# Serving Locally Grown Produce in Food Facilities

### Can food facilities like restaurants, grocery stores, and school lunch programs legally buy or accept donated produce from a farmers’ market or directly from a grower and serve it to their clients, students, or customers?

The answer is ‘Yes’. In fact, this trend has been on the rise since 2003. This fact sheet provides answer to some frequently asked questions about how food facilities can use locally grown produce safely and legally.

#### Definitions

**Food facilities:** restaurants, caterers, school food service, institutions, day care, community centers, churches, hospitals, health care facilities, food shelves/banks, grocery stores, food markets, cooperatives, bakeries, convenience stores, temporary food stands, warehouses, and wholesale food processors and manufacturers.

**Growers:** farmers, home gardeners, school gardens, community gardens, or gardens at food facilities.

**Sell/Sale**: keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchanging food; having in possession with intent to sell, use, transport, negotiate, solicit, or exchange food; storing, manufacturing, producing, processing, packing, and holding of food for sale; dispensing or giving food; or supplying or applying food in the conduct of any food operation or carrying food in aid of traffic in food whether done or permitted in person or through others. (MN Statutes, Chapter 34A.01 Subd. 12)

#### Can food facilities buy or accept produce directly from growers?

*Yes,* produce growers can be an “approved source” if the food is grown on a farm or garden that is occupied or cultivated by the grower.

Growers are responsible to ensure that all produce (food) that they sell or donate complies with applicable regulations. Responsibility includes proper handling and ensuring that the food is safe, wholesome, and unadulterated.

~~For assistance on obtaining information about Good Manufacturing Practices (GMPs), Good Agricultural Practices (GAP), water potability, organic and related items, please contact the Minnesota Department of Agriculture (MDA) at 651-201-6027~~.

#### Is a grower required to have a food handler license to sell or donate their produce?

It depends on the situation:

* People who sell or donate produce from a farm or garden that they rent or own are exempt from licensing. (Minnesota Statutes 28A.15 Subd. 2 and MN Constitution Article 13, Section 7)
* People who add off-farm ingredients during processing of produce need a license.
* People who wish to sell produce that they have not grown themselves must be licensed to sell to any customer.
* In some circumstances a Wholesale Produce Dealer license may also be required (e.g. if a person buys produce from a farmer for resale).

All producers, processors, handlers, and vendors of food, whether or not they are required to be licensed, must comply with other food safety rules and requirements.

Good Agricultural Practices (GAPs) certification of on-farm food handling is not a regulatory requirement, but may be required by some buyers.

Contact the Minnesota Department of Agriculture at 651-201-6027 for additional information on licensing, specific product or processing requirements, or GAPs certification

#### When do I need to use an approved space for processing?

Sorting or trimming such as topping carrots or husking corn as part of the harvesting process, or washing, to start the cooling process or to remove soil and debris, is done in the field or packing shed and does not require an approved space. Potable (drinkable) water should be used for washing. For assistance with obtaining information about potable water, please contact the MDA at 651-201-6027.

Furtherprocessingincludes slicing, heating, canning, freezing, drying, mixing, coating, bottling, or similar actions. This type of activity requires an approved space. The addition of off-farm ingredients (including salt) prior to use or sale is also considered processing and would require an approved space along with a license. Contact the MDA (651-201-6027) to begin the process of getting approval for your processing space and any required licensing. Farmers who have their processing space inspected and approved can get an inspection report that can be shown to buyers to document proper handling of produce.

#### What are the requirements for an approved space (e.g. commercial kitchen or processing facility) when I am further processing produce?

~~Please contact the MDA (651-201-6027) to confirm applicable food safety regulations before you begin processing.~~ Wholesale and retail businesses have different requirements for approved spaces. Here are some examples of requirements:

* An approved kitchen or processing facility must have a certificate of occupancy with documented approval from local building, plumbing, fire, electrical, and zoning inspectors.
* Retail equipment must meet NSF standards or the commercial equivalent.
* The facility must have adequate storage space for ingredients, equipment, packaging materials, and finished goods.
* Plan review submission to the MDA is required at least 30 days before beginning construction, extensive remodeling, or conversion of a food establishment.
* If you are wholesaling or exempt from licensing an approved space must meet the requirements in the Good Manufacturing Practices (GMPs). For assistance on obtaining information about GMPs, please contact the Minnesota Department of Agriculture (MDA) at 651-201-6027.

#### What are the roles of persons-in-charge and community volunteers involved in produce processing at a licensed facility?

The person-in-charge (PIC), must be well-informed about the food safety concerns and requirements relating to the food facility’s activities. The PIC corrects conditions that may lead to health risks for the consumer.

Under PIC supervision, community volunteers may help process produce in an approved kitchen facility. For example, parents can help to process food from a school garden.

#### What are other purchasing and receiving guidelines for local produce?

* Check with the state or local regulatory authority that licenses and inspects your facility before changing your menu or expanding your business to include new foods or methods. They can help you determine whether there are additional training, licensing or permit requirements that you must follow.
* ~~Visit the source for your produce and ask questions about produce production, handling, and storage.~~
* Ask the supplier to provide you with documentation of on-farm food safety practices; either a GAPs certification or an on-farm food safety plan.
* Inspect the transportation vehicle and ~~look~~ check for evidence of chemicals, odors, and obvious debris.
* Inspect the produce for signs of insects, disease, bruising, damage, over-ripeness, and immaturity.
* Ask for documentation that references the USDA Certifying Agent if the produce is advertised as “Organic.”
* Properly wash produce to remove soil and surface contamination before use.
* Ask for a receipt of purchase and keep good records. Good recordkeeping is particularly important if illness or injury prompts the need to trace product back to the supplier.
* If the produce is further processed, ask for documentation of safe food processing. This could be a food manufacturer’s license or, in the case of farmers who process their own produce for sale, an inspection report from the MDA. ~~can request inspection by the MDA. Buyers can request a copy of the inspection report.~~

#### What kind of documentation should food facilities get from the grower?

Food facilities should use a receipt that includes the following purchase/donation information:

1. Date of receipt
2. Received by name
3. Donated or purchased
4. Description and amount of produce
   1. Date harvested
   2. Harvest location
5. Name of grower
   1. Address
   2. Phone
   3. Email address

## Resources

[Minnesota Department of Health Food Business Safety (http://www.health.state.mn.us/divs/eh/food/index.html)](http://www.health.state.mn.us/divs/eh/food/index.html)

[Minnesota Department of Agriculture Food Safety (http://www.mda.state.mn.us/food/safety.aspx)](http://www.mda.state.mn.us/food/safety.aspx)

[Food Safety Modernization Act, Preventive Controls for Human Food](http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm334115.htm) (http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm334115.htm)

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[Minnesota Department of Health District Offices (http://www.health.state.mn.us/about/dist.html)](http://www.health.state.mn.us/about/dist.html)

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