

Local Food Advisory Committee

May 13, 2014

Present:

Bruce Miller, Minnesota Farmers Union

Katherine Waters, U of MN Extension

Nikki Neeser, MDA-Dairy & Food Inspection Division

Sarah Leach, MDH

Colleen Paulus, MDH

Lisa Wetzel, MDA

Jane Jewett, MN Institute for Sustainable Agriculture

Kathy Zeman, MN Farmers Market Association

Paul Hugunin, MDA/Minnesota Grown

Greg Schweser, Regional Sustainable Development Partnerships

Karen Korslund, Regional Sustainable Development Partnerships

Marilyn Johnson, MN Fruit & Vegetable Growers Association

Mike Lilja, Sustainable Farming Association

Wayne Martin, U of MN Extension

Fernando Sampedro, U of MN Dept. of Food Science & Nutrition

Tim Jenkins, City of Minneapolis

Ryan Cox, U of MN Meat Science Program

Megan O'Hara, Homegrown Minneapolis

Doug Peterson, MN Farmers Union

Summary of Key Points

- Farmers' Market Sampling legislation passed as S.F. 2060 and was signed by Governor Dayton.
- A study by Megan O'Hara suggests the need for improved timeliness, transparency, consistency, and scale-appropriate regulation of small-scale and local food entrepreneurs.
- Licensing is probably required in the case of multi-farm collaborations for sale of products of those farms.
- Product labels for meat, dairy, food, and pet food have a review process available but label approval by the regulatory authority is not required prior to sale of the product.
- Budget limitations in the Minnesota Department of Agriculture's Dairy and Food Inspection Division are restricting their ability to act on requests for Equal-To inspection.

Topic List

- Recap of Farmers' Market Sampling Legislation – p.2
- Local Food Processing and Regulations – p.2,3
- Risk-Based Analysis of Food Safety – p. 3,4
- National-Level food Safety Discussions – p. 4
- Cottage Industry Regulations – p. 4, 5
- Local Foods Festival, “FEAST” Show in Rochester, MN in November 2014 – p. 5
- Licensing Requirements for Farmer Collaborations, such as Multi-Farm CSAs – p. 5,6
- Benefits of Licensing – p. 6
- Product Labeling – p. 6, 7
- Poultry Processing – p. 7

Recap of Farmers' Market Sampling Legislation

by Kathy Zeman

- The collaboration between agencies and stakeholders was key to getting it passed.
- Thom Peterson of MFU was instrumental in shepherding the bill through the process.
- Colleen Paulus worked on language to deal with the “chili amendment” so that the bill could move forward.

Local Food Processing and Regulations

by Megan O'Hara

http://misadocuments.info/Local_Food_Entrepreneurs_Presentation.pdf

- Homegrown Minneapolis received repeated complaints about regulations, but no one could articulate exactly what the regulatory barriers were. There are many entrepreneurs, including farmers, interested in small-scale processing.
- Megan's research as an Endowed Chair in Agricultural Systems uncovered a number of areas that can be obstacles to local food processing:
 - The need for systematic education on what the rules are
 - Uncertainty about what FSMA will mean
 - Confusion about licensing
 - Confusion about plan review
 - Interaction (and sometimes flawed interaction) between local zoning and Health or Ag Department licensing during the process
 - the City of Minneapolis has started a group review process with all relevant departments represented to avoid bouncing people around between departments.

- Time required for the process: businesses get into trouble with escalating costs when things take longer than expected.
- Megan's recommendations for improving the regulatory climate for small-scale food entrepreneurs:
 - Timeliness of action on requests
 - Transparency; more easily accessible information
 - Consistency of interpretation and application of regulations
 - Scale-appropriate regulation
- Discussion following Megan's presentation:
 - Front-line inspectors need to be supported with education and training
 - NSF equipment requirement for small-scale food manufacturers is cost-prohibitive
 - MDH has a delegated authority map and MDA has an inspector territory map; both online
 - Comments are sought on the Minnesota Food Code. Submit written comments to Linda Prail!

Risk-Based Analysis of Food Safety

by Fernando Sampedro

http://misadocuments.info/Food_Safety_Risk_Analysis_Fernando_Sampedro_LFAC_051314.pdf

- Foodborne illness is under-reported; a foodborne illness outbreak investigation is a rarity compared to the number of people who get sick from food. There are >250 foodborne disease agents.
- Top reasons for foodborne illness:
 - Poor personal hygiene
 - Cross-contamination
 - Poor food storage practices
 - Poor cleaning and disinfection
 - Mistakes during processing
- Risk = likelihood x severity of a hazard present in food
- Risk Analysis is a tool to aid decision-makers.
 - Prioritize risks
 - Identify gaps in information
 - Estimate risk of a process
 - Evaluate control measures
 - More on this approach from FDA:
 - <http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm380210.htm>
- Discussion of Dr. Sampedro's presentation:
 - High-risk local foods vs. high-risk non-local foods; are the processing methods different?
 - A farmer bringing food to a market may be aware of the risks to that point, but what about consumer awareness once product leaves the market? Farmers' market

management needs to make customers aware of the need to wash produce, so that it's a whole-market thing rather than left to individual vendors.

