

# Local Food Advisory Committee Meeting

January 7, 2014

Room 385j AnSc/VetMed building, St. Paul Campus, University of Minnesota

## **Present:**

Jennifer Stepes, Minnesota Department of Agriculture

Lisa Wetzel, Minnesota Department of Agriculture

Sarah Leach, Minnesota Department of Health

Greg Schweser, Regional Sustainable Development Partnership

Jane Jewett, Minnesota Institute for Sustainable Agriculture

Patrick Neily, Just Food Co-op

Lauri Clements, Olmsted County

Linda Prail, Minnesota Department of Health

Valerie Gamble, Minnesota Department of Agriculture

Ben Miller, Minnesota Department of Agriculture

Jennifer Pierquet, Minnesota Department of Agriculture

Katherine Waters, University of Minnesota Extension, School of Public Health

Tim Jenkins, Minnesota Department of Health

Jan Joannides, Renewing the Countryside

Wayne Martin, U of M Extension

Thom Peterson, MN Farmers Union

## **On Phone:**

Kathy Zeman, MN Farmers Market Association

Nikki Neeser, Minnesota Department of Agriculture

## **Joined in-person after lunch:**

Colleen Paulus, Minnesota Department of Health

Dan Huff, City of Minneapolis

Katie Lampi, City of Minneapolis

## **Salmonella in Poultry**

### **Presenter: Nikki Neeser**

An outbreak last year was associated with Foster Farms in California. A fact sheet about Salmonella in poultry and regulatory response to its presence on raw poultry was handed out.

## Key points from Salmonella fact sheet:

- Salmonella in raw poultry products (or other raw meat) is not considered an adulterant, because the expectation is that the consumer will cook the meat. Raw meats with Salmonella present can still be sold and processing plants cannot be shut down unless they have other issues besides the presence of Salmonella.
- Regulators can monitor level of Salmonella and encourage plants to reach the performance standard of <8% of samples positive for Salmonella. If a plant is above the target level, regulators will take actions but can't prevent sale of product because Salmonella is not an adulterant on raw meat.
- If there is an illness outbreak associated with Salmonella on raw meat and a specific strain is traced to the plant, then that can trigger a higher level of response from regulators.
- This is different than procedures for presence of STEC (shiga-toxin producing E. Coli), which is an adulterant on raw meat.
- Procedures to reduce Salmonella in processing plants will not also reduce other organisms such as Campylobacter; that requires different procedures. There is a separate performance standard for Campylobacter.
- It may not be possible in the USA to eliminate Salmonella on raw poultry; poultry farms are a large reservoir of Salmonella and birds come into the plants carrying Salmonella. It's very easy to get contamination during processing, and poultry is typically chilled in a cold-water bath so one or two contaminated carcasses can spread it to the whole batch.
- If Salmonella (or Campylobacter, Listeria, E. coli) is found on cooked poultry or red meat, it is an adulterant.
- Recalls are typically voluntary, but can be ordered in some circumstances.

## Discussion of smoked-meat recall in Minnesota:

There was a recall incident in Minnesota several months ago involving a farm's smoked meat products. In that case, it was a cooked product and Listeria was found, which is an adulterant on cooked meats. Listeria was also found extensively throughout the Equal-To processing plant, so it was shut down for cleaning and decontamination.

## Testing process for poultry carcasses:

In response to questions, N. Neeser described the testing process for poultry carcasses. At inspected poultry slaughter plants, sampling takes place on every slaughter day until 52 samples are collected. Samples are collected at the finish point of all interventions (sanitizing procedures at the plant), one bird per "batch," by washing the carcass with a broth and then culturing the broth. Samples are recorded as either positive or negative for Salmonella, and plants are given prompt feedback about their samples. Target is <8% of samples positive for Salmonella. This performance standard is applied only to USDA and State Equal-To plants, not to custom-exempt plants. In custom-exempt plants, inspectors are looking only at the cleanliness of the facility, not the actual slaughter process. There is no testing of the carcasses in custom-exempt plants.

