

# Food Establishment Resource Library



## Gardens in Food Establishments Fact Sheet

As more chefs are recognizing the value of fresh produce and use innovation in their presentation of their menu, the Southern Nevada Health District's Environmental Health Division (EHD) has received inquiries on the requirements for having an onsite garden for growing various types of produce, including herbs.

These food products grown onsite at a food establishment are used as ingredients in menu items served/sold to the public who patronize the facility.

This fact sheet explains why such activity requires food establishment operators maintain a producer's certificate and provides information on how the certificate can be obtained.

A health district issued food establishment permit does not apply to a food establishment onsite garden because neither the 2010 Regulations Governing the Sanitation of Food Establishments (Regulations) nor the FDA Food Code addresses what has not been harvested.

Section 3-201.11 (A) of the regulations states that, "Food shall be obtained from an approved source". The health district is not the regulatory authority for food products that are still in the soil. Rather, it is the agency of jurisdiction responsible for verifying an approved source; "approved" as defined in the food regulations means, "Acceptable to the Health Authority based upon conformance with appropriate, accepted or recognized industry standards, and good public health practice."

The Nevada State Department of Agriculture (NDA) is the recognized authority in Nevada for source verification and standards for onsite growers of agricultural products.

- The NDA sets standards for pesticide use and site conditions.
- The producer's certificate issued by the NDA is the most recognized means to prove source from season to season.
- The health district recognizes the producer's certificate as the standard for source identity specific to location where products are grown.

The health district requires food establishment permit holders to maintain records of food source. If a food establishment operator grows food onsite, agricultural products that will be used in whole or as an ingredient of menu items purchased by patrons of the establishment, we require verification by means of a current producer's certificate for that season as issued by the NDA. This proves that the food product was in fact grown onsite as opposed to purchased, where an invoice or receipt of purchase would be required.

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The NDA does not require a food establishment to have a producer's certificate for their onsite, grown agricultural products. The producer's certificate is a health district requirement to ensure source verification. The producer's certificate is a recognized method to provide proof that the food establishment is in fact the grower of the products in question. It is proof that what was grown onsite, specific to that growing season, will be what is served by the associated food establishment kitchen or bar.

To obtain a producer's certificate, application must be made to the NDA: [http://agri.nv.gov/Plant/Producer\\_Certification/Producer\\_Certification\\_Home/](http://agri.nv.gov/Plant/Producer_Certification/Producer_Certification_Home/). You can only apply for those products planted that season. Product is not to be used in preparation of food until the producer's certificate is obtained.

If you have further question regarding this requirement, contact your health district inspector at (702) 759-1110.