

# Local Food Advisory Committee

July 13, 2017

<p>Present in person:</p> <p>Nikki Neeser            Cheryl Eia, Dairy &amp; Meat Inspection            Lolly Occhino, AURI            Annalisa Hultberg, U of MN Extension            Karen Lanthier, Minnesota Grown            Lauri Clements, Olmsted County            Jerry Smith, MDH Drinking Water Division            Jim Witkowski, MDH Drinking Water Division            Sarah Leach, MDH Food, Pools &amp; Lodging            Jessica Evanson            Lisa Wetzel            Megan O’Hara            Lillian Otieno            Tim Jenkins            Naomi Olive            Jeff Luedeman            Katherine Simon            Ben Miller            Colleen Paulus            Mike Lilja            Lauren Pradhan</p>	<p>Present by phone:</p> <p>Jennifer Stepes            Kathy Zeman            Suzanne Driessen</p>
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# Food Licensing Wizard

Jeff Luedeman, Ben Miller, Katherine Simon

## Why the Food Licensing Wizard?

- There was no online system for people to get information about food licenses
- The Starting a Food Business publication was too long and also outdated.
- Lots of questions were coming in about agency jurisdiction; people were having trouble finding the correct agency to license them.
- The licensing system we have is not the one you would design if you were starting from scratch. It's very complex, it built up over time, and even inspectors need help to navigate it. The flow chart up which the Wizard is based reflects that complexity.

## How was it created and what does it do?

- MDA obtained a grant from AFDO (Association of Food and Drug Officials) and FDA to create the Wizard, web-based interactive tool based on an internal flow chart for determining licensing. The Wizard structure was developed by Lillian Otieno and Carrie Rigdon at MDA.
- There are English, Spanish, Hmong, and Somali versions. Possibility of an audio version?
- This is designed for people just starting out with food licensing. It is intended to accommodate anyone selling food.
- Goal: Get people to the right inspector, or at least the right agency; the right general place to get further information.
- Similar to TurboTax: It walks you through a series of questions to get you to the right inspector.
- At the end of the Wizard, you get a link to a checklist of things to discuss with an inspector.

## Questions & Discussion:

- What about instances in which there is both MDA and MDH licensing? For example, catering + product sales at events.
  - Most of the time, if there is both MDA and MDH jurisdiction over activities, whichever activity generates the majority of sales determines who does the licensing.
  - Delegated authorities may require additional licensing for temporary food service or mobile sales.
- Question about whether this is available as a software package and if it's available to the MDH.
  - Currently only available on the website
  - Would be nice to get it programmed as a mobile app
  - The MDH intake is by phone. Callers are referred to MDA if the food is under Ag; or to MDH or the appropriate delegated authority if the food is under Health jurisdiction.
- This is a huge improvement in navigating licensing. The Wizard received a State of MN award for technological innovation.

- Might need to add a segment regarding Product of the Farm. There are nuances depending on whether off-farm ingredients are added to products, and those currently aren't captured in the Wizard.
  - MDA requests written feedback regarding the Food Licensing Wizard; submit comments to Ben Miller.
- MDA wants to circulate promotional material about the Wizard at the State Fair.

## Food Donations for Food Shelves and Feeding Sites

Lisa Wetzel and Sarah Leach

“Food Safety Guidelines for Onsite Feeding Locations, Food Shelves and Food Banks” is a document currently available on the MDH website:

<http://www.health.state.mn.us/divs/eh/food/fs/foodbanksafety.pdf>

MDA and MDH are working on updating the document. It is about 15 years old, and includes fact sheets that have fallen out of date. It was originally intended to be a guidance document for entities that want to donate food and for entities that receive donated food, to ensure food safety.

The document covers food shelves and food banks, which provide groceries to people in need but do not generally serve meals. Onsite feeding locations do serve meals, and operate as free or reduced-cost restaurants.

Lisa and Sarah are hoping to circulate a draft of the revised document by mid-August. Anyone who is interested in reviewing the document can contact Sarah Leach.

## MDA Dairy & Meat Inspection Update

Nikki Neeser

Changes to statute in recent Legislative session:

The definition of “animal” inspected by the MDA meat inspection program changed. The word “large” was removed, thus bringing small animals used for meat (such as guinea pigs) under the jurisdiction of the MDA.

MDA re-wrote all of Minnesota Statute 32, the dairy statute. All of M.S. 32 was repealed and re-constituted as M.S. 32D. This revised statute uses plain language and has better organization. It was also simplified and reduced from 42 pages down to 27 pages. Accompanying resource materials are being revised also.

The legislative process starts early. MDA will begin working in early August on proposed legislation.

One proposal is a change in egg labeling to allow a longer “use by” date window.