### **Testing of on-farm poultry slaughter:**

Kathy Zeman brought up testing of on-farm poultry slaughter facilities done in Georgia, which found some farms with zero Salmonella. Nikki Neeser responded that Salmonella presence is highly sporadic; it could be there one week and not the next. Outdoor birds tend to have higher percentages of Salmonella presence due to their environmental exposure to wild birds, the ground, etc.

### **Discussion of adulterants in beef:**

- E. coli 0157:H7 and other STEC are considered to be adulterants in certain kinds of raw beef: ground beef or mechanically (blade or needle) tenderized steaks - but not in other steak or roast. The reason is that the bacteria are on the surface of the meat, and cooking the surface of a steak or roast will kill it. It is the possibility of contamination reaching the interior of the meat product and not being killed by cooking of the meat product's outer surface that leads to classification of the bacteria as an adulterant.
- It was noted that restaurant operators do not always know whether the steaks they are serving were mechanically tenderized. If the restaurant operator doesn't know, then the customer looking at a menu lacks important information about potential safety of a cut of meat. The FSIS has a proposed rule in the comment phase about labeling of mechanically tenderized meat.
- There is a proposal that the Minnesota Food Code add a requirement for restaurants to publish consumer advisories against eating raw or undercooked meat. Currently that practice is recommended for restaurant operators but not required.

### **Outbreaks from custom-exempt processing plants:**

Question raised of whether outbreaks are seen from meats from custom-exempt processing plants. Nikki Neeser estimated there have been 3 to 4 outbreaks in the past few years. They tend to be small, for example a single affected family. MDA and MDH could pull those numbers together. Kathy Zeman is interested in having an intern do research on this. She wondered about the possibility of doing bacterial testing in custom-exempt plants. Nikki Neeser noted that USDA and Equal-To plants have to do testing to validate their HACCP plans; Salmonella testing costs about \$20 per sample at a private lab and 20 to 30 tests annually are needed.

### **Upcoming changes to meat inspections in Minnesota:**

MDA staff described upcoming changes to inspections for meat processors. In the future, processors with a retail component will have a different inspector for the retail portion unless the inspector is cross-trained to do both processing and retail inspections. Ben Miller stated that the change meets voluntary FDA standards for training of inspectors; this will lead to uniform training of staff and uniformity for those under inspection.

## Discussion of how LFAC should respond to issues that surface

**Facilitator: Jan Joannides**

### **Concept of LFAC:**

Regulatory side and On-the-Ground side meet each other in the LFAC where there is space for discussion.

### **What is the process after discussion takes place on an issue?**

- Will we have a formal process?
- Will we issue statements?
- How do we decide when we are finished with an issue?
- How do we keep a record of proceedings?

### **Balance of accuracy, agency approval, and timeliness:**

- There was extensive discussion about the balance between correctness and agency approval of information, versus timeliness and nimbleness of response to issues.
- A goal is communication with audiences who need information from state agencies; so the committee can serve as a conduit of information and an interpreter of information.
- Any information posted on the LFAC website should be verified or agreed to by MDA and MDH staff; there is no benefit to anyone in disseminating incorrect information.
- The LFAC should be a two-way conduit so that information and concerns from farmers and local food businesses can also be brought back to the agencies.
- The online form to collect concerns from the public has not been used so far, but concerns identified through conversations with individuals and groups have been brought to the committee.
- Linda Prail noted that it would be helpful for agency staff to become aware early of new business models and other issues percolating out in the farm and business world.
- Sarah Leach raised a concern about the ability of the non-agency members of the committee to do outreach communications, and whether they have a defined audience. Jane Jewett described the audience, outreach capabilities and connections of MISA. Opportunities are available to make presentations at conferences and workshops. Kathy Zeman agreed that communications are strong to the sustainable ag/local food audience in Minnesota.

