

Local Food Advisory Committee Meeting

December 12, 2013

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

Present:

Betsy Wieland, U of M Extension
Paul Hugunin, Minnesota Department of Agriculture
Kathy Zeman, MN Farmers Market Association
Linda Prail, Minnesota Department of Health
Sarah Leach, Minnesota Department of Health
Greg Schweser, Regional Sustainable Development Partnership
Katherine Waters, University of Minnesota Extension, School of Public Health
Nikki Neeser, Minnesota Department of Agriculture
Jennifer Stephe, Minnesota Department of Agriculture
Valerie Gamble, Minnesota Department of Agriculture
Dan Huff, City of Minneapolis
Megan O'Hara, MISA
Cindy Weckwerth, City of Minneapolis
Jan Joannides, Renewing the Countryside
Katie Lampi, City of Minneapolis
Helene Murray, MISA
Wayne Martin, U of M Extension
Tim Jenkins,
John Mesko, Sustainable Farming Association
Lauri Clements, Olmsted County

Food regulations and farmers' markets in the City of Minneapolis.

Presenter: Dan Huff

- Minneapolis has several market categories:
 - Farmers' Market = minimum of 60% agricultural producers; up to 25% crafts and 15% processed foods.
 - "Mini Markets" have a different definition and are more volunteer run.
 - Produce and Craft markets need a minimum of 30% produce.
- There are many possible categories of vendors: Reseller, Manufacturer, Farm Processor, Wild Harvester, Craft Producer, Vendor of Services. "Local" is not defined, but a producer must grow what they sell.
- Minneapolis has been really invested in promoting local food and local food access for people in neighborhoods. The traditional Minneapolis Farmers' Market is vibrant, but there has been a boom in the number of markets across the city. Minneapolis used to require vendors to register with the city, but has dropped that requirement and relies on market managers to know who their vendors are and what they are selling.
- City of Mpls proposes a change in categories of food service. Currently there are separate categories for Seasonal Temporary Food Stand and Special Event Food Stand. The proposal is to

combine these into a single category called Temporary Food Stand; eliminate distinctions based on length of time in favor of distinctions based on the type of products sold.

Discussion:

- This change would not include “Food trucks.” Food trucks in Mpls can't be within 500 feet of an “event;” but can apply to be at a farmers’ market as a vendor.
- You could have the license for 365 days per year, with some restriction on number of days of operation in the same location.
- A question was raised about how this would affect true “Special Events,” such as fundraiser dinners for community organizations, or benefit dinners? Answer: City of Mpls is not proposing doing away with special events but rather using an overarching term that encompasses them.
- In Minneapolis, there has to be an “event sponsor” in charge of the event, so that entity would be responsible for keeping track of any vendors allowed at the event.
- Question raised about how to distinguish between running a business and doing a hobby or fundraiser? Answer: City of Mpls considers it a “business” if you are selling something. The main concern is whether it’s being done safely. If it’s a situation of a daily set-up and take-down, then City of Mpls doesn’t want to be bound to make vendors have screened-in areas, plumbing, pressurized hot water, etc. They want to be able to balance food safety with other community benefits.

Detailed discussion about length of time of operation vs. safe handling practices:

- Noted that a large illness outbreak in Minneapolis associated with the Ecuadorian Festival was due not to length of time of food service at the event, but rather to a sloppy food service operator.
- Setting limits on length of time of an operation either by annual number of days of operation or by number of consecutive days of operation gets troublesome when you consider things like the State Fair (which claims it is exempt from any statutory or Rule changes), or National Guard Field Exercises, which involve more days than any of the time limits under discussion; or certain other festivals that last for many days.
- Noted that MDH or delegated authorities sometimes reject special event license applications by menu. Complex food preparation on site is not allowed with a Special Event license, unless you have a food prep sink and other equipment to ensure safety. City of Minneapolis response: that is an example of making a decision based on risk, when the statute supports decision-making based on length of time of operation.
- Special Event time limitations are unenforceable between jurisdictions. The same individual could get multiple licenses in different parts of the state and operate many days, while someone less mobile could only get one special event license.
- MDH staff have found no information about the origin of or rationale for Minnesota’s 21-day limitation on seasonal temporary food stands.
- Arbitrary numbers of days of operation are difficult to explain to farmers and others. Points about focusing on risk and food-handling practices resonate and make sense.

