

Local Food Advisory Committee Meeting

Sept 6, 2013

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

Attending:

On phone:

Paul Hugunin, Minnesota Department of Agriculture, Minnesota Grown

John Mesko, Sustainable Farming Association

In person:

Wayne Martin, University of Minnesota Extension Service

Nikki Neeser, Minnesota Department of Agriculture, Dairy & Food Inspection Division

Val Gamble, Dairy & Food Inspection Division

Pat Neily, Just Food Co-op

Greg Schweser, U of M Regional Sustainable Development Partnership

Sarah Leach, Minnesota Department of Health

Jan Joannides, Renewing the Countryside

Mike Phillips, Three Sons Meats

Tim Jenkins, Minnesota Department of Health

Jane Jewett, U of M Minnesota Institute for Sustainable Agriculture

Kathy Zeman, Minnesota Farmers' Market Association

Lauri Clements, Olmsted County Public Health

Colleen Paulus, Minnesota Department of Health

Katherine Waters, University of Minnesota Extension

Jon Christensen, Minnesota Association of Meat Processors

Megan O'Hara, U of M Minnesota Institute for Sustainable Agriculture

Facilitating:

Wayne Martin

Mike Phillips noted that he is there representing chefs and is no longer working as a chef. He could help identify another chef to serve on the committee, and would be willing to continue on in his capacity as a business owner working with meat.

MN School Garden & Farm to Cafeteria Safety; A Food Safety Operations Manual

Presenter: Lauri Clements

In SHIP 1.0 there was interest in getting school gardens into the school. The concern was that there wasn't a food safety plan for school garden managers.. Lauri C. developed an operations manual that provides information for both school garden managers and school food service managers about food safety.. It is available online at:

<http://www.co.olmsted.mn.us/OCPHS/reports/Pages/MNSchoolGardenandFarmToCafeteriaSafety.aspx>

MDA has a grant program to provide school with money for equipment. Funds can also be requested from MDA for feasibility studies. Minnesota Department of Agriculture has \$250K for schools and Blue Cross Blue Shield put in an additional \$125K.

<http://www.mda.state.mn.us/grants/grants/mnfarmtoschool.aspx>

MDA also has a Value Added Agriculture grant for producers :

<http://www.mda.state.mn.us/grants/grants/valueaddedgrant.aspx>

Committee Comments on "Commercial Kitchen Food Processing Guide"

Presenter: Greg Schweser

The Regional Partnerships have found that a lot of people are creating community kitchens from the ground up for a variety of reasons. There is a lot of confusion among kitchens and producers over regulations and procedures. Greg S. shared a "first draft" of a guide being written in collaboration with MISA and CURE. The aim is to get correct information approved by MDA and MDH, and then to get it into MISA's next edition of the *Marketing Local Foods* publication.

Discussion:

- Audience for the guide may include non-profit organizations, Economic Development Agencies, farmers, restaurants
- Colleen P. noted that the MN Food Code is under revision, and changes may affect this project. The chart in the guide needs to be acceptable by all agencies.
- Suggestion to add a "users" grid as well as a "products" grid; also to indicate what types of products do not need to be prepared in a commercial kitchen. Sarah L. agreed to be the liaison for MDH and Val G. the liaison for MDA to help ensure the information is correct and up-to-date.
- The guide needs a dictionary that defines all the terms in ways that the group can agree on.
- There is no comprehensive database of existing commercial/community kitchens. MDA and MDH both have databases, but they may not cover businesses in delegated authority areas. Kathy Zeman is interested in having a student intern merge these databases and conduct some interviews of kitchen operators.
- Need to understand how we define a commercial kitchen, who is responsible for operations in it, and what are the liabilities. There may be multiple license-holders for the kitchen if there are multiple users. Who uses the kitchen is important in determining the type of license.
- Kitchen in the Market and Kindred Kitchen are two commercially licensed, shared kitchens in Minneapolis. Everyone who uses those kitchens must be licensed. Each person using the kitchen needed a plan review.
- Confusion over categories of use have caused difficulties for some businesses. Licensing of the food business is one step, but zoning ordinances also must be followed. Some businesses have been able to get licensing but are stopped by zoning. Some cities have a one-stop-shop for permitting to address this issue. City of Minneapolis has begun using a group review process where multiple agencies come together.