### **Three themes emerged from the conversation as goals or roles for LFAC:**

- Generation of official fact sheets that are approved by MDA and MDH
- LFAC serves as a conduit for information, from agencies to the sustainable ag/local food community and vice versa. This may include communications that don't rise to the level of official MDA/MDH documents.

- Regular, consistent, short communications, possibly a Q & A format suitable for publishing in newsletters, no more than three bullet points -- should come out of LFAC meetings.
- Questions around these themes:
  - How do we all agree to statements or documents?
  - Who agrees to statements or documents?
  - Who carries the torch and gets information sent out?

### **General agreement on these points:**

- Revisit at an upcoming meeting the original Mission & Goals documents and the PowerPoint presentation developed last year, for the benefit of newer committee members and to check if the group still agrees with those goals and statements about the committee.
- Meeting notes should be summarized, and then reviewed and amended by the group.
- Outreach effort is needed to publicize the existence of the committee.
- Wayne, Jan, and Jane will develop short, bullet-point communications and circulate to LFAC members for verification/correction before disseminating to a wider audience.

### **Further discussion points:**

- The LFAC's role is in communication, but not advocacy. Advocacy work belongs to some of the non-profits around the table, and their work may be informed by LFAC discussions.
- LFAC is a way to understand what is happening in the community; useful for regulators who otherwise don't have a good way to stay out in front of emerging issues. Early knowledge is very important for getting interpretations of regulations figured out; sometimes it requires interpretation from FDA and communication to delegated authorities so it can be time-consuming.
- LFAC can help regulators understand issues facing farmers and food businesses so that regulatory interpretations take those issues into account.
- Interest from MDH in understanding the cost of regulations to businesses; what are the barriers due to regulations. DEED (Department of Employment and Economic Development) is researching this.
- A goal of LFAC discussions is to help reduce the "surprise" element, when farmers, food businesses or regulators are confronted by something unexpected.

## **Potential role for food co-ops and other retailers.**

### **Presenter: Patrick Neilly**

Patrick Neilly stated that the co-ops work with farmers and producers, and deal with a lot of issues. The retail level is often where issues and questions about regulations come to the surface.

- More guidance from MDA & MDH would be helpful, and the co-ops could help with both education and collecting of information on issues.

- Complex regulations on sourcing of food; it would be helpful for retailers to have a checklist of things to verify with a potential supplier of local food.

### **Action items that LFAC members are working on:**

- Need for a mechanism to get information and interpretations from individual inspectors shared among all inspectors. Ben Miller noted that MDA now has a system for inspectors to get interpretations to their supervisor, and then those are discussed and approved, and then added to a knowledge base that is available to all inspectors.
- Discussion about the various levels of regulation, and which takes precedence in various situations: Federal, state, local, delegated authority. Tim Jenkins is working with the Public Health Law Center on a document that deals with these complex interactions. He will share with the group when it's ready.
- Kathy Zeman noted that she is documenting inconsistencies that are reported to her, and then she seeks interpretation from regulatory agencies. She stated that it would be helpful to have a timeframe for a response from MDA or MDH; suggested three weeks. Ben Miller stated that was a fair request, at least for a response that the communication has been received and is being worked on. Sometimes, depending on complexity, it may take longer to get an interpretation.

### **Talking Points document, now re-named “Local Food Aggregation, Distribution, and Licensing Regulatory Issues.”**

#### **Presenter: Jane Jewett**

- Edits were made on the document during discussion and it will be revised and re-circulated to the group.
- Further discussion about when this could be disseminated; whether it should go through formal MDA and MDH approval process first. Concern from the regulatory side on whether this would imply formal approval by the MDA; concern from the MISA side about the need for regulatory input to ensure that we put out accurate information.
- Outcome of discussion was that this piece could be disseminated as a document from LFAC after another round of review, with a disclaimer that it was reviewed by LFAC but is not an official document of MDA or MDH. Eventually, it may feed into development of an official MDA/MDH document.

