

Local Food Advisory Committee

April 18, 2019

<p>Present:</p> <p>Kathy Zeman, MN Farmers’ Market Association Annalisa Hultberg, U of MN Extension Annie Klodd, U of MN Extension Connie Carlson, U of MN Extension/RSDPs Lolly Occhino, Ag Utilization Research Institute Stu Lourey, MN Farmers Union Jane Jewett, MN Institute for Sustainable Ag Angie Cyr, MDH Food, Pools, & Lodging Jeff Luedemann, MDA Food & Feed Safety Alex Cortes, MDA Produce Safety Program Wayne Martin, U of MN Extension Sarah Leach, MDH Food, Pools & Lodging Greg Schweser, U of MN Extension/RSDPs Mary Jo Forbord, Prairie Horizons Farm Anne Sawyer, U of MN Extension Nicole Chimbetete, MDH OSHII Lisa Wetzal, MDA Dairy & Meat Inspection Jim Witkowski, MDH Drinking Water</p>	<p>Present by phone:</p> <p>Lauri Clements, Olmsted County Public Health Sami Burington, MDE Farm to School</p>
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Oilseed Pressing On-Farm

Norm Erickson, a hazelnut grower, inquired about a license for pressing hazelnut oil on his farm. He has a commercial-grade kitchen on the farm. He was told that the dried and roasted nuts and pressed oil had to be sold as Cottage Food items. Norm would like to be selling nuts at wholesale. He has an opportunity to sell hazelnuts to a brewery, but can't do that under the Cottage Food law. He would need the product of the farm exclusion from licensing in order to make that sale.

- Is vegetable oil from oilseed crops, including nut oil, a non-potentially hazardous food, which would allow it to be produced under Cottage Food Law? (Cottage Food meeting is coming up on 5/17/19 and the question can be addressed there.)
- Drying and roasting nuts that were grown on the farm should be allowed under the product of the farm exclusion when there is an appropriate facility for doing the drying and roasting.
- Is oil covered under the product of the farm exclusion if the farmer is pressing oil from their own oilseed crop?
 - And if so, would this include hempseed oil or CBD oil? CBD oil is being sold at farmers' markets; unclear to the market managers if those are legal sales.
 - FDA has a hearing coming up re: cannabis products. Greg Abel is an FDA retail food specialist who could answer questions about cannabis in food products.

Prairie Horizons Farm's Beef Livers

Mary Jo Forbord submitted this case to the Food Innovation Team, which will hear it on 5/21/19. The Forbords had two beef animals butchered at the Belgrade Locker, a MN Equal-To plant. The livers from both animals were condemned. The Forbords didn't learn of this until they picked up the meat, and at that point were not able to get information about why the livers were condemned. It was a hardship for them because they have a waiting list for their beef livers, so they lost product and had disappointed customers.

- MDA does a written report of every inspection, but inspectors don't write down why organs are discarded.
 - Reports are not submitted back to the farmers.
 - Some farmers want that information for herd health reasons
 - There's a cultural aspect here: organ meats are valued by some people, and viewed as throw-away items by others.
- There is no regulation requiring inspectors to provide information about reasons for condemning organs. If it's a whole carcass of an animal, then a written reason and veterinary confirmation is required. There's a dollar threshold for reporting of reasons for condemnation.
 - It might be possible to find a way for farmers to get condemned organs looked at by a veterinarian to determine what was wrong. Inspectors are not veterinarians and are not typically able to diagnose disease: they are trained to recognize normal and abnormal, and to condemn abnormal.

- Organs are kept with the carcass until there is a determination on the health of the whole carcass. Once the carcass is passed, the organs can be separated from the carcass. There is no legal requirement to retain identity of organs once the carcass has passed inspection.
 - It is the plant’s job to retain that identity if the farmer has requested it.
 - The regulators are protecting food safety. They don’t care if farmers are getting their own animals back so long as everything has passed inspection.
 - Typically there’s a bin for commingling all the inspected and passed organs from the animals butchered on a day.
 - Trim for ground meat can also legally be commingled from all the animals butchered on a day, once the carcasses are inspected and passed.
 - In custom-exempt plants, the cuts, trim, and organs from an animal all have to stay together and be given back to the owner of the animal – but there is no such requirement for animals processed under Equal-To or USDA inspection.
 - Organic processing plants under Equal-To or USDA inspection do not legally have to retain carcass identity, either. So long as all the animals are organic and all pass inspection, there could be a commingled bin of livers and a commingled bin of trim.
 - This is a potential issue for farmers who market using grass-fed or other claims about their production methods. They need traceability to ensure they are marketing meat from their own animals.
- Inspectors do not contact farmers with information about their animals. The animals are inspected for the meat processing establishment, not for the farmers.
- The establishment and the farmer need to have their own conversation about retaining organs from animals brought in. The inspectors don’t necessarily know which farmer’s animals they are looking at.
- Discard of organs is not always a case of condemnation by an inspector.
 - If organs get dropped on the floor at a meat processing plant, typical practice is to discard it. It would be possible for the plant staff to pick it up and clean it, but most don’t do that.
 - Butchering errors, such as cutting the gall bladder and getting bile on the liver, can also result in organs being discarded by the plant.
- Minnesota Association of Meat Processors (MAMP) annual conference just happened. Possible agenda item for next year: recordkeeping re: organ disposal.
- Best way for farmers to ensure they get what they are expecting: have the conversation in advance of butchering, with the meat processing plant staff.
 - Make sure they know you want the organs back
 - Ask that a reason be written down if there is condemnation of organs.
 - It is not feasible for inspectors to do this routinely. The majority of farmers don’t care about organ meats, and inspectors are not trained to diagnose. If the plant requests an explanation, the inspector will provide one.