- Question about use of school kitchens or church kitchens for small-scale commercial processing. Operational school kitchens wouldn't allow commercial use. Church kitchens are generally exempt from licensing, but churches with schools must have licensed kitchens for the schools' use in order to qualify for USDA school lunch subsidies. Churches do not need licensing for "fellowship" meals, and MDH is not currently licensing wedding meals at churches. Churches' concern for liability restricts use of kitchens by outside entities.

On-Farm Dinners: Who regulates and how? What are the requirements for hosting? Liability insurance/issues?

Presenters: Jan Joannides, Nikki Neeser, MDH

Olmsted County licenses "on-farm" breakfasts with a Special Events license. That identifies a person in charge, and the applicant indicates what will be on the menu and where the food comes from. Information is provided to volunteers on safe handling of food. Tim J. noted that it would be useful to get some in-person training for one-time volunteer workers at Special Events.

When Licenses are Required:

Licenses are required for events open to the public, not for private parties. An entity or individual can hold 3 public events per year (10-day maximum) with a Special Events license through the Department of Health. This holds for each regulating body in Minnesota- so for counties regulated by MDH - 3 events (total of 10 days) can be held with this type of license. An additional 3 events could be held in counties that have delegated authority.

Discussion of types of events that may require a license:

- The Special Event license is not for regular business use. For instance, the Red Barn holds regular on-farm dinners so they had to put in a commercial kitchen and get a Conditional Use Permit. Basically, they became a restaurant.
- Pop-up dinners are an example of a Special Event. Colleen P. noted she got a complaint about one that was posted on Facebook. The organizer said to not wear high heels, meet in a parking lot, and they would take attendees to the restaurant.
- Question: Does Extension need a Special Event license to give snacks on farm tours? These would require a Special Events license if food is being prepared and served on site. If box lunches are being brought in from a licensed business, and that is part of the cost of registration, then a license would not be needed.
- Question raised about who is responsible to get the license for an on-farm dinner: the farmer, or the event sponsor – if those are two separate entities. Farms need to carry liability insurance, and must follow regulations in order for that insurance to be valid for on-farm meal situations.

Other license types that could be used for something like on-farm dinners would be Mobile Food Unit license or Temporary Food Stand.

Discussion of value of licensing:

- A license tells a buyer that the person/business with the license has met some minimum standard that the state requires.
- Levels the playing field
- The licensing process is a mechanism for getting information out to people who need to know it.
- Helps to maintain confidence in the food supply and ensure a healthy population. MDH currently has > 20,000 active licenses.

Requirements for food safety are separate from the requirements for a license. It is important to emphasize that everyone has to follow food safety protocols regardless of whether you need a license or not.

Discussion of changes to statute:

Colleen P. said that it is important to bring the affected parties to the table and get agreement. Once language is agreed upon, it then goes into the committee process in the House, Senate, and then to the floor. Then the red pens come out, and things can get changed or added. Having upfront agreement among interested parties can help keep things in line. It was noted that most of the things that we talked about during the discussion were outside of the MN Food Code.

Megan O. was given the OK to invite Mary Marrow to talk about research she is doing in this area through the Public Health Law Center at William Mitchell College of Law, Hamline University.

<http://publichealthlawcenter.org/about/staff>

Raw Milk Document

Presenter: Jane Jewett

- Jane J. shared a fact sheet she has developed out of concern that raw milk advocates are promoting raw milk without giving people adequate information, or in some cases giving information about how to handle raw milk that is very likely to lead to illness (for instance, recommending not refrigerating raw milk). Raw milk opponents, on the other hand, just cite evidence of illnesses caused by raw milk and say, "Don't drink it." But since there are people who are choosing to drink it and encouraging others to drink it, and in some cases forming underground buying clubs or distribution networks – there should be some basic information available from a reliable source about relative levels of risk and what steps to take to reduce (but not eliminate) risk. There have been cases of illness from people who didn't understand what raw milk was, and in situations where people are serving raw milk at social events. There is no information specifying that serving raw milk to others should not be done.
- Kathy Z. mentioned a recent document from Michigan that brought together a lot of people to work out a plan for legal raw milk sales in Michigan. Nikki N. stated that there is tuberculosis in the dairy herd in Michigan, so it would be especially troubling to contemplate raw milk sales in that situation.

