities and helps to revitalize rural areas.

In Louisiana, the programs are administered by the Louisiana Department of Agriculture and Forestry (LDAF) in cooperation with the Louisiana Governor's Office of Elderly Affairs, local Councils on Aging, Catholic Charities Archdiocese of New Orleans, Louisiana Department of Health and local WIC clinics (where applicable for the WIC FMNP).

The Farmer Handbook contains an overview of the FMNP and regulations/guidelines of the FMNP for participating farmers. Farmers are responsible for ensuring that their employees and agents selling at the markets know and follow these regulations and guidelines. Non-compliance by any farm representative is the responsibility of the farmer who signs the FMNP Farmer Participation Agreement.

If you have questions or concerns, contact:

Louisiana Department of Agriculture and Forestry:

Michelle Estay

FMNP Director

Tel: (985) 345-9483

Fax: (225) 237-5630

E-mail: fmnp@ldaf.state.la.us

Farmers' Eligibility to Participate

Farmers must be certified by the Louisiana Department of Agriculture and Forestry (LDAF) to participate in the program. In order to be certified, farmers must receive training and sign a FMNP Farmer Participation Agreement with the LDAF agreeing to comply with all program requirements.

Farmers must activate and use the SoliMarket Register application throughout the season to process food benefits card transactions. This application is available to farmers at no cost upon signing the Farmer Participation Agreement and approval by LDAF.

Farmers may accept food benefits only at markets authorized to participate in the program. Farmers must select the authorized market in the SoliMarket Register application where they will sell and process food benefits card transactions each time they attend a market.

"Locally Grown" Farm Produce Requirements

Locally Grown: Farmers may accept FMNP food benefits only for locally grown produce. A list of eligible produce is included in this handbook. For the purpose of this program, **“Locally Grown” means: Grown in the State of Louisiana; in addition, locally grown also means produce grown by farmers in contiguous states to Louisiana who are members in good standing of their respective farmers’ markets and whose FMNP Participation Agreement must be approved by the LDAF Commissioner of Agriculture and Forestry or his designee. Prior to approval by LDAF of an out-of-state farmer applicant, justification must be presented by the respective farmers’ market management that his/her approval will be beneficial to the success of the market and to the Louisiana FMNP and without detriment to their Louisiana farmer members.**

Food benefits redemption is limited to fresh fruits, vegetables, cut herbs and honey (note: honey is only for seniors who are transacting SFMNP benefits) produced by a farmer on his/her farm. This may include land under lease, provided that the farmer who leases the land carried out the production (e.g., cultivation, planting, harvesting, etc.) In addition to the produce they grow, farmers may accept food benefits for eligible Louisiana produce that they buy and resell only **if** reselling of produce is allowed by the local farmers' market rules.

With respect to produce sold by certified farmers at roadside stands, food benefits may be taken only on Louisiana grown produce; however, the certified farmer's produce must represent a substantial portion of locally grown produce sales at the stand where food benefits are taken.

Farm Visits

In order to participate in the program, a farmer must allow on-farm visits by the local parish extension agent and/or representative of the LDAF to verify product sources and acreage under production. Farmers must provide the necessary assistance to allow inspectors to document crops and conditions at the time of visit. Farm visits may be by appointment or unannounced.

Display of Prices

Farmers must clearly post prices on eligible produce or on a sign next to the produce for which food benefits can be taken. Eligible produce is to be offered to FMNP food benefits recipients at the same price or a lesser price as to other customers and should never be greater than the posted price.

Quality of Produce

Eligible produce sold to food benefits recipients must be at least equal to the quality offered to the general public.

Description of Food Benefits Card

Senior Farmers' Market Nutrition Program food benefits cards have a total value of \$50.00. WIC Farmers' Market Nutrition Program food benefits cards have a value of \$30.00 per participant in the household which may have multiple participants. Each eligible recipient receives a food benefits card with a QR code that must be scanned by a certified farmer's SoliMarket Register application to process a food benefits card transaction. The value of the food benefits card depends upon the level of funding received from the USDA, Food & Nutrition Service.

Food Benefits Expiration Date

Farmers must not accept food benefits after the expiration date which is November 30 of each year, unless authorized in writing by the FMNP Director. Written authorization for an expiration date extension will be provided only if approved by the USDA, FNS.

Eligible Foods

FMNP food benefits are good only for locally grown fresh fruits, vegetables, cut herbs and honey (seniors benefit cards only). Produce may be cleaned, trimmed, shelled, cut and packaged, but not otherwise processed, heated or cooked. A list of eligible foods is included in this handbook. Food benefits may **not** be used to purchase jelly, jam, eggs, baked goods, meat, seafood, cheese, syrup, nuts and seeds of any kind, cider, plants, flowers, decorative pumpkins or gourds, other non-food items or items not locally grown as defined in this handbook.

