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Steven Diaz

Food, Pools & Lodging Department, MDH Environmental Health Division

Summary:

- Minnesota Department of Health (MDH) inspectors have the authority to license food and lodging establishments; each MDH inspector is assigned ~200-235 establishments in a given year.
- Successful food entrepreneurs often know the answers to the following questions when working with an inspector: “Where do you want to serve?” and “What do you want to serve?”
- Obtaining and maintaining credentials is a requirement for all of the inspectors at state and delegated agencies; inspectors take continued education trainings and classes to stay up-to-date.
- There are MDH resources available to food entrepreneurs, including fact sheets, example HACCP plans, guidance documents, construction guides, log sheets that assist in understanding how to operate a food business safely; one-on-one consultation is also available.

Day-to-Day Job Experiences

As the manager of the Food, Pools, and Lodging Division at the Minnesota Department of Health (MDH), Diaz spends a significant portion of his time meeting with others to create a vision for division improvements and movement of policies forward. He oversees inspectors of food establishments and has previous inspector experience as well.

MDH inspectors use multiple statutes in their day-to-day jobs. Statute 157 grants MDH inspectors the authority to license food and lodging establishments and also sets the license fees. Other statutes MDH inspectors must be familiar with include MN 327, recreational campgrounds and hotel information; MN 144, general health, some pools, and children's camps; 145A, delegation and delegated agencies; and statutes 28A, 32B, and 32C, which all relate to regulatory authority between MDA and MDH.

Diaz spends a fair amount of time dealing with Statute 157 because legislators propose changes to it frequently. When the legislature is not in session, Diaz spends time preparing for the upcoming session. A majority of Diaz's time is spent on food regulations as well as adopting the new food code. The rest of his time is split up between lodging and manufactured home parks and campgrounds.

Within the MDH, all of the inspection staff are supported completely by license fees that are collected. Of those license fees, about 70%-75% come from food establishments. This range also reflects the relative amount of time inspectors spend working with food establishments.

Interactions with Establishments & Small Business Owners

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Diaz reported that some of his most rewarding inspector experiences are often the ones that were more complicated to deal with, but ended with a positive resolution. For example, Diaz worked with a restaurant in southern Minnesota for almost 8 months before they were able to open and operate. This particular food entrepreneur was working through obstacles such as language and communication barriers; lack of a well-thought out business plan; and the choice of a building site which had previously been a pharmacy and was thus not outfitted for a commercial kitchen or restaurant. Although addressing these needs took significant time, the business owner's plan evolved to where it satisfied both his business needs and the regulatory requirements; this business is now open and operating legally. Beyond success for the business owner, both Diaz and the community have benefited as well; the business is very successful and has become a mainstay in the community.

MDH inspectors see similar themes across the successful food entrepreneurs they work with. For small business owners, having the answers to two essential questions is extremely helpful when navigating the system and working with an inspector: **“Where do you want to serve?”** and **“What do you want to serve?”**

Some food entrepreneurs have had difficulty answering these questions in the past when they are just starting out; ideas are often partially formed and flexible, but this makes it difficult for inspectors to accurately advise these entrepreneurs. A mentor in a similar business situation may be able to offer more assistance at this stage for entrepreneurs still deciding what to pursue. Being unsure of plans and location can also be troublesome, because there are many delegated authorities across Minnesota. Not knowing the location of the future business can make it difficult to advise which regulatory agency to consult.

The next essential question is “How are you preparing the items you want to serve?” The type of preparation will affect the level of food safety concern. It is helpful if the food entrepreneur is willing to ask many questions and has a willingness to do research. Flexibility is built into the food code and level of risk depends on factors such as how the food entrepreneur is processing food, what equipment is being used, and the type of ingredients. For example, an establishment selling prepackaged sushi has less equipment and a low food safety risk, whereas an establishment making their own sushi from scratch has more equipment and a higher food safety risk.

It is sometimes difficult for food entrepreneurs to know their complete business plan right away, because food businesses and trends are constantly changing; sometimes trial and error is needed to figure out business strategy. Inspectors do work with operators to increase their understanding of how these factors play into their business plan. Entrepreneurs who research and are willing to be flexible and open to change tend to have success in adjusting quickly. Often these entrepreneurs recognize that rules around food have been established as they are because of the risk associated with different aspects of operation. The entrepreneurs who face

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the most difficult time are often those who are not open to adjusting their business ideas. Language barriers can also make navigating the system difficult.

Factors That Make the Inspection Process Easier or Harder

Many factors affect an MDH inspector's job, including the number of establishments assigned, territory size, and risk category.

When Diaz started as an inspector, he was assigned 600 establishments for one year - especially astounding given that he was only part-time at that time. This did not allow much time for him to interact with individual operators. Instead, he had to focus on the most critical food safety cases to use his time efficiently. Today, MDH inspectors each have about 200-235 establishments in a given year, roughly 75% of which are businesses with a food service component. This is a more manageable workload and in line with national standards; MDH inspectors are increasing their follow-up rate now that they have more time to devote to each establishment. Inspectors have a greater opportunity to work with businesses and help them be in compliance as well as providing increased educational outreach and resources for entrepreneurs.

According to Diaz, territory size doesn't have as big of an effect on inspectors as one might think; for example, West Saint Paul territory might have multiple establishments within 10 minutes of each other, which allows the inspectors to inspect the multitude of establishments that are in that larger city. To contrast, a rural area inspector who covers 2-4 counties has to drive more, but there are fewer businesses in this area and the inspection trips are timed to maximize trips out to different areas within the counties inspected.

Obtaining and maintaining credentials is a requirement for all of the inspectors at state and delegated agencies. This involves passing tests and completing a certain number of continued education credits (e.g. 24 credit hours every 2 years). This often affects the regulatory process positively, as staff are more up to date with current regulations, trends, and business practices. For example, with the increase in the popularity of sushi, MDH staff are trained in what to look for and inspect when seeing sushi establishments for the first time. MDH is also working to keep their inspectors as consistent as possible, so that each and every food entrepreneur receives the same information.

Tools/Resources that He Provides to Small Business Owners

MDH Food, Pools, and Lodging Services (FPLS) section develops and makes available certain resources (e.g. fact sheets, example HACCP plans, guidance documents, construction guides, log sheets) to assist business owners in understanding how to operate a food business safely. These resources are available both directly from the inspector and also online at the MDH website. However, the most important resource inspectors provide is a one-on-one consultation.

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Through either their inspector or plan reviewer, food entrepreneurs are in contact with an MDH staff person with whom they can discuss options. As part of this consultation, MDH staff people are also able to refer food entrepreneurs to resources outside of MDH, such as DOLI, MDA, or a process authority. Every business needs something different, and the goal is to customize the consultation experience to each specific business. MDH is just one piece of a very big puzzle, and although the inspectors will assist the food entrepreneurs in finding other resources and information, food entrepreneurs will continue to need to consult others for instruction on items like business planning and zoning.