Update on NERCC (North East Regional Correctional Center) in Saginaw, MN

NERCC just started its first round of training with 8 people. The first graduates will be in mid-August and will have training in meat processing and job skills.

### Inspection Capacity

- Ten new plants were brought on line with Equal-To inspection in the past year. Four more are waiting.
- The MDA is currently at full capacity and has no more inspector time available to take on additional plants or shifts.
- MDA had been inspecting 52 plants in the prior year but is up to 60 now. They did add some capacity for more inspection days at plants, and capacity for inspecting ethnic slaughter facilities.
- Shrimp, crickets, and other arthropods are not under USDA inspection.
  - Processing of these protein sources is considered food manufacturing under FDA inspection.
  - Fish are generally under FDA, but farmed catfish are under USDA.
- MDA inspection duties include inspection of manufacturers making products containing meat.
- At this time MDA could possibly add inspection of more small-scale food manufacturers who need inspection less often than weekly.
- If anyone has a way to generate information about greater economic activity as a result of dollars allocated to meat inspections, Nikki would appreciate that information. State funding is needed to maintain inspection capacity.
  - In theory, state Equal-To inspections are paid for 50% by state funds, 50% by USDA.
  - In practice, the split is more like 65% state and 35% USDA.

### Project Sweetie Pie

Michael Chaney and Mary Rogers

Afro-Eco was formed to rescue North High in Minneapolis from closing in 2010. Now, it's working on projects to connect the community to North High. The vision is of three pathways to careers for North High students: horticulture, culinary arts, and food science. Instruction and connection to career information begins in middle school. North High is forging links to Hennepin Technical College to move students into post-secondary education.

Growing North Minneapolis currently has 60 students involved. The inspiration for the program is the Milan Pact Urban Policy.

Mary Rogers and Amy Smith from the U of MN Department of Horticultural Science are helping with the project. Mary Rogers was trained as an entomologist and works in organic vegetable production systems. Amy Smith works in agricultural education.

- The Step-Up program put in place by former Minneapolis mayor R.T. Rybak currently has 40 interns working in North Minneapolis, supervised by U of MN Horticulture and Ag Education students.
- Karl Hakanson with U of MN Extension is helping build connections to the U of MN and assisting with program evaluation
  - Surveying students
  - Journaling
  - Exit interviews with interns

Composting initiative: goal is to keep the waste stream within the community and return the value of the nutrients in the waste to the community. We're working toward community gardens on many major intersections in Minneapolis.

The MN Legislature has passed \$500,000 in funding for build-out of urban agriculture programs. One component of that was not funded: land for urban agriculture. Most grant money goes to programming, but we need infrastructure. A model is Victus Farms in Silver Bay, MN; which includes an aquaponics facility and a hoop house for growing greens.

The health community has been the driver of these efforts: health infrastructure and the insurance industry. Minnesota Department of Health, Blue Cross/Blue Shield, and the U of MN's Healthy Foods Healthy Lives program are key players. A goal of the urban ag programs is to restore education on core life skills. Schools have mostly dismantled industrial arts and home economics courses, and 4-H is smaller than it used to be.

Urban ag education can foster urban-rural connections. Young urban people can become customers for rural farmers. Barriers are incentivizing young people to grow the food they eat, and lack of processing capacity. Produce from North Minneapolis had to get sent to a different metro location for processing, and then sent back to North Minneapolis. The community wants to have the processing capacity where the produce is grown.

Discussion points and connections to other local food systems work:

- Cottage Food may be an option for some produce processing within communities. It needs to be better-known.
- Back-hauling using existing infrastructure of distributors, trucks, and rural grocery stores is a project of the U of MN Regional Sustainable Development Partnerships. This gives farmers an option for transport of their products. Possibly it could be applied in urban settings also.
- Rochester Technical College offers culinary training at the high school level. Rochester is seeing that a shortage of trained culinary workers is starting to have a negative effect on food safety.

## Minnesota Department of Health Legislative Update

Sarah Leach

The MN Legislature approved changes to license fee structures and categories. These will take effect in September, and should result in more money flowing into MDH to support food licensing and inspection.

The licensing system has been simplified and based on risk and complexity of the operation. Formerly, license fees were based on size of the operation and types of equipment. License fees will now more closely reflect the amount of time and resources spent to deal with licensing an establishment.

In the past there were categories that addressed the food safety aspects of alcohol service. That has changed to eliminate confusion over MDH vs. MN Department of Public Safety licenses for alcohol service. Alcohol is now handled by DPS, and MDH license categories no longer reference alcohol.

A new fee has been established for HACCP plan review and HACCP verification: \$500 initial fee plus \$175 annually. These are for special processes that require extra time and attention from regulators. Both MDA and MDH have sample plans available for most of the special processes.

