

Local Food Advisory Committee

April 13, 2017

408 Hayes Hall, St. Paul Campus, University of Minnesota

Present:

Jeff Bender, U of MN DVM

Anita Berg, The Food Group

April Bogard, Open Arms

Valerie Gamble, MDA

Karl Hakanson, U of MN Extension

Stephanie Heim, U of MN Extension

Annalisa Hultberg, U of MN Extension

Jane Jewett, MISA

Jan Joannides, RTC

Marilyn Johnson, MFVGA

Karen Lanthier, RSDPs

Mike Lilja, SFA

Theresa Keaveny, SFA

Nick Mabe, The Good Acre

Christine Mader, MDA

Aamir Mansoor, Public Health Law Center

Mary Marrow, Public Health Law Center

Wayne Martin, U of MN Extension

Erin McKee, IATP

Nick Milanowski, MDA

Ben Miller, MDA

Nicole Neeser, MDA

Lillian Otieno, MDA

Colleen Paulus, citizen

Michele Schermann, U of MN Extension

Marcus Schmit, Second Harvest Heartland

Greg Schweser, RSDPs

Sharon Smith, MDH

Jennifer Stepes, MDA

Jim Witkowski, MDH

Kathy Zeman, MFMA

By phone:

Bruce Miller, MFU

Lolly Occhino, AURI
Lauren Pradhan, Grow North
Lisa Wetzel, MDA

Topic	page
The Food Group & MN Food Association	2
Sustainable Farming Association	3
Foodborne Illness as Result of Agritourism	4
Foodborne Illness from Non-Inspected Meat	6
Farm to School Leadership Team & Legislative Proposals	8
Wholesale Produce Dealer Licensing	9
MDA Dairy & Meat Inspections Update	11

The Food Group

<https://thefoodgroupmn.org/about-us/>

Anita Berg

The Food Group was formerly known as the Emergency Food Network. It began in 1976 in response to needs that at the time were believed to be acute and temporary. Food shelves were typically run by churches then and were small, generally invisible, and carried only non-perishable food items. Since then, the problem of food insecurity has become chronic. Food shelves are visible in the community, they have storefronts, and the storefronts may also be large and stocked with both perishable and non-perishable items. The networks and warehouses have also grown large.

The Food Group's operations include food banking, food shelves, feeding programs, and the Fare for All program. They work with >200 local partners and 37 sites. Their mobile food shelf serves 28 public housing sites.

The Food Group works at improving nutrition and skills among its clients. They now have a registered dietitian on staff who works with both staff and clients on nutrition. For example, when a large shipment of eggplant came in, the dietitian came up with recipes that could be distributed through the local food banks. The dietitian also does cooking demonstrations with unusual items, provides food storage information, and works with food shelf staff on co-location of items that can be put together to create a meal.

The Food Group and the Minnesota Food Association recently agreed to a merger that is now in process. The MN Food Association operates a training and farm incubator program for immigrant and minority farmers, called Big River Farms. Big River Farms also serves as a food hub that helps farmers market their produce. They operate a 200-member CSA, are experimenting with pop-up farmers' markets, and have wholesale accounts as well.

The merger is intended to provide administrative support to the MN Food Association, and a new way for The Food Group to focus on long-term sustainability. The Food Group wants to address root causes of food insecurity and reach out in new ways to serve people who don't income-qualify for food assistance. The Food Group will take over tasks of non-profit administration, but it does not intend to alter the mission of the MN Food Association. The Food Group already has dedicated streams of fresh local produce coming into its food bank, so does not intend to divert produce from Big River Farms into the food bank supply stream.

Sustainable Farming Association

<http://www.sfa-mn.org>

Theresa Keaveny, new SFA Executive Director

Theresa Keaveny spoke about the mission and work of the Sustainable Farming Association of Minnesota, a 501(c)(3) membership organization with chapters throughout the state, as well as interest groups such as sustainable sheep production, Crow Wing River Basin Forage Council, and deep winter greenhouses. SFA sponsors the Deep Roots training program for beginning farmers.

The flagship program right now is Soil Health. Practicing soil health would diminish the need for some regulations, such as the buffer law. SFA has a professional development program to training conservation agency staff in soil health. Mainstream agriculture is becoming more interested in soil health, and low commodity prices are driving people to look for alternatives. SFA is making the case that soil health practices can reduce farmers' input costs.

