

WORKING DRAFT (Updated 4/5/2016)

Wabasha Farmers' Market

Summary:

- Desired outcome: linking a local hospital and school with farmers market produce.
- Two months of growing season passed between connection being made with an inspector and the inspection taking place.
- George did not understand some of the inspector's requests for changes and was unable to get clarification that she could understand and work with..
- When clarification could not be found working with the local inspector, George did not know what additional recourse could be taken.
- When her inspector approved a tote sanitation plan but a separate attorney commented that her draft plan might need additional changes, George was torn between making additional changes and the likelihood that additional time would be lost.
- After spending thousands of SHIP dollars to connect with the school and the hospital, inspection was stalled over needing a permanent structure to inspect and list on a license, but there was no location at the Wabasha Farmer's Market to use or build.
- Inspectors face challenges when working with new and innovative food business models because they do not fit into traditional inspection boxes. A clear path for addressing these original ideas in a timely manner does not exist.
- If innovative small businesses models are desired, there must be a way to help small entrepreneurs reach their potential while still maintaining a safe food supply.

The Story:

As a mother, farmer, full-time employee at the Harborview Cafe, board member of the Minnesota Farmers' Market Association (MFMA), and volunteer market manager of the Wabasha Farmers' Market, nearly all of Sara George's waking hours revolve around work within the food system. Even with all of this involvement in the food system, George still struggled in summer 2015 to advance a new project that would link Wabasha Farmers' Market produce with the local hospital and school. This case study will highlight what happened and the challenges that arose.

This project began when money was awarded from the Minnesota Department of Health Statewide Health Improvement Program (SHIP) to create a farm-to-school program in Wabasha. Produce needed to supply the program would be combined at the Wabasha Farmers' Market and then delivered to the school. George was aware licensing and regulation requirements would apply and wanted to ensure the program was a licensed and legal operation from the very beginning.

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In spring of 2015, George reached out to the state farm-to-school coordinator (Stephanie Heim), Jane Jewett of MISA, and an Minnesota Department of Agriculture (MDA) inspection supervisor in anticipation of needing input for this unique project idea. George's goal was to implement a legally-functioning farm-to-school and farm-to-hospital program in Wabasha, MN that involved combining product of multiple farms to meet the needs of both institution and school. The MDA supervisor and Jewett assisted George in understanding the food safety considerations for an outdoor, at-market commingling and sorting operation. **After many lengthy discussions, George independently sketched-out three potential protocols for the safe commingling and sorting of produce at the market and was ready to receive inspector feedback.** By early May 2015, George contacted her Minnesota Department of Agriculture inspector for the first time, expecting that the work completed earlier in spring would streamline the inspection process.

Decision Point! What may have helped?

Short Term - Regulatory navigator, Economic Development Org, Retired food safety volunteer

Medium Term - Ombudsperson

Long Term - Minneapolis 311

Decision Point! What may have helped?

Short Term - Regulatory navigator, Retired food safety volunteer

Medium Term -

However, prior to contacting her inspector, **George learned she must become a registered vendor with Taher, a contract foodservice management company, to be a farm-to-school supplier.** In her original vision, George intended to promote the sale of extra, unsold produce from the vendors at the Wabasha Farmers' Market to the school. When she discovered that Taher must register each vendor individually, George suggested making the farmers' market the registered vendor.

After multiple phone calls, voicemails, and emails, George received a response from an inspector on June 10th and an in-person inspection on July 1st in Wabasha. Although 30 days is a standard response time expectation from MDA, producers are not always aware of this and it present difficulties when working within seasonal production. Her inspector had many tasks for George to accomplish before a license could be issued. **Because of the differences in response time expectations between initial contact and inspection, George had difficulties finding the money and human capital to meet required changes in the height of the growing season.**

Decision Point! What may have helped?

Short Term - Regulatory navigator, Improved Inspector communication of role, Retired Food Safety Volunteer

Medium Term - Ombudsperson, Improved Tracking System

Long Term - Minneapolis 311, Statutory Changes

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Additionally, **George expected to work through the pros and cons of her three potential protocols with her MDA inspector.** However, inspectors typically are presented with a single, straight-forward business plan proposal. Because of this difference in expectation, George was surprised that she wasn't collaborating more with her inspector to choose an option that was both efficient and safe. Instead, she received specific directives, such as have a tent, handwashing stations, tables, and a tote sanitization policy to ensure food safety.