Receiving Food Benefits from Customers

- FMNP food benefits cannot be exchanged for cash or given away.
- Do not give change for food benefits purchases. The amount of the food benefits card transaction entered into the SoliMarket Register application must be for the same amount as the sale.
- Do not collect state or local sales taxes on purchases made with FMNP food benefits.
- Do not accept food benefits cards that are damaged, canceled, marked “VOID,” or appear to be reproduced or tampered with. If you suspect any type of food benefits card abuse, please do not attempt to confiscate a benefits card and do not accept it for transactions; but please report suspicious activity to the market manager or LDAF immediately.
- FMNP customers should pay the same price for the produce as do other customers. Any overpricing for FMNP purchases is forbidden.
- FMNP customers should receive the same quality of produce as do other customers. Selling lower quality produce only to FMNP customers is forbidden.
- Do not accept food benefits after the stated expiration date, unless authorized in writing by LDAF.
- All customers should receive courteous service. Federal law prohibits discriminating on the basis of race, color, national origin, sex, age, or disability.
- Farmers who sell produce by weight must use a scale certified by LDAF. Those who sell by unit of measure must also comply with any applicable LDAF Weights and Measures Rules and Regulations.

Monitoring Activities

Louisiana Department of Agriculture and Forestry will conduct regular monitoring activities to ensure compliance with the Farmers' Market Nutrition Program regulations and guidelines. These activities include:

- Regular visits to markets to check for posting of Vendor Display Signs and proper posting of prices which can readily be seen by customers and to answer any questions about program procedures.
- Compliance buys to check for proper food benefits redemption procedures on eligible/ineligible foods and improper cash change back.
- Farm visits to verify production sources by farmers.

The Louisiana Department of Agriculture and Forestry will investigate alleged violations and assess sanctions in accordance with the FMNP Farmer Participation Agreement and Farmer Handbook. Any certified farmer may file a grievance with the FMNP Director whose contact information is contained herein.

Payments may be withheld for all food benefits involved in infractions. If food benefits have already been paid, repayment may be sought. Repeated or blatant infractions may result in disqualification from the program. A farmer who commits fraud or abuse is liable for prosecution under applicable Federal, State and local laws. Disqualification from FMNP may result in disqualification from accepting SNAP EBT.

Reimbursement for Farmers' Market Nutrition Program Food Benefits

In order to receive payment for FMNP food benefits, the farmer must:

- Activate the SoliMarket Register application on an iOS or Android mobile phone or tablet with a working connection to the internet.
- Select the authorized farmers' market or roadside stand where food benefits card transactions occur.
- Scan the QR code on the Senior or WIC FMNP recipient's food benefits card.
- Select the food category for the purchase [fruits and vegetables, herbs or honey (seniors only)] and the purchase price.
- Present the register summarizing current transaction details for food benefits recipient to accept or cancel. If accepted, the food benefits recipient must enter his or her PIN code to conclude the sale.
- Payment will be made to farmers for food benefits transactions on a weekly basis via ACH transfer.

Please refer to the "SoliMarket Mobile Application User Guide" for detailed instructions on using the SoliMarket Register application and notify Michelle Estay, FMNP Director, at (985) 345-9483 if you experience any difficulties.

LIST OF ELIGIBLE FRUITS, VEGETABLES, CUT HERBS & HONEY (SENIORS ONLY)

Only locally grown fresh fruits, vegetables, cut herbs and honey (seniors only) may be purchased with Farmers' Market Nutrition Program food benefits. Food benefits may **not** be used to purchase jelly, jam, eggs, baked goods, meat, seafood, cheese, syrup, nuts and seeds of any kind, cider, plants, flowers, decorative pumpkins or gourds, other non-food items, any other item not listed below, or any items not locally grown as defined in this handbook.

Fresh Vegetables

Acorn Squash
Artichokes
Arugula
Asparagus
Banana Peppers
Beans
Beets
Bell Peppers
Broccoli
Brussels Sprouts
Butter Beans
Butternut Squash
Cabbage
Carrots
Cauliflower
Celery
Chinese Cabbage
Collards
Cucumbers
Cushaw
Eggplant
English Peas
Garlic
Green Onion/Leeks/Shallots
Greens
Hot Peppers
Irish Potatoes
Kale
Kohlrabi
Lettuce
Mirlitons
Mushrooms
Mustard Greens
Okra
Onions
Parsley
Peas
Pumpkins
Radishes
Rutabagas
Snap Beans
Spinach
Sweet Corn
Sweet Potatoes
Swiss Chard
Tomatoes
Turnip Greens
Turnip Roots
Yellow Squash
Zucchini

Cut Herbs

All cut herbs for human consumption.