There was a question about whether the SFA would engage in policy work. Theresa said that the SFA did not intend to engage directly in legislative lobbying. They would continue their primary work in farmer education and networking. SFA does intend to initiate efforts to encourage rural citizens to become active in local units of government, watershed districts, conservation boards, and other local and regional bodies. SFA would encourage individuals to take action to submit resolutions and legislative proposals through their involvement with other organizations.

Foodborne Illness as a Result of Agritourism

Jeff Bender, DVM & School of Public Health; Co-Director of the Upper Midwest Agricultural Safety and Health Center (UMASH). Dr. Bender worked on illness outbreak investigations at MDH for a number of years.

Download the presentation:

http://misadocuments.info/JeffBender_presentation_agritourism_LFAC_041317.pdf

Multiple benefits of agritourism:

- Added income for the farmer
- Better understanding of agriculture by the member of the public who visit farms
- Farmer engagement with community
- Family activity

The downside is the number of illness outbreaks associated with petting zoos has gone way up since the mid-1990s. In part this is due to further shift to an urban population lacking contact with farms and livestock.

Two examples of illness outbreaks arising from contact between children and livestock:

1. The University of Minnesota's St. Paul Campus offered a summer day camp in 2001. Kids "adopted" a dairy calf as part of the camp and were responsible for bottle-feeding it each day.
 - Up to 2/3 of the kids were getting ill during each of the first four weeks of the camp with E. coli and cryptosporidiosis.
 - Investigation found that:
 - Ill calves were kept in the area where children could come in contact with them
 - There were no handwashing facilities
 - Illnesses dropped to <5% of kids in weeks 5 and 6 of the camp after ill calves were removed from the common area and handwashing stations brought in.
 - This incident led to development of a publication of best practices for zoos and fairs where there is direct contact between animals and the public.
<http://nasphv.org/documentsCompendiumAnimals.html>
 - A key point is to strategically locate handwashing stations so that people naturally "flow" past them as they leave animal areas.
2. A 2013 case in which farm owners were sued after a child who visited their farm became ill with E. coli and developed ongoing kidney problems:

- The farm operated a pumpkin patch in the fall that was open to visits by families. They also had a beef feedlot with 60 to 70 steers near the pumpkin patch, and children were able to touch the animals through the fence.
- There were no handwashing facilities between the feedlot and the snack area. There was a bottle of hand sanitizer and wipes on a table in the snack area.
- Snacks were served at the farm also, and the farm was not licensed for that food service.
- Handwashing facilities would have been identified as a need if the farm had been licensed for their food service. Identifying potential hazards and ways to mitigate hazards is what inspectors do during the licensing process.
- A child who visited the farm is now on kidney dialysis, and will eventually need a kidney transplant, because of contracting E. coli O157 H7 at the farm.
- The court case resulted in a \$7 million judgement against the farmers. It was determined they were negligent for not providing sufficient opportunity for clean-up after touching the cattle.

Discussion of Agritourism and Foodborne Illness:

How do farmers find out about regulations or best practices that apply to their activities? The farmers claimed they had no idea they should have handwashing stations. They had done research on pumpkin patches and didn't see anything about handwashing or food safety. They were still deemed negligent because the court said it should have been obvious that there needed to be cleanup opportunity between touching cattle and eating food. Also, the fact that the farmers were illegally operating an unlicensed food service did not help their case. The illness was likely preventable.

Children and older people have limited immunity. Exposure and immunity buildup don't last for a whole lifetime, so people who may have grown up on a farm and had that exposure in their youth don't retain it forever. On-farm safety precautions for visitors are necessary.

MN Farmers Union promoted legislation to protect agritourism operators. Farmers doing agritourism activities need to post signage that warns people they are coming on the farm at their own risk, and farms have inherent dangers. That only covers things that really are inherent dangers. Farmers could still be negligent over unreasonable risks that they failed to take care of. Inherent risk examples: presence of loose gravel on a gravel driveway; presence of bees. Example of farmer negligence: dangerous bull in an inadequate fence.

http://www.thelandonline.com/news/agritourism-law-protects-farmers-from-lawsuits/article_0b5d6976-4cd9-11e5-8e94-1b7444a2da99.html

UMASH has some agritourism fact sheets. MDA and MDH staff have been doing a training workshop for agritourism operators.