Decision Point! What

Short Term - Regulatory navigator, Improved Inspector communication of role, Retired Food Safety Volunteer

Medium Term - Ombudperson

Even with limited time mid-season, George drafted a Tote Sanitization policy to have it approved as soon as possible. Although it was approved by the MDA inspector, an attorney with the Public Health Law Center,

contacted by a local SHIP coordinator, pointed to potential areas of concern in the draft. **George struggled to decide if she should change the policy or leave it since changes would need to go through another review by her inspector.**

Decision Point! What

Short Term - Regulatory navigator, Improved Inspector communication of role, Retired Food Safety Volunteer

Medium Term - Ombudperson, Improved Tracking System

One of George's suggested protocols included a transport vehicle operated by the farmers' market; however, by early July, George knew that purchase of a vehicle would not be possible in 2015. She attempted to get clarification about ways to proceed in 2015 without the vehicle. After

Decision Point! What

Short Term - Regulatory navigator, Retired Food Safety Volunteer, Economic Development Organizations,

Medium Term - Ombudperson

the July inspection, George's inspector informed her, "Even if you never use it, I need something to inspect." **After spending thousands of SHIP dollars to start a farm-to-school and farm-to-institution program legally, everything was prepared except for the fact that there was no permanent physical structure to be inspected.** George was looking for a way to start up legally in 2015, and then grow and change in future years. Adding a transport/storage vehicle would be a possibility for future years but she was seeking a plan for the time being that allowed her to start-up without it.

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Within MDA, current rules and regulations also constrain the ways inspectors feel they can operate. A clear pathway for accommodating innovative ideas - like those of George - does not exist for inspectors. This makes it difficult for inspectors to solve unique situations in a timely manner. After hearing from George that she would be unable to have a vehicle within the 2015 season, the inspector consulted with his supervisors and then had to tell George that his hands were tied because he could not license without a vehicle or location to inspect.

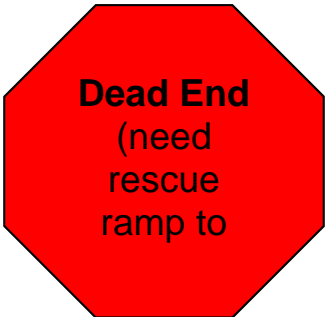
Other neighborhoods, towns, and cities have programs similar to George's idea, but she has yet to understand how they have accomplished these programs in light of the many tasks (e.g. tote cleaning policy) and permanent physical infrastructure (e.g. truck or shed) that she was informed about.

George stated, "It breaks my heart when I have to send the extra produce home with the hard-working farmers...If the farmers' market vendors were able to supply to schools and hospitals, this would change." George's frustrations are further fueled because she was not able to work through the licensing issues with her inspector within the 2015 growing season. She had expected a more holistic approach during the licensing process that involved analyzing multiple options to bring her business idea to fruition.

Decision Point! What may have helped?

Short Term - Retired Food Safety Volunteer, Economic Development Organizations

Medium Term -
Ombudsman



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As of December 2015, **George is at a loss of what to do.** She is willing to do almost anything to make the program work due to the energy and time she has invested into it. She could be successful with a license that accommodates her transient farmers' market set-up and allows product pick-up by the buyers. However, the current regulatory system in Minnesota limits the opportunity for regulatory staff to troubleshoot with small business entrepreneurs who have innovative, boundary-pushing business models, while also ensuring a safe food supply.

Key Terms

Commingling and Sorting - Practice of mixing and arranging product from different farms for redistribution. When commingling product, documentation of farms from which product came is important for traceability of products in case of a food safety concern.

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Food Service Management Company (FSMC) - A commercial enterprise or a nonprofit organization that may be contracted with by the school to manage any aspect of the school food service. A FSMC may act on behalf of a school food authority and be in charge of directing any aspect of the food service.¹

Farm to Institution - The connection of hospitals, daycares, and other institutions to local food grown by family farmers.

Farm-to-School - “Farm to school connects schools with fresh, local food grown or raised by family farmers.”²

Registered Vendor - This is an individual or business who has presented information on their business(es) to an organization that requires this information. Often registration is required as a method of improving traceability of product if a food-borne illness were to occur.

Statewide Health Improvement Program (SHIP) - Program of the Minnesota Department of Health (MDH) focused on illness prevention in counties across Minnesota by working directly with members of the community and community organizations within these counties.

Tote Sanitization Policy - Documentation of the steps used to ensure vessels transferring product from one location to another are cleaned in a way to prevent foodborne illness.

¹ United States Department of Agriculture - <http://www.fns.usda.gov/sites/default/files/FSMCguidance-sfa.pdf>

² University of Minnesota Extension - <http://www.extension.umn.edu/food/farm-to-school/>