- Nikki N. suggested that the Real Raw Milk Facts website did a good job of going through all the studies. It is an academic site. The challenge is how to communicate to ordinary people, who may also hear the Weston A. Price story about the benefits of raw milk and don't have a framework to evaluate relative levels of risk. The concern from the regulatory side is that you may say there are risky ways to handle it and more risky ways to handle it, but that message always gets lost and people think "less risky" = "safe." With MDA's experience trying to communicate, we've had a lot of really die-hard people come and meet with the Commissioner - nothing will convince those people. But it is the people that those promoters reach out to, who become raw milk customers thinking that they are doing something good and healthy - those middle people - that we need to reach.
- Kathy Z. said that some people seek out goat milk because they are lactose intolerant. Raw milk may be the product they buy, but not the product they actually consume, because they pasteurize it. Can we provide information about how to pasteurize? Then for people wanting to handle milk safely at home, we've accomplished food safety and a healthy population. Noted that you can buy Poplar Hills pasteurized goat milk at most big grocery chains. Outside of the metro, it may not be accessible, though.
- Concern that some people are consuming raw milk because it's "trendy" or perhaps as a defiant act because government entities warn against it. The "trendy" or "defiant" raw milk consumers may not be interested in hearing about risk. Other consumers are doing it because of belief in healthfulness and may not understand risks.
- Consumers have an expectation that if you can buy a food product, it is safe. In the case of raw milk, it is a product that is legal to buy if you go to the farm yourself with your own container – but that expectation of safety may not be met.
- In an Oregon case study, a farmer served raw milk to group of college students who came to the farm. Some got sick, some got infected but not sick, some didn't get infected. Everyone who didn't get sick had previously drunk raw milk. The study suggests that you can build immunity to the things you are exposed to. Discussion around whether that study has any meaning in the larger context of public health; it was a small case and you don't know the background of the people exposed to the raw milk – had they grown up on farms, etc.
- The raw milk discussion was tabled for further discussion in the future.

MDA Regulatory Actions

Nikki Neeser provided information about the Schlangen case:

Someone got Campylobacter, and the illness was reported. They said they had gotten food from Schlangen. One case is not an outbreak - but in this case the MDA was able to follow up. This case may have involved customers who were in the "trendy" or "anti-government" categories in terms of attitude toward raw milk; not clear how many people involved were fully knowledgeable about Schlangen's activities and food handling methods.

Can the committee make this case this a teachable moment?

MDA and MDH can't sign on to group statement, but it could be appropriate for other organizations to put out a lessons – learned document. Possibly could pitch a story to Mike Hugunin, Food Safety Reporter at the Strib. Agreed to work on some talking points via email; Jane J. will start the talking

points.

Process for documenting violations at meat processing plants or other food processing plants:

Description of the process by Nikki Neeser:

It is different for Custom Exempt meat plants than for Equal-To plants. At an Equal-to plant, the inspector will sometimes tell the plant operator to fix the problem and not write it down if it is small; or they will write it as a violation on Non-Compliance record. Then the operator can write down how they will fix it, and then fix it, and then the inspector will note the compliance.

There is an appeals process on the document. First it comes to Nikki, then someone can go above Nikki if they are not satisfied.

A Finding is something observed by the inspector that is in violation. Inspectors are assigned different types of things to look at every time they come, to avoid “barn blindness.” They don’t look at everything every day. Because they are looking at different types of things each time, they are more likely to be writing up problems each time and it may seem to plant operators like it builds up. There are no repercussions to the plant operator from having a write-up every time the inspector is there if the issues are taken care of. If MDA was just doing a quarterly inspection, they would look at everything at that time and come up with a very long list of violations.