<http://umash.umn.edu/agritourism/>

This resource and training doesn't catch everyone. A challenge is how to reach out to farmers who don't know anything about food safety and don't know what they don't know – so don't think to seek out information. What about outreach to consumers? An argument in the court case was that the child's parents should have been responsible to ensure the child's hands were washed. That argument did not prevail in court, but even so, education of the people who come to visit farms is important.

Lots of farms offer summer farm tours, pasture walks, etc. There is very little information available about requirements for that kind of activity; it's not really agritourism. Host farms may provide toilet facilities (commonly port-a-potties), and may serve refreshments, but it may not occur to them to offer a handwashing station. UMASH's fact sheets don't specifically address educational farm tours. Sustainable Farming Association will work on raising their members' awareness of need to consider food safety on farm tours.

Foodborne illness caused by custom-exempt and non-inspected meat

Nikki Neeser, MDA

The Prime Act proposed in the U.S. Congress would have opened up custom-exempt meat to more markets. MDA did not support the Prime Act due to their experience with illness outbreaks associated with uninspected meats.

Myth: No one gets sick from non-inspected meat.

- Actually, outbreaks happen, but there isn't much reporting of it.
 - Sometimes the customers are all known so there's no need for a general recall
 - Sometimes all the meat is consumed by family members.
 - Sometimes the details of the situation are so limited that MDA can't do a public notification.
 - The purchaser of custom-exempt meat is the owner of the meat, so if even if they get sick from it there's no need for a public announcement to protect public safety.
- You need at least two people from different households ill from the same probable source in order to call it an "outbreak." Otherwise, it's "sporadic."

Three situations of foodborne illness outbreaks as a result of people consuming meat that was processed at custom-exempt plants or home-processed:

Download the presentation:

http://misadocuments.info/Nicole_Neeser_presentation_outbreaks_LFAC_041317.pdf

1. Large illness outbreak involving several types of Salmonella, following an Ecuadorean festival in Minneapolis. Initially it was thought the illness arose from the serving of guinea pig meat that was processed in a facility that was not an inspected meat processing plant. However, further investigation revealed that one of the food vendors obtained pork that had not been processed under inspection, and served that at the event. The MDA determined the most likely source of the foodborne illnesses was the non-inspected pork, which may have cross-contaminated other foods.
2. Outbreak of multi-drug resistant Salmonella Newport associated with a Hmong family's graduation party. The beef for the party came from a farm that killed the beef animal and allowed the Hmong family to cut it up on the farm. The farm obtained the animal from a broker of live animals who regularly purchased cattle from various sources, including Wisconsin farms. About half of the animals in the batch associated with the outbreak had died, so were likely ill. The animals that survived were sold to individuals to be used for meat.
3. Individuals who attended a party became ill from an animal butchered on a farm; however, there was not enough information available to find either the farm or original source of the animal. This is common for farm slaughter complaints or outbreak related scenarios.

Nikki noted there have been no illness outbreaks associated with Minnesota Equal-To meat plants. There have been outbreaks associated with custom-exempt plants and with very large-scale USDA plants in the state.

Discussion of Non-Inspected Meat:

Many of Minnesota's immigrant communities have a tradition of eating only fresh meat and resist buying frozen or packaged meat. They want to purchase an animal and be involved in the processing of it themselves. The live animal markets in the metro area allow this: people pick out an animal, have it slaughtered, and may participate in the cutting-up. The live animal markets get some oversight, but this kind of hands-on slaughter and processing by the purchaser is also happening out on farms where there may be inadequate facilities to ensure sanitary processing conditions. Allowing individuals to come to a farm, pick out an animal, and slaughter and process it themselves on the farm is not legal unless the farm has a custom-exempt slaughter facility on the farm.

Question about how MDA deals with diverse communities to explain risk and Minnesota regulations. The MDA meat inspection program does outreach and training for specific groups and communities.

