



COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

PO Box 1163, Richmond, Virginia 23218

Phone: 804/786-3501 • Fax: 804/371-2945 • Hearing Impaired: 800/828-1120

www.vdacs.virginia.gov

The Honorable Ryan McDougle
Pocahontas Building
Room No: E501
Richmond, VA 23218

Dear Senator McDougle:

I write on behalf of the Virginia Department of Agriculture and Consumer Services (VDACS) to clarify the agency's position as it relates to the regulation of a "micro market" or similar operation under existing law and regulations. VDACS considers a micro market to be a food establishment subject to the provisions of the Virginia Food and Drink Law (Va. Code § 3.2-5100 *et seq.*) and the Retail Food Establishment Regulations (2 VAC 5-585 *et seq.*) adopted pursuant to this law.

As the agency understands micro markets to currently operate, it is possible for a micro market to comply with all existing food safety laws and regulations, with the exception of the requirement that a retail food store have a person in charge on site at all times. However, it is possible for a micro market to request from the agency a variance or exception from this requirement as long as the applicant provides VDACS with reasonable assurances that the food provided to buyers is safe and properly protected. Variance request forms for retail food establishments are available on VDACS's website (<http://www.vdacs.virginia.gov/pdf/variance-request-application.pdf>). VDACS staff is available to work with any micro market seeking a variance and would be glad to assist and guide interested applicants through the process.

Finally, to streamline the variance process for a company that owns multiple micro markets, an applicant may apply for and receive a "blanket" variance that will provide an exemption for all micro markets that the company owns, as long as the operations are similar.

We hope that this letter has been of some assistance in clarifying VDACS's involvement with and regulatory oversight of micro markets. If there are further questions or if further clarification is desired, please do not hesitate to contact us.

Respectfully,

A handwritten signature in cursive script that reads "Ryan Davis".

Ryan Davis
Program Manager, Office of Dairy and Foods



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