Fresh Fruits

Bananas
Berries
Blackberries
Blueberries
Cantaloupes
Figs
Grapefruit
Grapes
Kumquats
Lemons
Mandarins
Mayhaws
Melons
Muscadines
Nectarines
Oranges
Peaches
Pears
Persimmons
Pineapple Guava
Plums
Pomegranates
Satsumas
Strawberries
Tangelos
Tangerines
Watermelons

Honey (Seniors Only)

Allowable Forms of Honey

- Comb Honey**-honey that comes exactly as it was produced in the hive.
- Cut Comb Honey**-liquid honey that may have added chunks of the honey in the jar.
- Liquid Honey**-honey that is 100 percent pure, is free of visible crystals and has been extracted directly from the honey comb.
- Naturally Crystallized Honey**-honey that is spontaneously crystallized.
- Kosher/Wild/Organic Honey**-100 percent pure, conventionally produced honey which is free of chemicals, drugs and antibiotics.
- Honey Sticks**-liquid honey in a straw. Unflavored variety only.

Unallowable Forms of Honey

- Whipped/Sugared/Creamed Honey**-honey that has been whipped into a crystallized state.
- Dried Honey**-honey that has been dehydrated and mixed with other ingredients.
- Flavored/Fruited Honey**-honey that has fruit, coloring or flavoring added.
- Pasteurized Honey**-liquid honey that has been heated to a very high temperature.
- Infused Honey**-honey that has flavors of herbs, spices or peels added.

RULES AND PROCEDURES FOR PARTICIPATING FARMERS

These rules and procedures apply to all farmers participating in the Louisiana Farmers' Market Nutrition Program. They should be reviewed before signing a Farmer Participation Agreement.

PART I: BASIC POLICIES AND PROCEDURES

1. Food benefits may be accepted only for “fresh, nutritious, unprepared foods for human consumption.” In Louisiana, “authorized” or “food benefits-eligible” foods are locally grown fresh fruits, vegetables, cut herbs and honey (seniors only). Food benefits may NOT be accepted for other products such as meat, seafood, eggs, cheese, syrup, nuts and seeds, jam, cider, baked goods, plants, decorative pumpkins or gourds.
 2. The term, “Locally Grown” means: Grown in the State of Louisiana; in addition, locally grown also means produce grown by farmers in contiguous states to Louisiana who are members in good standing of their respective farmers’ markets and whose FMNP Participation Agreement must be approved by the LDAF Commissioner of Agriculture and Forestry or his designee. Prior to approval by LDAF of an out-of-state farmer applicant, justification must be presented by the respective farmers’ market management that his/her approval will be beneficial to the success of the market and to the Louisiana FMNP and without detriment to their Louisiana farmer members.
 3. The terms, “certified” or “participating,” refer to farmers who have signed a Farmer Participation Agreement promising to abide by these “Rules and Procedures” and who have not been disqualified from the program.
 4. Food benefits may be accepted only by certified farmers who grow fresh fruits, vegetables, cut herbs and honey (seniors only) to sell at authorized farmers' markets and roadside stands.
 5. Certified farmers may not redeem food benefits on behalf of unauthorized vendors.
 6. Where permitted by the farmers’ market rules, a certified farmer may accept food benefits for the purchase of eligible, locally grown fresh produce that is produced by someone else but sold by the farmer in addition to his/her own fresh produce.
- If the farmers’ market rules state that their farmer members can only sell what they grow, then FMNP food benefits may not be accepted for produce grown by someone else.**

7. If a farmer sells both eligible and ineligible foods, signs or some other form of identification should be prominently displayed near the eligible foods so that customers can easily see which foods may or may not be purchased with food benefits. Where market rules permit a farmer to sell produce that is not locally grown, these foods must be physically separated from the food benefits-eligible foods and must be displayed with a sign or some other form of identification stating that they may not be purchased with Farmers' Market Nutrition Program food benefits.
8. Food benefits may be accepted only at authorized farmers' markets and roadside stands during advertised or published market hours.
9. To be authorized to accept food benefits, eligible produce farmers must receive training and sign a Farmers' Market Nutrition Program Farmer Participation Agreement promising to comply with FMNP Rules and Procedures.