Question about whether processing plant operators understand MDA’s system of inspections and understand what it means to get “written up.”

Description of Minnesota Association of Meat Processors (MAMP) educational role, by Jon Christiansen:

MAMP is using an educational process. MDA staff come in to the MAMP meetings and do educational seminars. The MDA staff have been great to work with. There has been a dramatic turn-around in the last 10 years in terms of being able to work with them. It has made us better processors. If the inspector doesn't write something up when they are in my plant, I'd be disappointed. It's a different set of eyes. Most of time, I correct the problem, and they'll sign right off. One time I had a second violation because of some leaking pipes; the first fix didn't work. A lot of guys don't understand that complying with inspector requirements is a job that you have to do. Just get it done. Work with them closer. Sometimes meat processors call me and tell me their inspector wants them to change something - and I say “Change it.” If it’s something the inspector got wrong, then I tell them they need to call Nikki. Sometimes new inspectors are harder to work with. They don’t know the meat processing industry; they don’t know sausage-making. They don’t understand how to work within the gray areas of the law. A lot of younger processors call us older fellows who have been around a while. MAMP is a contact point when processors are having trouble with inspectors. There is education and help available in the case of a disagreement with an inspector.

Discussion of conflicts between inspectors and plant operators:

- Nikki N. noted that in the Equal-to situation, it’s harder for some plant operators because it is their life; running their plant is what they do every day. To have someone point out faults, then it is difficult. Some of them just fix it, some of it is more difficult. Processors have the right to

write their own view and what they will do to correct a problem on their sheet. Writing that down is good; it shows that you are being cooperative.

- Sometimes there is a personality conflict with an inspector. You can request a different inspector, but we rarely accommodate that request. In dairy inspections it happens a lot, and we just can't change to accommodate different people. People have to learn to deal with their inspector.
- MDA does training with our inspectors on how to deal with new people - communication skills, report writing skills. We do work to correct problems with inspectors. It's a concern that regulators tend to get the bad publicity but not recognition for times when problems were corrected.
- Kathy Z. noted that inspections can be positive experiences. She looks forward to her organic certification inspection every year because it is an opportunity to learn what the inspector knows – she spends a long time picking the inspector's brain.
- Jane J. asked if there is a formal process for dialing down conflict in situations where tension between processor and inspector has escalated. Nikki N. said there is always a process. MDA doesn't go from "Hi, we're here" to "We're shutting you down." One exception would be in the case of water supply. Water used for manufacturing of food has to be potable water. In a situation where a processor is using non-potable water, shut-down may happen immediately.
- Nikki N. - In situations where there is a conflict, call me. That way we cover the issue. Formal process: at an MDA-inspected plant, the order is Inspector – Supervisor – Nikki N – Commissioner of Agriculture. If a USDA plant, there's a much deeper organizational chart. If an inspector is giving wrong information, Nikki can do something about that. If you want a rule changed, that's a different issue and can't be handled by MDA inspection staff.

Appropriate role of committee members who hear things from farmers or processors:

- With individual situations - come to Nikki and describe the problem. If it is a trend - then bring that to the committee. No matter how well we're doing, there will always be one-on-one situations that need to be dealt with.
- Discussion of possibility of working with the Food Manager Certification program on educational materials for meat and other food processors, along the lines of Michele Schermann's training on how to pass a GAPs audit: "How to Pass Your MDA Inspection," "How to Pass Your Food Inspection." Sarah L. will supply name of the Food Manager Certification trainer.
- Colleen P. - Call your inspector with questions. Don't be afraid to do that; have open communications with your inspector. You want to make sure that it is safe. Inspectors go into lots of facilities, so they have a lot of knowledge. There can be an exchange of ideas.

Discussion of definition of "potable water."

Presenter: Kathy Zeman

- Confusion exists over the definition of "potable water."
- Clarification from MDA and MDH staff: Potable water does not have to be municipal water. It could be well water, if the well is regularly tested and there is documentation of the water's safety.

[Meeting notes prepared by Jane Grimsbo Jewett and Jan Joannides]