### **Inconsistent language re: egg sales in MDA documents:**

#### **Presenter: Kathy Zeman**

- MDA staff clarified the difference between egg storage requirements for wholesalers and retailers: wholesalers can hold eggs at 45°F, but retailers must have eggs at 41°F when they are

offered for sale to customers. They noted that sales of eggs to consumers directly from the farm do not fall under the Food Code.

- Also they clarified the requirements for mechanical refrigeration: potentially hazardous foods can be out of mechanical refrigeration for up to 4 hours, so in a farmers' market situation, if the total time from home to market to sale of the eggs, or home to market to return home, is <4 hours, eggs could be out of mechanical refrigeration.
- MDA will review the two documents that have conflicting language: Operational Guidelines for Farmers' Market Vendors, and Sale of Locally Raised Eggs to Food Facilities.

## **Inconsistent language re: potable water in state agency documents:**

### **Presenter: Kathy Zeman**

Kathy Zeman noted that use of terms "potable water," "well water," and "municipal water" need to be clarified and used consistently. There are categories for low-use or "transient" water supplies. A water source is inspected if it has 15 or more users. This discussion will be taken up at a later date.

## **Proposed legislation to define farmers' markets and allow food sampling at farmers' markets:**

### **Question whether the proposed legislation references the appropriate statutes and rules, and whether it would trigger a fiscal note.**

Resolved: The proposed legislation should be presented as Minnesota Statute 28A.15 subd. 11, rather than M.S. 28A.15 subd. 2A.

### **Question whether the legislation should specify just farmers' markets, or also "community events."**

- This was not fully resolved.
- MDA staff generally supported including "community events," since that language is already included in the Pickle Bill and not-potentially-hazardous food exemptions (28A.15 subd. 9 & 10).
- MDH staff had concerns about sampling occurring at many types of events without oversight of a farmers' market manager. Noted that many farmers' markets are small and not formally organized, so there is no manager oversight at those markets.

### **Definition of a farmers' market.**

- This was not fully resolved.
- MFMA's position is that a farmers' market needs to be defined to protect the "brand" and maintain confidence in safety of farmers' markets.
- City of Minneapolis's position is that defining a farmers' market in state legislation removes their discretion and may hobble certain types of small markets.

## How to put limits on the types of foods offered as samples.

- City of Minneapolis position is that they want vendors exempt from licensing able to remain exempt from licensing but to offer samples of their products.
- Both City of Minneapolis and MFMA want vendors able to add “incidental” ingredients such as salt, vinegar, sugar, crackers.
- Concern from MDA, MDH, and local regulator regarding extreme creativity that may ensue in terms of ingredients used in samples, unless some boundaries are set; also concern re: complexity of food preparation activities for multi-ingredient foods.
- Resolved: language added to require vendors to submit information to regulatory authority about ingredients, food sources, food preparation, etc. as required under Minnesota Rules Chapter 4626.1855 Part A, with possible removal of a portion of part A relevant only to licensed facilities.
- MFMA will develop a food sampling plan template for use by vendors to assist them in submitting information to the regulatory authority.

## Allowed food preparation activities and food preparation locations.

Resolved: food preparation of samples will be on-site at the farmers’ market, and information provided to the regulatory authority will allow that authority to determine if the food prep is too complex to be allowed without licensure.

## Handwashing.

- Handwashing facilities must be part of a vendor’s food sampling information submitted to the regulatory authority.
- City of Minneapolis intends to inform vendors that at least one gallon of water must remain above the orifice of a water container to maintain a minimum PSI flow of water for handwashing.
- MFMA will conduct training of farmers’ market vendors and managers on handwashing and handwashing facilities.

[Meeting notes prepared by Jane Grimsbo Jewett and Jan Joannides]