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 Overview

How proactive steps helped an organization implement a mask policy and comply with the Americans with Disability Act during the COVID-19 pandemic

FreshFarm Markets is a non-profit organization that operates 30 farmers markets across Maryland, Virginia, and Washington, D.C. When the COVID-19 pandemic began, FreshFarm took steps to implement a mask policy at all market locations. Their Deputy Director worked with the seven members on their Senior Farmers Market team to create guidelines for their markets during the COVID-19 pandemic. With farmers markets operating under three different jurisdictions, the team also had to adapt their guidelines to individual market locations.

FreshFarm worked with local government officials in MD, VA, and DC to create a COVID policy document outlining expectations for customers, vendors, and others involved in the markets. In DC, FreshFarm worked directly with the Mayor's Office of Planning and the DC Food Policy Council to develop a plan to keep the market sites open with COVID restrictions. In Virginia, the Virginia Farmers Market Association (VAFMA) director served as a liaison between FreshFarm and the Virginia Department of Agriculture and Consumer Services (VDACS). VAFMA helped establish safety protocols for markets in Virginia by facilitating a dialogue between FreshFarm and VDACS. In Maryland, FreshFarm worked directly with the

Montgomery County Administration and the Operations Manager at Silver Spring Civic Building at Veterans Plaza.

FreshFarm also took the step of making sure their policies took into account any further restrictions from property owners. Even after local governments loosened restrictions, FreshFarm decided to keep precautionary measures in place, such as requiring that all vendors, patrons, and market personnel wear masks.

What happened during the pandemic

FreshFarm's markets' business practices changed with the pandemic. For the 23 markets open for business during the 2020 season, customers were only allowed in if they wore a mask. FreshFarm requested that children aged three and older wear a mask and did not allow face shields as an alternative to masks. Vendors were required to adapt business procedures to offer contact-free sales to customers where nothing but pre-packed items were exchanged between the vendor and the customer. FreshFarm also worked with individual vendors to set up an online pre-ordering system where goods could be picked up at the market.

Once the organization's mask policy was in place, FreshFarm was aware that some customers might approach the market without a mask and state that they could not wear a mask for a medical reason. Therefore, FreshFarm had to make some decisions about how to train their market managers to respond to these types of situations. First, they determined that they could prohibit customers from entering the market without a mask, even if the person had a medical reason for being unable to wear a mask. However, they knew that under the Americans with Disabilities Act (ADA), they had to be able to offer a reasonable modification to the customer, something other than entering without a mask. They conducted an escalation training for market managers in case they faced any hostility from customers at markets with regard to the policy. Still, they remained unsure of what was required in terms of making the market accessible to customers with a disability who could not wear a mask.

Upon further research, FreshFarm found the Southeast ADA Center to have some helpful guidance in terms of providing reasonable modifications for customers who cannot wear a mask. Mainly, the market managers redirected customers to online pre-ordering or requested

them to wear a looser face covering. To solidify their commitment to maintaining safety precautions during the pandemic, FreshFarm trained its market managers on how to respond to requests for modifications. Market managers were equipped with information about reasonable modifications and instructed to log requests and responses, including reasons why they were or were not able to meet a customer's request.

Key Takeaways

- **Take reasonable safety precautions, such as requiring masks, to protect workers, vendors, and patrons of the market.** The Centers for Disease Control and Prevention (CDC) offers three basic safety precautions to prevent transmission of the virus: wearing masks, keeping 6-feet away from others, and washing hands. Some states have offered specific guidance to farmers' markets about what measures to take to keep people safe during the pandemic. For example, check out Vermont's indoor market guidelines [here](#).
- **Reach out to local public health and safety officials about how best to enforce a mask policy.** Gain an understanding on when it's necessary to involve the police and the implications of doing so. Train workers on implicit bias and on how to de-escalate a situation in case of any hostile reactions to the market mask policy.
- **Reach out to the regional ADA center for further guidance on creating reasonable modifications for those who cannot wear a mask.** Gain an understanding of what the market can do to accommodate customers who cannot wear a mask. Also, make sure to understand how to interact with a customer who approaches the market without a mask. Know that inquiries about a disability or medical condition may be a form of discrimination. To see a list of what to do and not to do when a customer approaches the market without a mask, click [here](#).
- **Make a written assessment of the market's ability to adapt services for customers with a disability.** Use the ADA Compliance Checklist to assess whether the time and labor required to make the modification is reasonable. Think through as many different modifications as possible and the reasons why or why not the market is able to make those modifications. Make this record part of the market's organizational documentation.
- **Train all market workers to implement mask policy, educate customers about it, and keep a written record of requests for modifications.** It is important to document the customer's request and the market's response in the case that the customer makes a complaint. Use the ADA Requests Log to document the details of each interaction.

Conclusion

The unanticipated emergency situation created by the pandemic left markets and organizations like FreshFarm scrambling to put safety measures in place so that they could continue to keep their markets open to the public. Farmers markets provide a vital service to the community and need formal strategies for ensuring that all customers are accommodated and that the market remains accessible, even to those with disabilities. Adherence to these procedures around ADA modifications not only helps farmers markets meet the needs of all potential market patrons, but also helps reduce the risk of conflict and liability.

OVERVIEW

FRESHFARM Markets

[Market Website](#) | [Market Rules and Procedures](#)

Business Form: *Established as a 501(c)(3) organization in 2000. Operated as a project of the American Farmland Trust from 1997-2000.*

Location: *Operates 30 market sites across MD, VA, and DC*

Meeting Times: *Six markets operate year round; others are seasonal.*

Number of Vendors:

- *200 across all market sites*

SNAP/EBT Accepted?: *Yes*

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