Slaughter, skinning and evisceration of an animal on the farm and hauling the carcass to a custom-exempt plant for processing is allowed when farmers sell animals for custom-exempt processing. Some custom-exempt plants do not have kill floors, so on-farm slaughter is what happens. What if a customer wants to take their portion of the carcass home with them to cut up themselves, rather than having the carcass go to the custom-exempt plant? That's a gray area; is the farmer then selling "meat?" The custom-exempt plant bears some responsibility to verify cleanliness of a carcass brought in, and to do trimming of contamination found on the carcass.

Farm to School Leadership Team and Legislative Proposals

Stephanie Heim and Erin McKee

Stephanie Heim of U of MN Extension is the state lead for the USDA Farm to School program, and coordinates the Farm to School Leadership team.

Erin McKee is with Institute for Agriculture and Trade Policy, and coordinated the Farm to School legislative effort this spring.

The Farm to School Leadership Team includes eleven organizations in Minnesota. There are 268 school districts in Minnesota doing some form of Farm to School, which is about 50% of districts.

<http://www.extension.umn.edu/food/farm-to-school/about/leadership-team/>

The MDA's AGRI fund has \$500,000/year in grant funds available to schools to upgrade food service equipment to accommodate local purchasing. Blue Cross Blue Shield has dollar matches available for the AGRI grants.

The Leadership Team released a report in May 2016 on the development of the team and its activities, "Cross-Sector Collaboration," available at the website above. Four main goals of the team: 1) Establish a Farm to School coordinator position at MDA or MDE; 2) Protect existing funding and expand funding for Farm to School; 3) Improve food skills among school food service staff, students, and families; 4) Support farmers.

Farm to School Policy Objective and Legislative Campaign

One of the objectives of the Leadership Team is to create policy that supports farm to school. At a 2014 national conference, Minnesota team members learned that many other states have state-level policies on Farm to School and provide dollar incentives. The Institute for Agriculture and Trade Policy received a W.K. Kellogg Foundation grant to support policy work, which funded the legislative campaign on farm to school policy in the Minnesota Legislature in the

2017 session, including Erin McKee's time and a legislative lobbyist. The campaign included three asks:

1. Retain the MDA's AGRI grant funding for school kitchen and cafeteria equipment to support local food use in school food service;
2. Add funding to the Minnesota school lunch reimbursement, of \$0.05 per meal to be paid as a block grant to schools to support local food purchasing;
3. Fund three new Extension FTEs to provide technical support on farm to school to farmers and communities.

There were 12 people who testified before the legislature, from both the metro area and greater Minnesota. Rachel Callanan from the Good Food Access Fund was on the advisory group helping to develop the ask and there were also Food Charter connections. The AGRI grant funding for farm to school looks like it will be maintained. The additional per-meal funding and the educator positions did not make it into the omnibus finance bill on either the House or Senate side, so are dead for this session. Erin thought they had laid good groundwork for future sessions, however. They have had lots of feedback about the need for new support positions in Extension.

Support for Farmers

The Farm to School Leadership Team is also interested in working on support for farmers. They are just beginning that discussion, and are building on some work done by LFAC's Local Food Procurement group. Jane Jewett and Annalisa Hultberg have been helping facilitate the discussion. USDA Farm to School grant funding has been applied for, and if successful will result in a series of workshops around the state to help train more farmers and more school districts on how to create farm to school programs.

Nick Mabe noted that The Good Acre is working on a Farm to School program that includes culinary training for food service staff, menu development, local food procurement, and aggregation of farmers' product for sale to schools. They have new districts coming on board for the 2017-18 school year, with contracts for 70,000 lbs. of food so far. The menu development piece helps schools deal with seasonality of local produce. Culinary training can be done either in The Good Acre kitchen, or on site at the school.

