

Local Food Advisory Committee

Meeting notes for February 12, 2015

Present at meeting:

Tamara Downs-Schwei, City of Minneapolis
Emily Walz, U of MN student
Helen Schnoes, MISA
Jennifer Stephe, MN Dept. of Agriculture
Cecilia Coulter, MN Farmers Market Association
Kathy Zeman, MN Farmers Market Association
Tim Jenkins, MN Dept. of Health
Wayne Martin, U of MN Extension
Sarah Leach, MN Dept. of Health
Marilyn Johnson, MN Fruit & Vegetable Growers Association
Mike Lilja, Sustainable Farming Association
Megan O'Hara, Homegrown Minneapolis
Russ Henry, Homegrown Minneapolis
April Bogard, MN Dept. of Health
Jane Jewett, MISA

Present by phone:

Bruce Miller, MN Farmers Union
Suzanne Driessen, U of MN Extension
Ryan Cox, U of MN Meat Science
Nicole Neeser, MN Dept. of Agriculture

Contents:

Minnesota Department of Agriculture Update (p. 1)
Crow River Ketchup Launched (p. 2)
Bush Foundation Community Innovation Grant (p. 2)
Cottage Food Legislation (p. 3)
Misbranding & Recalls (p. 6)
Sales of Milled Grain (p. 6)

Minnesota Department of Agriculture Update

Jennifer Stephe

Legislative Update

The governor's budget included funding for five full-time meat inspections staff. MDA is optimistic about the chances of that passing. The budget did not include a requested \$55,000 per year to fund purchase of new computers and other equipment, conduct a study on sustainable and flexible ways to fund the meat inspections program, and to support voluntary inspections for non-amenable species.

“Non-amenable” species include elk, deer, bison, rabbit, pheasant, and other species considered game animals by the USDA. In the past when meat inspections laws were first written, these species were not commercially raised. Minnesota’s position is that when these species are raised in the farm or ranch setting like domestic livestock, they shall be treated the same way in terms of inspections. Minnesota requires inspection of these species at slaughter and has not charged for this service at Equal-To plants. Minnesota does not receive the 50% reimbursement from the USDA for these voluntary inspection services.

Lack of the \$55,000 will mean the MDA will have limited ability to offer voluntary inspection services for non-amenable species in any new plants. Custom-exempt plants are probably offering slaughter and processing services for non-amenable species. MDA is not tracking this. Custom-exempt is an option for farmers who want to market these species, but the drawback is that animals must be sold to individual consumers prior to slaughter.

Question about slaughter facilities for horses: these have to be completely separate from facilities for slaughter and processing of other red meat. Horse slaughter is a very sensitive political issue.

Organic Processing Workshop

The MDA’s Agricultural Marketing Division is considering hosting a workshop for meat processors and other food processors who want to offer organic certification of product. Lisa Wenzel is the contact person for this. Considerations for organic processing:

- The processor doesn’t have to be a 100% organic shop. Recordkeeping and traceback of ingredients are important to document separation of organic and non-organic product.
- Processors can start the day with a clean shop, do a run of organic product first, and then switch to non-organic product.

Minnesota has many organic farms (523 in the 2012 Ag Census) and MDA recognizes the need for organic processing. Meg Moynihan heads the organic agriculture programs at the MDA; consider asking her to attend a future LFAC meeting.

Crow River Ketchup Launched

Mike Lilja

The Crow River Chapter of the SFA has bottled its first run of ketchup! This is a test run and they will be collecting feedback on the product.

Bush Foundation Community Innovation Grant

Jane Jewett

The application that MISA submitted with lots of feedback and help from LFAC members made it through the first cut. There were 359 applications submitted and 55 of those advanced. Helene Murray

and Jane Jewett of MISA, Jan Joannides of Renewing the Countryside, April Bogard of MN Department of Health, and Nikki Neeser of MN Department of Agriculture had a conference call in January with members of the Bush Foundation review committee. We will know in April whether we made the final cut.

Cottage Food Legislation

Kathy Zeman

There are proposals before the MN Legislature to change laws on cottage food operations. Some of the impetus and considerations:

- Some individuals would like to conduct a cottage food business out of their home, but are restricted from doing that because of the provision that sales take place only at farmers' markets or community events.
- Some farmers' market vendors hate giving up their business at the end of the market season, and would continue sales year-round from their homes if that were allowed.
- There is a lot of confusion around M.S. 28A.15 Subdivisions 9 & 10 for vendors bringing cottage food products into Minnesota from neighboring states. Subdivision 9 does not specify that products must be made in Minnesota. Subdivision 10 does specify Minnesota.
- The current dollar limits of \$5,000 per year in sales (per person, per exemption) were put in place in the late 1990s and have not been adjusted for inflation.

Issue: How to define non-potentially hazardous food?

There are two scientific bases for the definition: water activity (a^w) and pH level.

- Noted that yeast breads often have higher a^w than the 0.85 that is defined as the non-hazardous limit. Most people would not consider yeast breads as potentially hazardous; but there has been a norovirus outbreak traced to bread.
- There is a request on the (legislative) table for a list of non-potentially hazardous food items that could be updated regularly. California has this, and a process for adding new items to the list.
 - What are the criteria?
 - Who pays for evaluation of new items?
- Code of Federal Regulations (CFR) puts restrictions on low-acid ingredients in canned foods.
- Acidified canned items are considered not potentially hazardous if they are made from an approved recipe: for instance, from U of MN Extension or from the National Center for Home Food Preservation at the University of Georgia (<http://nchfp.uga.edu/>).
 - Recipe testing can be done; one testing lab that MFMA is aware of charges \$70 per recipe.