Further discussion about testing meat animals for presence of antibiotics:

- Organ meat samples are taken for testing for presence of antibiotics. If it shows up positive for something, the whole carcass is tagged for “retain” for up to 7 weeks while further testing is

done to confirm the initial test. It can't leave the plant during that time. The plant can cut up and freeze the meat to prevent spoilage.

- There are USDA tolerances for antibiotic residues in meat. A positive initial test showing presence of an antibiotic may end in release of the meat because the level was below the USDA tolerance.
- Testing is done on any carcass from an animal that looked like it had a health problem in the ante-mortem inspection, plus any carcass where there is an obvious injection site, plus one random sample per day.
- Testing is not done on carcasses in custom-exempt plants.
- Animals at particular risk for antibiotic residues are veal calves and cull dairy cows.
- 0.01% of tests show up positive for antibiotics.

Is the Prairie Horizons case a good FIT case?

- There was concern that this is not specifically a food licensing case. It could be overstepping the boundaries of FIT.
- It is about food sales and regulations, and the information could be useful to capture in the FIT database.

Sprouts and Microgreens

- According to the Food Safety Modernization Act, wheatgrass with the seed and root mass is considered a sprout. Sprouts are considered potentially hazardous and have their own section of regulation within FSMA.
- If the wheatgrass is being cut off of the root mass, it's a microgreen. Microgreens are considered ordinary produce under FSMA and are not covered by the more stringent requirements for sprout production.
- Farmers selling trays of sprouted seeds to restaurants or other retailers should be clear about whether these were raised as sprouts or microgreens, and inform their buyers.
- The Minnesota Food Code states that once microgreens are cut off from their roots, they are TCS foods (Time/Temperature Control for Safety) and must be refrigerated if not being served promptly.
- The Minnesota Food Code requires a variance for restaurants to grow their own sprouts. It is considered a special process and requires a HACCP plan.
- Sprouted seeds baked into bread or crackers are not potentially hazardous because there has been a kill step.

Donation of Wild Game

The Venison Donation Program has been around for several years, but other kinds of wild game can be donated and served in some circumstances.

- Minnesota Statute and Rule use three terms:
 - Wild game
 - Wild game animals
 - Game animals
- The Minnesota Food Code allows donation of wild animals, lawfully taken, to registered charitable organizations.
 - “Wild animals” are defined in M.S. 97A.015 Subd. 55
 - The definition of wild animals specifically excludes humans
 - The Food Code requirements for establishments receiving donated wild game are in Minnesota Rules 4626.0160
 - The food establishment must be approved to receive wild game and have a HACCP plan for handling donated wild game
 - Only legally harvested wild animals can be donated
 - Donated wild game can be used for fundraiser wild game feeds, or in feeding programs.

Pop-Up Events

There was a combination seed swap and food swap held in Mankato in February that received some media attention. It wasn't clear from news coverage whether those selling food were doing it legally. Photos of jars of canned food showed no labeling, but may have been positioned to hide the labels.

Articles also show up in the media about dinner clubs or in-home restaurants.

- Example: an AirBnB that serves tea and scones to the public once per week – it would need a license for that food service.

What should people working in local food systems know or do about these kinds of events?

- Educators and others working on local food do not have regulatory obligations.
- However, if they are concerned about a situation, there is a complaint form on the MDA website that can be filled out and submitted online. Then a regulator will follow up.

Lemonade Stand Bill

- Calling it the “lemonade stand bill” is a misnomer because as currently written, it allows serving any kind of food – not just lemonade – up to \$1000 per year with no license.
- There needs to be education associated with the bill about handwashing and potentially hazardous food.
- Canned lemonade could currently be sold as Cottage Food if the pH is less than 4.6. The decanting into cups and serving of lemonade has required a license.
- Water source is a concern
- There was once an illness outbreak associated with lemonade -- heavy metal toxicity that occurred because a chip off the rim of an enamel pitcher got into the lemonade.