Working with a Farmer or Food Entrepreneur

### Local Food Advisory Committee document 002, DRAFT; April 18, 2016

# Who is this fact sheet for?

Minnesota Department of Agriculture Food and Dairy & Meat Inspectors; Minnesota Department of Health Inspectors in the Food, Pools and Lodging Division; Local Delegated Authority Inspectors.

# Who inspects local food businesses?

Ah, a question that sounds easy but can become very confusing!

* Farmers who are selling product of their farm -- food products that they raised on land that they occupy or cultivate, with no added off-farm ingredients – are exempt from *licensing*, but depending on how and what they sell, they may still be *inspected* by an MDA inspector. For example: a farmer raises cabbage and shreds and bags cabbage on the farm for sale to a local college food service. It’s product of the farm, so not licensed; but the facility where the shredding and bagging takes place needs to be inspected.
* Local food enterprises frequently straddle traditional food business boundaries. A single operator may grow a product, manufacture a processed food item using that product, sell the manufactured item at both wholesale and retail, and use the manufactured item as an ingredient in prepared ready-to-eat food that they serve from their farm. Just figuring out jurisdiction can be complicated!

# What should I know about working with a local food entrepreneur?

## Understand the entrepreneur’s mindset.

Local food entrepreneurs often have a passion about the work they do and the product they are producing. They believe they are making the world a better place through the food they grow or create. They may have invested heavily in their business, and it may be a family legacy. Their educational and work background may be in agricultural production rather than business. The possibility of getting shut down for food safety violations is deeply frightening. Anxiety about the inspection may cause them to have difficulty in communicating clearly.

Make an effort to put people at ease. Observe common courtesies: shake hands, make eye contact, use honorifics with proper names (Mr., Ms., etc.). Be honest about your intentions, and make your expectations clear. Invite the owner or manager along to see the inspection process, and explain the food safety reasons for any orders you issue.

## Listen!

Food entrepreneurs generally don’t speak regulatory language. You may hear them say words or phrases that trigger a thought process for you – but that may not be what the person meant at all. Ask clarifying questions to make sure you understand what they are saying or asking. Ask them to explain any terminology that they use to describe their business, to be sure you understand what they mean. Don’t jump into providing answers and information until you are sure you know what the question is.

## Don’t disparage the food entrepreneurs.

Hearing about problems on their premises is often difficult for farmers and food entrepreneurs, because they have poured so much of their life into their farm or food business. It cuts deep if an inspector tells them that they aren’t doing something right, and their first impulse can be to get angry.

Understand that what you have to say may not be easy for them to hear. Try to state the problem in neutral, non-personal language: “This is an issue that needs to be resolved,” rather than “You are doing this all wrong.” Explain what it means to receive a notice of corrections needed from an inspector: not a mark of personal failure, but a normal part of doing business. Explain that they have the right to ask for clarification of anything they don’t understand, and encourage them to respond in writing to the notice.

Provide options. Someone who has developed a process might not easily see other, better ways to do it. Sometimes there may be a satisfactory option that is less expensive than another option. Share tricks of the trade that you have seen, if that can be done without breaking the trade secrets of another business.

Provide timelines when possible. In the face of a serious food safety violation it may not be possible to allow a phase-in period, but some situations are amenable to gradual change. A food entrepreneur could feel overwhelmed and angry by a demand for immediate change, but may see the change as quite manageable if they can implement it gradually. Be transparent and honest about what the process will be for verifying compliance, and what the consequences will be for failure to comply.

## Don’t be afraid to ask for help.

Food rules are extensive, complex, and confusing. In the case of small-scale food entrepreneurs and farmers who have unique business configurations, their situation is probably not something you see every day.

Don’t dismiss new or unusual business models. Be willing to admit when you don’t know exactly how to apply the law to a situation. Be willing to go back to your supervisor to get more information or clarification. Contact the licensing liaison for your unit to get help with fitting an unusual business into the regulatory framework.

If you suspect that the food entrepreneur needs more help to think through their ideas and develop a workable plan, suggest that they contact an organization that offers types of assistance that regulatory agencies don’t have the capacity to provide. See the Referral Organization Chart appended to this fact sheet; you can copy that chart and provide it to entrepreneurs.

## Don’t drive people into hiding.

Farms and food businesses are complex enterprises. There are many complex regulations that are difficult to keep straight, and mistakes will happen. Don’t shame people for honest mistakes or ignorance. Encourage questions and encourage conversation about the business. Offer solutions to problems they tell you about, rather than scolding or retribution. Don’t present people with dead-ends. If something they are doing must stop, or if something they want to do cannot happen, suggest alternatives or refer them out to organizations that can help them to develop a different approach.