Discussion of pressurized hot water vs. gravity-fed system for handwashing:

- Presentation by Dan Huff included calculations of PSI of water: residential tap water is 30 to 80 PSI, and a gravity-fed system with a 5-gallon container delivers >30 PSI until the water level drops to <3 gallons above the orifice.
- Dan Huff stated that there is no information in the FDA Model Code about required PSI for handwashing. Cited FDA Model Food Code: 5-103.12
 - Water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use water except that water supplied as specified under 5-104.12A and B to a temporary food establishment or in response to a temporary interruption of a water supply need not be under pressure.
- Soap and paper towels for drying help reduce hand contamination by the friction of rubbing hands together and wiping off with a discardable towel. Warm water is helpful not because it reduces contamination more than cold water per se, but because people are more likely to keep their hands under a stream of warm water for the full 20 seconds recommended.
- Gravity-fed systems are low-cost. Pressurized systems currently required by the MN Rule are expensive, difficult to transport, and there is no statistically valid research to demonstrate that the hot pressurized water makes any difference to public health. What protects public health is not the expensive equipment, but whether you wash your hands.
- Being a permanent brick-and-mortar establishment is not a guarantee of food safety. What you want is for the right thing to be the easy thing. In terms of temporary stands, it's harder to make the right thing the easy thing. The highest-risk things are handwashing, cross-contamination, and safe sourcing of food. How do we ramp up the teaching on hand washing, and get people to act upon it to keep food safe?
- Hand-washing is a behavioral thing, it isn't an equipment thing. In Olmsted County training there is assessment of the procedures for 8 different risk factors. Everyone is trained to the same procedure, and then there's verification.
- Minnesota Farmers Market Association is developing farmers' market certification with training for vendors and managers on safe food handling, handwashing, and Pickle Bill and jam and jelly production. The farmers market has to be trained on this to be certified. It is mandatory, and driven by insurance requirements.
- Linda Prail noted that the Minnesota Food Code is open for comments, and requested that people make comments to help create movement on this issue.

Discussion of consistency in interpretations of regulations:

- It is difficult for vendors to sell at three different venues and run into different sets of rules at each one. How to help with consistency among delegated authorities?
- It is important that the regulated parties hold their regulators accountable
- Accountability of the regulated parties is hard if they have never heard of the rules. MFMA is going to train people at the market manager level and vendor level. Once people are trained and informed, then you can hold them accountable.
- Kathy Zeman asked: Is it okay that we are going to encourage vendors to ask their inspectors – politely and respectfully – to be transparent and explain where requirements are located in MN Statute and Rule? Nikki Neeser and Jennifer Stephe answered yes, having those questions

asked helps them get clarity on questions. Kathy Zeman stated that it will be part of the MFMA training to tell vendors to ask questions and push back when something doesn't seem right.

- MFMA and other farmer-oriented groups can be advocates for farmers and others who are often scared to bring up questions or issues to their regulators. The farmer-oriented groups can help farmers ask the right questions. Frequently getting the right answer depends on providing specific details, and farmers need some training and background to be able to do that.
- It's important to really share when there are issues and have open channels of communication going back and forth so that the whole system gets improved and the whole spectrum of people get better trained. Also may be helpful to talk about where regulations are coming from - is it state, federal, local.

Discussion of procedure for changing legislation:

- If changes need to be made through the Legislature, it is more efficient to change both Statute and Rule at the same time.
- Need agreement and coalescence around bill language
- Need powerful authors who can get a committee hearing
- Agency staff must be silent once legislative submission of a bill occurs.
- This is time-sensitive and there is a need for follow-up meeting, which will be on-campus in the first or second week of January; but avoid the MN Organic Conference.

Talking Points document re: recent MDA enforcement actions

Presenter: Jane Jewett

- The purpose of this document is for educational use by those who work with farmers. There is a lot of misinformation being put forward about MDA enforcement actions, and general lack of information and understanding about licensing regulations. We can use it to set the record straight and provide correct information.
- Question about functioning of the LFAC: Can we write up our understanding when some publicized enforcement event happens; bring it to the group to get feedback and corrections; then those of us who work with farmers can use the document to talk to producers...?
- Consensus of the group that if someone has publicly been prosecuted, then we should name names in the document so that people are clear on what exact situation we are talking about.
- We should provide information about what a violation is and what that means. If a farmer is cited for a violation - that means that they are given an opportunity to correct it before any further action happens. Citations are very routine. The farmer takes steps to come into compliance; then that's verified and they are in compliance. Further enforcement action or prosecution only happens if there is refusal to comply or no progress toward compliance.
- Discussion of local food aggregators: for example, several CSAs collectively put together weekly boxes with each contributing some of the vegetables. Food handler's license needed, or not? Produce distributor's license needed, or not? It would be good to have a fact sheet on aggregation because it's happening more and more.

- Important to work on shared language. If regulators are using words that most people don't understand, we need to let them know and work on better language for outreach.

Update on Dairy & Food Inspection Division changes

Presenter: Nicole Neeser

- MDA hired an Educational and Outreach Coordinator who will work out of the Dairy & Food Inspection Division.
- There will be some changes on the meat plant inspections. Previously, meat inspectors would conduct retail, custom, and Equal-To inspections at meat plants. Now this is changing to have meat inspectors doing custom and Equal-To plant inspections, and food inspectors doing retail inspections at meat plants; so some plants that previously had one inspector will now have two.