Wholesale Produce Dealer Licensing

<http://www.mda.state.mn.us/licensing/licensetypes/wholproddealer.aspx>

Christine Mader and Nick Milanowski, MDA

Overview

- Wholesale Produce Dealer licensing exists to protect farmers from non-payment for their perishable products. It was put in place originally in 1931 and was much broader in the types of products covered at that time – virtually any product originating from a farm was covered.
- In the Wholesale Produce Dealer statute, which is Minnesota Statute 27, “produce” is currently defined to include fresh fruits and vegetables, milk and products made from milk, and poultry and poultry products.
<https://www.revisor.leg.state.mn.us/statutes/?id=27>
- Wholesale Produce Dealer licensing is completely separate and independent from licensing based on food safety. Food business that deal in wholesale produce sales may need both a food handlers license and a Wholesale Produce Dealer license.
- For businesses subject to the Wholesale Produce Dealer licensing, there is both an annual license fee and also a bonding requirement equal to 1% of past year’s qualifying sales.
- Currently there are 117 licensees in the state. Licensees are bonded so producers are protected from failure of payment.
 - Some large buyers are currently holding very small bonds. MDA is working on legislative language to better match the bond amount to volume of sales.
 - Unpaid producers can file a claim. MDA reviews the contract and decides who can be paid from the bond.
 - The bond is outside of bankruptcy proceedings.
 - It has been 5 years since a claim has been filed. There may be valid claims out there that people are not aware they should file.
- The Wholesale Produce Dealer license is enforced under Minnesota Statute 18J (<https://www.revisor.mn.gov/statutes/?id=18J>), which authorizes a daily penalty for operating without a license.
- There is a lot of confusion over who must be licensed as a Wholesale Produce Dealer. The statute includes qualifying factors and disqualifying factors, and is very complex. Wholesale Produce Dealer licensing applies to “persons” who purchase >\$12,000 per year of produce for resale.
- Retail merchants who buy >\$500 per month of produce directly from farmers need to be licensed as Wholesale Produce Dealers.

- People or businesses who pay cash at the point of sale for produce of Minnesota origin aren't subject to the Wholesale Produce Dealer licensing. It is intended for transactions that are on credit, rather than cash-based.

Discussion:

There was a question about whether restaurants that purchase >\$12,000 of local produce per year should be licensed as Wholesale Produce Dealers. Most likely not, because they are then using the produce in food service and not re-selling it as whole produce, and they don't fit the definition of a cannery or food processor.

There was confusion around whether retail grocery stores that buy >\$12,000 per year of all "produce," including dairy products and poultry products, are subject to the Wholesale Produce Dealer licensing if they aren't buying those products directly from farmers. The MN Grocers Association is opposed to an interpretation of the statute that would require all grocers to have Wholesale Produce Dealer licensing.

There was a question about how Wholesale Produce Dealer licensing would affect small grocers who are interested in purchasing locally. The annual license plus bond could make local purchasing cost prohibitive for them. Perhaps the grocery association could post the bond on behalf of the small grocers so they wouldn't have to pay it out of pocket. That's how it works for township officers; the state township association posts the required bond.

MDA Dairy & Meat Inspections Update

Nikki Neeser, Jennifer Stepes

The Minnesota Equal-To program has picked up inspection of more meat processing plants and currently has 60 licensed plants. That includes plants that do slaughter and processing, and plants that do processing-only or manufacture foods containing meat. There are still more plants waiting for inspection that MDA doesn't have capacity to pick up. Still, it's a better situation than a couple of years ago; the processing bottleneck has eased somewhat.

The MDA is working on revision of statutory language:

- 1) Clarification of what animals are considered "meat" in Minnesota, to remove the word "large" from a statement about domesticated animals. This change will include guinea pig as a source of "meat" that needs to be inspected for sale to the public.
- 2) Establish a new license category specifically for custom-exempt meat processing plants. Minnesota is the largest custom-exempt state, with 250+ custom-exempt meat

processing plants. This change will alleviate confusion; previously these plants had retail food handler licenses and were subject to formal plan review.

Bottlenecks in processing:

- Poultry processing for small flocks is a huge need in Minnesota. We have heard this repeatedly. A barrier is the workload and lower profit margin relative to large-animal processing. Small processors don't want to do poultry.
- Local dairy processing is needed to handle milk from smaller farms that are getting dropped by large milk buyers. However, the small-scale dairy processors that exist are struggling to find markets.

Funding for inspections:

- The MN Equal-To program currently has 60 plants (many of those processing-only).
- There are 7 new plants on the waiting list for inspection
- There are many more requests for information or requests to start the process for inspection.
- Right now the bottleneck is USDA funding. The next hire of an inspector will be in the southeast or south metro area.