- Joellen Fiertag is the only process control expert at the U of MN who could do recipe testing, and she's very busy because any restaurant doing a specialized process needs to get it reviewed by a process authority.
- Ryan Cox has served as a process authority for meat processing. He can conduct a^w and pH testing, but can't do microbiological testing in his lab. Joellen has that capability.
 - You have to demonstrate that the a^w and pH of the product, or the process used, are actually controlling the organism(s) of concern – thus the microbiological testing.
- The Better Process Control School offered in Madison, WI will do recipe testing with one-week turnaround.
 - Is this regional access to training and testing enough, or should a case be made to build similar capacity in Minnesota?
 - Who might contribute to funding another process control expert in Minnesota?
 - AURI, Extension, Regional Sustainable Development Partnerships, AGRI funds from the MDA
 - Check with Suzanne Driessen and Joellen Fiertag about a National & Regional Food Safety Training Center

Issue: Local Zoning

Local zoning will trump cottage food rules. Many local governments put numerous restrictions on home-based businesses. There are concerns about traffic, noise, odors, waste disposal, water and sewer system use, parking, etc.

- Example of a baker with two ovens and a commercial refrigerator in their house – people could run into issues with local building officials over electrical capacity and ventilation.
- Noted that these home-based food preparation activities are self-limiting. At some point in the growth of a business, it just isn't going to work at home anymore.
- Similar situation for home-brewers; there are physical limitations; the activity is self-limiting.

Issue: Food Safety Training

Should home bakers be required to take training?

- Training for cottage food business operators is mandated in California.
- MFMA is proposing something similar to ServSafe training, but focused on local food.
- Sarah Leach suggested that the Certified Food Manager (CFM) course should be the one required, even though some parts will not be applicable to cottage food operators. It covers the whole FDA Food Code, so everyone who takes it hears some things that aren't applicable to them. There is a robust training system already in place.

- Cost of CFM training: about \$165 for training + exam
- \$35 annual renewal fee + 4 hours continuing education per year

Issue: MDA's Role

- There will be some kind of registration required in lieu of licensing.
- Cottage food businesses will be subject to inspection. Infectious disease rules allow MDA and MDH to inspect home-based businesses.
- Question about whether HACCP plans will be required? -- HACCP is not required for non-potentially hazardous foods.

Issue: Dollar limits

A survey of farmers' market vendors revealed that many are already past the \$5,000 limit in current statute.

- One option is to peg the \$ limit to inflation, but that is not likely to get passed in legislation. Actual dollar limits are preferred.
 - Question whether there is a way to intervene on a regular basis to raise \$ limits to keep pace with inflation?
 - If the \$ limit is in statute, it needs to go through the legislative process.
 - It could be in Rule rather than statute, but April Bogard noted that it is easier to change statute than Rule.
- Concern about undue competition with licensed brick-and-mortar establishments
- Gross vs. net \$ limit: The gross sales limit currently in place doesn't account for input costs and price-points. For example, certified organic products are generally sold for a higher price than non-organic and also have higher input costs, so the gross can be much higher but the net will be closer to non-organic. With jam and jelly, the largest input cost is for the glass jar.

Issue: Liability Insurance

The League of Minnesota Cities is interested in requiring that farmers' markets and vendors are insured.

- Food Liability Insurance Program (FLIP) is available to insure processed food products.
- Having appropriate insurance is the responsibility of the seller.

Issue: Sales Venue and Marketing Options

- Allowing sales over the Internet has been proposed; concern is that this will cause too much expansion of cottage food businesses.
 - Example with Crow River SFA's ketchup sales: Internet sales are self-limiting due to shipping costs and their philosophy of local sales.
 - California allows cottage food transactions to be conducted over the Internet but physical delivery of product has to be in person.
 - Crossing of state lines with product would require FDA registration.

- Concern that allowing sales outside of the farmers’ market venue will encourage people to operate out of their homes rather than becoming market vendors. On the other hand, the farmers’ market is the central location and storefront; businesses may struggle to connect with customers without the face time at the farmers’ market.

Examples of potential items offered at farmers’ markets and requirements thereof:

- Bakers with coffee or tea available on their market table
 - Allowed; M.S. 28A.15 Subdivision 2
- Smoothie made from all product of the farm: kale, apples, honey
 - License required; leafy greens are potentially hazardous once they are cut. Usually it’s a processing issue that leads to contamination of leafy greens.
- Intact item of produce vs. a cut & processed item (e.g. serving uncut kale leaves instead of the smoothie)
 - Depends on whether the item has been identified as connected with an illness outbreak. Noted that eventually, virtually every food item will become classed as “potentially hazardous.”

Misbranding & Recalls

Misbranding is a huge issue; many recalls are due to incorrect labeling. Sometimes a new ingredient mix causes labels to become incorrect.

Consensus of group that a fact sheet on labeling, misbranding, and handling recalls is needed. Sarah Leach was appointed to draft the fact sheet. Tim Jenkins offered to review. Carrie Rigdon and Alida Sorenson of the MDA’s Rapid Response Team could also serve as resource people. The MDA has a Recall Risk Analysis form.

Suggestion to have the MDA’s Rapid Recall Team join a future LFAC meeting.

Sales of Milled Grain

MISA has had a couple of questions lately about the rules for packaging and selling either whole grains or milled grain products, when these would be product of the farm.

Val Gamble said that this would be a non-licensed situation.

- The product must be made and handled in a safe, sanitary manner.
- MDA will send inspectors out to visit with on-farm manufacturers and provide advice, even in these non-licensed situations.

- Farmers can get voluntary licensing for product of the farm. Having a license is sometimes helpful for marketing and insurance purposes. The license issued would be either wholesale food manufacturer, or retail food handler.