10. Each completed Farmers' Market Nutrition Program Farmer Participation Agreement must list all authorized markets in which the farmer participates. The authorized market in which the farmer is selling at the time must be selected in the SoliMarket Register application when processing food benefits card transactions.
11. A farmer who accepts food benefits at more than one authorized market shall select the authorized market in the SoliMarket Register application where he or she will sell and process food benefits card transactions each time they attend a market.
12. No state or local sales taxes may be collected for food benefits purchases.
13. Under no circumstance may food benefits be exchanged for cash. (See Part III regarding disqualification from the program.)
14. No cash change may be returned to food benefits shoppers. There are no exceptions, even for customers wanting only a small amount of food.
15. Farmers may accept cash along with food benefits for sales to food benefits shoppers if available benefits do not cover the complete cost of the sale. For example, if a food benefits shopper has \$3.50 worth of available food benefits left on his or her card, a \$5.75 purchase may be paid for with the remaining benefits and \$2.25 cash.
16. Farmers must offer eligible produce to food benefits shoppers at the same, or a lesser price charged to other customers. The food benefits card transaction amount entered into the SoliMarket Register application must be for the same amount as the sale.
17. Farmers must offer food benefits shoppers the same courtesies offered to other customers. Any customer presenting a food benefits card should be presumed to have obtained it legitimately. Keep in mind, family members or friends may be designated proxies and do the farmers' market shopping for food benefits recipients.
18. By law, no person shall be denied participation in the Farmers' Market Nutrition Program, or otherwise be discriminated against, on the basis of race, color, national origin, sex, age, or disability. (See Part II.)
19. Certified farmers must display the Louisiana Farmers' Market Nutrition Program Vendor Sign at their market stands during market hours. The sign helps identify participating farmers and prevents shopper embarrassment at having to ask if the farmer accepts food benefits. If the sign is lost, damaged or destroyed, the farmer should contact the LDAF to obtain a replacement sign.
20. Food benefits may not be accepted after their expiration date (including any approved expiration date extension). Expired food benefits must be refused.
21. At the end of the season, participating farmers may be asked to respond to a survey intended to collect: (a) comments and suggestions to help the LDAF understand and correct problems about the program; (b) information used to evaluate and promote Louisiana farmers' markets and the Louisiana Farmers' Market Nutrition Program; and (c) information needed to comply with federal requirements that measure the program's effect on farmers' markets.
22. Participating farmers will be monitored by the LDAF for program compliance. Monitoring may include both overt and covert monitoring. The LDAF may also inspect a farm site if a farmer is allegedly accepting food benefits for foods that are not locally grown. The farm visit may be by appointment or unannounced.

23. A farmer who receives a Disqualification Letter from LDAF must immediately remove the Louisiana Farmers' Market Nutrition Program sign from his/her market stand(s) and stop accepting the food benefits until further notice. No transactions will be reimbursed while a farmer is under disqualification (See Part III.)
24. The LDAF may establish a claim for payments made to a farmer for food benefits redeemed in violation of program requirements.
25. Farmers' Markets are self-governing and may elect to expel a farmer from the market. Market managers are encouraged to help monitor Louisiana Farmers' Market Nutrition Program activities at the site to ensure that all participating farmers are operating in compliance with program requirements and to notify LDAF if they suspect a farmer is violating program rules. Only the LDAF may disqualify a certified farmer from participation in the program if the farmer is still an active member of the market and selling eligible foods.
26. If a farmer is expelled or disqualified from participating in a farmers' market by the local governing body, that farmer is automatically disqualified from participation in the Farmers' Market Nutrition Program for that market until such time of reinstatement by the farmers' market governing body. Farmers' markets should report to LDAF promptly if a farmer is disqualified or expelled by the market.

PART II: COMPLAINT PROCESS

1. HOW TO FILE A COMPLAINT

Complaints about the program may be reported to the Louisiana Farmers' Market Nutrition Program Director at the Louisiana Department of Agriculture and Forestry.

To file a complaint, contact:

Michelle Estay
Farmers' Market Nutrition Program Director
Louisiana Department of Agriculture and Forestry
47076 N. Morrison Blvd.
Hammond, LA 70401-7308

Or Deliver to:

47076 N. Morrison Blvd.
Hammond, LA 70401-7308
Phone: (985) 345-9483
FAX: (225) 237-5630
Email: fmnp@ldaf.state.la.us

2. CIVIL RIGHTS

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. **mail:**
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
Program.Intake@usda.gov

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PART III: ABUSE AND SANCTION POLICY - FARMERS

For the following abuses, the Louisiana Farmers' Market Nutrition Program Director may impose a disqualification of certification for a period not to exceed three (3) months:

1. Failure to truthfully complete the FMNP Farmer Participation Agreement for certification.
2. The issuance of any document, such as a rain check, giving a food benefits recipient or proxy the right to receive an eligible food at another time after the recipient or proxy has used the food benefits to pay for the food item.
3. Accepting food benefits after the expiration date or the extended date, if applicable.
4. Failure to offer food benefits recipients and proxies the same courtesies extended to other customers.
5. Seeking restitution from a food benefits recipient or proxy for food benefits not paid for by the LDAF.
6. Failure to clearly mark or post prices, including sales prices, either on the eligible foods or on a sign easily visible to customers.
7. Failure to provide only fresh, locally grown eligible produce to food benefits recipients in exchange for FMNP food benefits.
8. At the option of the Farmers' Market Nutrition Program Director, written notices to the farmer may be issued for noncompliance of program requirements prior to issuing a sanction of certification disqualification.

For the following abuses, the Farmers' Market Nutrition Program Director may impose a disqualification for a period of time not to exceed three (3) years:

1. Exchanging food benefits for cash or anything of value other than FMNP eligible foods or providing change for a FMNP food benefits transaction.
2. Failure to provide FMNP eligible foods to food benefits recipients or proxies at the same or lesser price posted and/or charged to other customers.
3. Seeking reimbursement from the LDAF for food benefits accepted on behalf of another business or individual that is not a certified farmer.
4. Collecting sales tax for eligible foods purchased with FMNP food benefits.
5. At the option of the Farmers' Market Nutrition Program Director, written notices to the farmer may be issued for noncompliance with program requirements prior to issuing a sanction of disqualification.

Before any sanction is taken, the farmer will be notified of the violation, proposed sanction and right to a fair hearing. Decisions regarding disqualification of a farmer from the Farmers' Market Nutrition Program will take into account any possible adverse effect on the services being provided to the local recipient population. Fraud or other abuses of federal regulations may be subject to prosecution.

PART IV. PROCEDURES FOR OFFERING, CONDUCTING AND RENDERING FINAL DECISIONS ON HEARINGS

The Louisiana Department of Agriculture and Forestry will provide farmers with a written notification of any adverse action due to failure of the farmer to comply with the FMNP Participation Agreement and Farmer Handbook. This notification will include the causes for the action as well as the effective date of the action and will be provided to the farmer as quickly as possible. Delivery of the notice will be made by certified mail, return receipt requested, to the last address provided by the farmer during the most current certification or may be made in person by an authorized representative of LDAF. It is the responsibility of the farmer to notify LDAF of any address changes or corrections after the most current certification. The notification will outline the farmer's right to appeal the action within fifteen (15) days of the date of the notice and have a decision concerning the appeal issued within sixty (60) days; it will also list the address to which a hearing request must be sent or delivered.

Upon receipt of a request for a fair hearing, LDAF will schedule a hearing before an impartial decision maker selected by LDAF. This decision maker will in no manner have participated in the decision to take adverse action against the farmer. Notice of the hearing will be sent via certified mail, return receipt requested, to the farmer or his representative. This notice will include the date, time and location of the hearing and will be mailed no less than ten (10) days prior to the scheduled date.

The farmer and LDAF shall each have one opportunity to reschedule the hearing date upon specific request to the impartial decision maker. If the postponement will prevent the decision from being rendered within the sixty (60) day period, the impartial decision maker will deny the postponement unless the farmer waives the right to a decision within that period.

A disqualification from the FMNP shall take effect on the effective date specified by LDAF in the initial notification regardless of the scheduled date of the hearing.

Subpoenas may be issued by LDAF to compel the attendance of witnesses or the production of documents at the hearing. Any such subpoenas shall be served in the manner prescribed by Louisiana State law. Subpoenas will be issued upon request of the farmer or his representative if such request is received by LDAF no fewer than seven (7) days before the date set for the hearing.

At the hearing, the farmer shall have the opportunity to present his case orally or in writing and to confront and cross-examine adverse witnesses. The farmer shall have the opportunity to be represented by counsel if desired and will have the opportunity to review the case record before the hearing.

The impartial decision maker shall issue a written decision within sixty (60) days from the date LDAF received the request for the hearing. The decision will be made based solely on the evidence presented at the hearing and the statutory and regulatory provisions governing the FMNP. The impartial decision maker shall describe the basis for his decision; however, he does not need to prepare a full opinion of formal findings of fact and conclusions of law. The decision shall be delivered to the farmer, by certified mail, return receipt requested. The decision of the impartial decision maker shall be final and not subject to further administrative proceedings.

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