- A concern was raised regarding the amount of the fees for HACCP. Food services that serve immigrant and minority populations are more likely to be using fermentation, which triggers the HACCP plan requirement and fee. This new fee structure will be disproportionately burdensome to immigrant and minority-owned food businesses.
- HACCP plans are complicated and require lots of recordkeeping. Often there are viable alternative processes that don't require HACCP. These still require conversation between operators and inspectors about what the less-complex alternatives may be.

## Minnesota Department of Agriculture Legislative Update

Language was adjusted in the Cottage Food Law (M.S. 28A.152.) As of August 1, Cottage Food can be donated to fundraisers for religious, charitable, and educational purposes; and the Cottage Food operator does not have to be present at the fundraiser when products are sold.

The fee for an export certificate has been increased.

## Surveys of Food & Beverage Entrepreneurs

Three surveys were referenced earlier in 2017 during discussions about establishing an "innovation team" at MDA to deal with difficult licensing cases:

1. MFMA Academy Survey. This was an evaluation survey given to attendees of the Minnesota Farmers' Market Academy workshops for farmers' market development. It asked what topics attendees most wanted to learn. Food regulatory information was near the top.
2. MISA/MFMA quick online survey conducted in February 2017. This was a non-scientific survey conducted over parts of four days, and was a snapshot of issues identified by people who noticed and chose to take the survey.
3. MDA survey of food licensees regarding their experience with the MDA licensing process.

Question: Can these survey results be published? Discussion:

- MDA can't publish survey information collected by others.
- LFAC could publish the results of the three survey sources, with an executive summary.
- The MISA/MFMA survey was reviewed by a St. Thomas professor and criticized for its lack of rigor. In fact it was not intended to be rigorous, and appropriate caveats should be made very clear in the executive summary.

The Innovation Team was not brought before the Legislature this past session, but Innovation Team development work has continued through a series of ongoing meetings involving MDA, MFMA, MISA, and others. We are currently looking at the Food Safety & Defense Task Force as the body to house the Innovation Team. MDA is also working on streamlining their routing of license applicants through development of the online Food Licensing Wizard.

## Regulatory Q & A

Scenario and question re: Cottage Food sampling at farmers' market:

Food sampling at a farmers' market involved a vendor using grilled steak as the "cracker" for sampling of salsa. An observer of this was concerned about food safety in this situation. What is the procedure to make a complaint to the MDA?

- Call the phone # on the MDA website's Cottage Food page:  
<http://www.mda.state.mn.us/cottagefood>
- File a "Food Quality Complaint Form" available on the MDA website

An agency that refers a complaint to MDA can get information back regarding the resolution of the complaint by filing a public information request:

<http://www.mda.state.mn.us/about/mdapublicpolicy.aspx>

## Alcohol Guidelines

Lauri Clements asked about guidelines for food establishments that make and/or serve alcohol. MDA has guidelines for onsite breweries. These are not released to the public, but Plan Reviewers can use them.

- Question about Wine & Art classes – pairing painting with wine and snacks, for instance. Where do those land in terms of licensing?
- Question about microbreweries: where do they land in terms of food licensing?

## Back-Hauling Project

The U of MN Regional Sustainable Development Partnerships are working on a back-hauling project that involves delivery of produce from mid-sized farms to a collection point, typically a rural grocery store, and hauling of produce from there to a distributor. Naomi Olive asked who should the project connect with about licensing?

## Special Event Food Stands

Example situation: Fundraiser pig roast was planned to benefit a man who needed a kidney transplant. A special event food stand license was sought from the local delegated authority. The plan was to roast the pig in an above-ground pit constructed of cinder blocks and lined with aluminum foil. The pig would be roasted on an expanded metal tray set inside the pit, and the pit would be covered with a sheet of Durock lined with aluminum foil. The pit was going to be constructed in the parking lot of a licensed food establishment. The food establishment kitchen would be available for ware washing. A portable handwashing station would be set up at the roasting pit.

This licensing request was denied because of delegated authority concerns about food safety of the cinder block/Durock pit. The delegated authority contacted other delegated authority inspectors in nearby counties for their opinion before denying the license request. The applicants disagreed with the concerns and were told they could contact an MDH inspector who worked in a neighboring county without delegation authority for his opinion.

Discussion about how delegated authorities get information about licensing questions if they are an “island;” for instance, a single staff person in a county. Is there a designated contact person within MDH for delegated authorities when they have questions or issues arise related to their licensing authority?

There are regular webinars and meetings put on by MDH that delegated authorities can attend to receive updates and information, but MDH delegation agreements do not require attendance at these events.