- Question on why food is labeled as “dangerous” now: Has it always been dangerous? Are we doing something bad with ourselves to make it dangerous for us now? Food-borne illness is more visible now than in the past due to better data collection.
- Regulations that we have today have evolved because there were issues with food safety. Some things we do now have introduced new types of pathogens, some more dangerous pathogens.
- Sporadic illness outbreaks will occur regardless of scale of production or processing. Large-scale production, mistakes create larger outbreaks. Smaller scale = smaller outbreaks.
- More steps in production, transport, processing and more ingredients coming from a wide variety of sources means more chances to make a mistake and introduce contamination.
- How do you assess what things are real risks, vs. theoretical risks?
- Why not do on-farm testing for Salmonella, Listeria, etc.? -- These things are ubiquitous; it's the handling of the product that makes the difference.
- There's a perception [among buyers, agency staff] that local foods are less safe, yet local food producers want less regulation.
- Discussion of meat plants:
 - What is scale-appropriate regulation for meat plants? You have to have procedures that work to prevent contamination.
 - Meat and dairy regulations come down from the federal level.
- Get ahead of risk at the local-food level by doing education of farmers.
- Regulations often seem one-size-fits-all: it's hard to make regulations for 1000 acres of lettuce apply to a 2-acre diversified farm. Yet, exemptions to regulation come at a cost of more-complex regulation. Example of farmers' markets – there was a way for market sampling to fit into the existing regulations, but markets didn't want to fit into that box.

National-level Food Safety Discussions

- Colleen Paulus described the Conference for Food Protection and the process for revising the Federal Food Code.
- Nikki Neeser described the National Conference of Interstate Milk Shippers and the process for amending dairy regulations.

Cottage Industry Regulations

- Discussion of current situation in Minnesota:

- You can cook at your home for food service, but you need a separate kitchen.
- You can prepare product for sale at farmers' markets at home up to \$5,000 per year in sales, but need a separate kitchen for higher dollar levels of sales.
- You are competing with brick-and-mortar businesses if you are selling home-made product at venues other than farmers' markets
- "Separate Kitchen" has to be separate from living quarters with a solid partition or solid self-closing door.
- Zoning issues frequently come up with a separate commercial kitchen in a home or on the same property.
- City of Minneapolis has put rules in place to facilitate food businesses.
- Patchwork of regulations, especially within the 7-county metro area.
- Cross-border complaints; Wisconsin vendors can't bring "Pickle Bill" products into Minnesota farmers' markets.
- Some states allow sales of product from home kitchens to restaurants, but they also require inspections of the home kitchens.
- How to start a food business in Minnesota ...
 - It would be useful to have a navigation tool, preferably online. Food entrepreneurs should be involved in developing the tool.
 - It's complicated for businesses to figure out whether to work with MDA, MDH, or both.
 - Should be easier for people to follow regulations
 - Have one phone number to call; then the decision on which agency picks up the case should be behind the scenes.

Kathy Zeman and Megan O'Hara will work on compiling information about Cottage Food regulations.

Local Foods Festival, "FEAST" show in Rochester, MN in November 2014

Jan Joannides is trying to figure out the licensing requirements for sampling and for selling product at this show. She will write up some scenarios for review by Nikki Neeser and Ben Miller.

Licensing Requirements for Farmer Collaborations, such as Multi-Farm CSAs

- If a farmer is selling product of someone else's farm, said farmer does need a license.
- With multi-farm sales, it depends on the financial transactions. If separate payment is made by the customer to each farmer, licenses may not be needed.
- Delivery of product of another's farm requires a license.
- Storage of product of another's farm requires a wholesale license.
- A Wholesale Produce Dealer's license and bonding is required if you buy produce above a certain dollar threshold per year.

- In a situation with four collaborating farmers and one of them is handling the money, that person needs a license.
- If four farmers are all coming together in the same physical space to sell their products, that is a farmers' market if sales transactions are made separately by each farmer.
- At a farmers' market, if one vendor carries and sells product for another vendor, the vendor who conducts the sales needs a license.

Benefits of Licensing

- Traceability of product, provision of food safety information by regulators, and financial support for regulatory programs were cited as benefits of licensure by agency staff.
- Farmers and food entrepreneurs do not always view licensure as a benefit.
- Potential for a video or other presentation to emphasize the benefits of non-adversarial relationships with inspectors. Kathy Zeman and Jan Joannides will explore this.

Product Labeling

- Every product class has a different labeling protocol.
- Meat labels no longer need to be pre-approved before sales can take place. However, that will mean more enforcement actions against incorrect labels.
- For dairy, there is review of labels but not formal approval, and the review is not required.
- For food, there is no requirement for review and approval prior to marketing of product.
- Pet food – also no approval required prior to marketing of product. There is a review process, but it has a backlog of up to one year.
 - Process for pet food approval and labeling:
 - License application
 - Listing in the database of approved feeds – send in the request with the label, and get a sample tested.
- Discussion:
 - It would be beneficial to have a fact sheet that describes the process for sale of pet food or pet treats. Currently information is not provided to let people know that pet food can be sold in advance of receiving the license or label review, and there is a long delay on those things.
 - Don't get creative with the label: stick to the basic requirements laid out in available fact sheets.
 - Who should look at a label? 1) Your inspector; 2) Label review staff
 - Turnaround time is about two weeks for a food product label, but could be months for pet food.
 - Label review is a highly technical and detail-oriented job, and perennially short-staffed.

Poultry Processing

- TFC Poultry in Ashby, MN has stopped accepting small batches of poultry, which is impacting small-flock poultry producers in western MN.
- The MDA Dairy & Food Inspection Division (DFID) cannot get more plants online; they are receiving requests for Equal-To inspection and can't act on them because they don't have enough inspectors.
- The DFID will be submitting a budget proposal in September to the Commissioner of Agriculture, and Nikki is planning to ask for additional funds to hire 4 inspectors and 1 supervisor
 - Submission of budget to the Commissioner is the first step.
 - Then the Commissioner's budget goes to the Governor
 - The Governor's budget request goes to the Legislature
 - If the DFID budget does not get included in the Governor's request, then it could come to the Legislature through some other means.
- The Commissioner of Agriculture, the Governor, and the Legislature are all points where the public could weigh in on the budget request.
- It would be useful to have some information available for the Governor's office regarding poultry processing.