Locally Grown Produce Fact Sheet

# Definitions

**Food facilities**: restaurants, caterers, school food service, institutions, day cares, 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.

**Sell or Sale**: Minnesota Statute 34A.01 Subd. 12 (<https://www.revisor.mn.gov/statutes/?id=34A.01>)
**Sell; sale.** "Sell" and "sale" mean 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.

**Product of the farm**: Fruits or vegetables that you grow on land that you “occupy and cultivate.” This is declared in the Constitution of the State of Minnesota, Article 13, Section 7: <https://www.revisor.mn.gov/constitution/#article_13>

* Land that you “occupy and cultivate” includes land that you rent or lease, so long as you have control over the production on that land.

# What can you do with your produce?

You are an approved source for fruits and vegetables that are product of your farm, and you are exempt from requirements to have a license to sell them.

This is codified in Minnesota Statute 28A.15 Subdivision 2:
<https://www.revisor.mn.gov/statutes/?id=28A.15>

The exemption from licensing applies only to the product of your own farm. If you acquire and use off-farm ingredients in your products, or if you acquire and distribute products from other farmers, you are not exempt and must be licensed for those activities.

You can sell produce that is product of your farm to any buyer. You can sell to food facilities or to individuals. You can sell at farmers’ markets or through CSAs. You can set up a farm stand at the end of your driveway or on a city street. You can put ads on Facebook and take orders via the Internet. You can sell produce across state lines.

* You can sell fresh, raw, whole produce.

	+ You can trim roots, cut off tops, wash, husk, sort, package, or otherwise make produce presentable for sale. You do not need a license or special facilities to do this, but your facilities should be sanitary and the water you use should be “potable” (drinkable).
	+ Sanitizers used in wash water do not count as off-farm ingredients.
* You can process your own fruits and vegetables for sale. You are not required to have a license to process your own produce for sale unless you are adding off-farm ingredients or using produce that you acquired from other farmers.

	+ Processing of produce may include peeling, slicing, shredding, bagging or wrapping of cut pieces, freezing, or canning.
	+ If you acquire products from other farmers to re-sell or to use in a product that you sell, you must have a license.
	+ If you add any ingredients that you acquire from off-farm; even minor ingredients like salt, pepper, or vinegar; you must have a food manufacturer’s license in order to make and sell the products.\*

\*Unless you make and sell products under the Cottage Food exemption. This exemption allows you to make non-potentially hazardous foods in your home kitchen and sell to individual customers in face-to-face transactions, up to $18,000 per year in gross sales. You can use off-farm ingredients to produce products under this exemption. You cannot sell products to food facilities under the Cottage Food exemption. More information:

Cottage Food Exemption, Minnesota Statute 28A.152, <https://www.revisor.mn.gov/statutes/?id=28A.152>

Cottage Food Law Resources, Minnesota Farmers’ Market Association:
<http://mfma.org/pages/MNCottageFoodsLawResources/>

Cottage Food Producer Registration, MDA:
<http://www.mda.state.mn.us/licensing/licensetypes/cottagefood.aspx>

If you want to do processing of your own produce for sale, and add no off-farm ingredients, you are exempt from licensing – BUT – you must follow Good Manufacturing Processes (GMPs), and in most cases you must undergo an inspection of your processing facilities by a Minnesota Department of Agriculture (MDA) inspector.

Inspection and approval of facilities is not the same as getting a license. You need the facilities inspection even if you are exempt from needing a license. You can get a copy of the inspection report, which you can show to buyers to document that you are doing processing of produce in an approved manner.

# PEELING, CUTTING, SLICING, SHREDDING, WRAPPING, BAGGING:

These processes must be done in a clean and adequately equipped facilities and according to Good Manufacturing Practices (GMPs). Contact your local MDA inspector to get inspection and approval of your facilities both for the processing of produce and for the holding of product prior to delivery to a buyer.

* Postharvest Technology for Small-Scale Produce Marketers: Economic Opportunities, Quality & Food Safety. University of California-Davis.
<http://postharvest.ucdavis.edu/bookstore/Postharvest_Technology_for_Small-Scale_Produce_Marketers__Economic_Opportunities_Quality_-_Food_Safety/>
* Chapter 12 of above resource: Fresh-Cut Produce
<http://postharvest.ucdavis.edu/files/93619.pdf>

# FREEZING:

Washing, cutting, blanching and freezing processes must be done in a clean and adequately equipped facilities and according to Good Manufacturing Practices (GMPs). Contact your local MDA inspector to get inspection and approval of your facilities both for preparation of the produce for freezing and for storage of frozen product.

* Freezing of fresh berries is a low-risk activity that requires only cleaning and bagging of the berries.
* Freezing of certain other fruits such as apples or rhubarb requires cutting or peeling and cutting of the fruit before bagging and freezing.
* Freezing of most vegetables requires blanching and cooling before bagging and freezing. Depending on the vegetable, peeling and cutting may be needed before blanching.

CANNING is a process that is complex, requires specialized equipment, and can result in serious or fatal food-borne illness if not done properly. If you want to can produce for sale to food facilities, you will need:

* Equipment and facilities approved by the MDA. Find your local MDA inspector here:
http://gis.mda.state.mn.us/food/
* A certificate of passing a Better Process Control School appropriate for the kind of canned product you want to produce.
	+ Online Better Process Control School:
	<http://ucfoodsafety.ucdavis.edu/Better_Process_Control_School_Online/>
	+ In-person Better Process Control School programs:
	<http://www.gmaonline.org/file-manager/Events/Bro_BPCS-011411.pdf>
* A HACCP plan for each product you will produce. HACCP = Hazard Analysis and Critical Control Points.
	+ USDA Guidebook for developing a HACCP plan:
	<http://www.haccpalliance.org/sub/haccpmodels/guidebook.pdf>

# Customers: Individuals or Food Facilities?

Sales of fresh, whole, raw, or processed produce that is product of your farm can be made to individual customers from your farm, a farm stand, at farmers’ markets, by delivery, in a CSA box, by online order, or in any other venue where you can make a transaction with an individual.

Sales to food facilities may require some extra work on your part to document that you have safe on-farm food production and handling practices, that you have approved facilities, that you follow Good Manufacturing Practices if you are processing produce, that your storage of product is in approved facilities and that your transport of the product is done in a sanitary manner.

If a buyer requires that you have a license before they will buy from you, the Minnesota Department of Agriculture is willing to issue voluntary licenses to farmers who are exempt from licensing. Issuing of voluntary licenses will be on the same terms and for the same fee as required licenses, and there may be additional facilities or process requirements in order to meet the licensing standards.

Buyers might not be aware that you as a farmer are not legally required to have a license to sell produce grown on your farm. You can copy and use this fact sheet to educate potential buyers. You can also download and copy this fact sheet to show to buyers:

Serving Locally-Grown Produce in Food Facilities. 2010. Minnesota Department of Agriculture, Minnesota Department of Health, University of Minnesota Extension.
<https://www.mda.state.mn.us/food/safety/~/media/Files/food/foodsafety/fs-produce.ashx>