

# Local Food Advisory Committee

December 11, 2015

The Good Acre, Falcon Heights, MN

Present:

Bruce Miller, MN Farmers Union

Elise Levine Less, American Heart Association

Jenna Carter, Center for Prevention, Blue Cross Blue Shield

Stephanie Van Dyke, Bush grant

Jennifer Stepes, MDA

Lisa Wetzel, MDA

Jodi Nelson, MDA

Linda Prail, MDH

Val Gamble, MDA

Mike Lilja, Sustainable Farming Association

Connie Carlson, Local Roots Co-op

Susan Stokes, Farmers Legal Action Group

Jim Witkowski, MDH (Drinking Water)

Lauri Clements, Olmsted County Public Health

Jane Jewett, MN Institute for Sustainable Agriculture

Kathy Zeman, MN Farmers Market Association

Megan O'Hara, citizen

Colleen Paulus, citizen

Sharon Smith, MDH (Drinking Water)

April Bogard, Open Arms MN

Wayne Martin, U of MN Extension (Alternative Livestock)

Tim Jenking, MDH (Statewide Health Initiatives)

Ryan Cox, U of MN Meat Science

Leah Gardner, American Heart Association

Present via phone:

Susan Driessen, U of MN Extension (Food Safety)

Contents	Page #
Minnesota Department of Agriculture Update	2
Metro Food Access Network	3
Good Food Access Fund	3
Minnesota Food Code	5
Cottage Food Law	6
Shared Commercial Kitchens & Plan Review	8
Update on Bush Community Innovation Grant	8

# MN Department of Agriculture Update

Jennifer Stepes, Lisa Wetzel

- Two new staff people are being trained as meat inspectors for Greater Minnesota.
- HACCP validations are emerging as a burden for small-scale meat plants.
- The deadline is approaching for the MDA to report on the feasibility study of a meat processing training program at the Northeast Regional Correctional Center (NERCC). The report includes a look at hours of operation, pay for employees, feasibility of the site; and a new, larger facility\*
  - NERCC would like to have a new processing facility. Their current one is 1940s-era.
    - NERCC already has Equal-To inspection, but currently everything processed under Equal-To inspection was raised at NERCC. Processing for community members is custom-exempt only.
    - With a new facility they could expand the Equal-To inspection and take in livestock from farmers.
  - MN Association of Meat Processors members were surveyed and asked if they would consider hiring someone with a criminal record. Out of 40 responses, 2 were negative; so >90% affirmative.
    - NERCC is a very low-security prison facility; inmates are there due to parole violations.
    - The goal of NERCC is rehabilitation and training. The payscale for meat processing is \$13 to \$20/hr for trained individuals.
    - Demand for meat cutters is increasing.
    - There's a concern whether inmates would be at NERCC long enough to complete the training – BUT – MAMP members indicated they would be glad to get someone with any training at all.
    - Possibility of an advanced program being offered for former inmates after their prison term is done; but there are issues with non-inmates coming into the facility.
  - A survey of producers will be needed to see if there will be sufficient demand from farmers to increase the number of animals processed at NERCC.
    - Most custom-exempt plants in the area do not have kill floors, so that could be a niche filled by NERCC.
- Inquiries received about starting up new processing operations:
  - Mobile slaughter plant in central MN for processing of red meat. A group of farmers is involved in that effort.
    - Ryan Cox noted that most mobile efforts that fail do so due to seasonality of processing.
  - Poultry processing in southwest MN.
    - An Equal-To poultry plant pulled its inspection this year in the fall because of an early sugarbeet harvest; their employees left to harvest sugarbeets, which pays more.

- Demonstrates the need for a larger pool of meat processing employees

## Metro Food Access Network

Kathy Zeman

This group is looking for money to finance new and immigrant farmers and English as a Second Language farmers. USDA grant dollars and MN Legislature funding are being sought.

- Insurance and legal support are two key items
- Farmers Legal Action Group and Public Health Law Center were involved, but their participation in grant proposals was line-itemed out by USDA.

## Good Food Access Fund

Elise Levine Less and Jenna Carter

Introduction:

Elise and Jenna gave a PowerPoint presentation to introduce the Good Food Access Fund and the reasons for its existence. Some points:

- Good Food Access Fund is seeking \$10 million in new spending to improve food access in the state.
- The Food Charter initiative and Minnesota for Healthy Kids Coalition are involved.
- Blue Cross Blue Shield conducted a survey dubbed “Grocery Gap Survey”:  
<http://www.centerforpreventionmn.com/~media/sites/cfp/files/pullingtogether/fact-sheet-grocery-gap.ashx>

Findings of the survey:

- 56% of people across MN believe that not all Minnesotans have access to healthy food.
- 46% in the metro area and 55% in the non-metro area report that their food choices are influenced by availability
- 96% of people agree that food access is important or somewhat important.
- The Wilder Foundation and the Federal Reserve Bank of Minneapolis collaborated on a food access study that was commissioned by Blue Cross Blue Shield of Minnesota [released April 2016: <https://www.wilder.org/Wilder-Research/Publications/Studies/Healthy%20Food%20Access/Healthy%20Food%20Access%20-%20Landscape%20in%20Minnesota%20and%20Lessons%20Learned%20From%20Healthy%20Food%20Financing%20Initiatives,%20Full%20Report.pdf> ]

Discussion:

- “Retail” includes grocery stores, farmers’ markets, food hubs, co-ops, mobile markets, and potentially other models.
  - Small liquor stores have started to act as grocery stores in rural areas. This may open liquor stores to being impacted by the Food Code.

- There is great interest in mobile markets in rural areas. Small grocery stores in these areas struggle to stay open.
  - Will this deal with only bricks-and-mortar businesses, or virtual schemes as well?
  - The Minnesota Grocers Association is in the loop on this work.
- What is the definition of “healthy food?” People are interested in convenience. Does “healthy” always mean “unprocessed?”
  - Food safety should be part of the discussion: not just providing access to healthy food, but also ensuring and improving food safety.
- Affordability is a challenge for local food. Farmers in MN can’t compete with cheap food imported from out of state.
  - Farmers can’t be asked to sell at below their cost of production.
  - Local distribution networks mostly don’t exist, which increases cost of local.
    - Land prices are a factor; most farmers are located >10 miles from their nearest urban area because of high land prices near cities.
  - How does urban agriculture fit it? There needs to be conversation between metro and rural areas.
  - How do farmers in general fit into this as full participants and not merely tools?
    - Largest concern for most farmers right now is access to health care.
  - Funding for the Good Food Access Fund needs to be truly new funding; it shouldn’t be taken from other funds that farmers need.
    - Noted that the pots of money available to farmers are not evenly distributed among farmers -- there is vast inequality within the farming community.
- Question about whether this fund would complement existing work on food access, nutrition, and childhood obesity.
  - SHIP (Statewide Health Improvement Program) is in every county.
  - Extension Nutrition Educators have activity in every county.
- Question about whether DEED is at the table; they are very interested in training and workforce development. They were not interested early-on; but more efforts should be made to contact them. Linda Prail has contact information.
- Funding would be housed with the MDA.
  - Suggested model for interagency collaboration: the Clean Water Action Fund, part of the Legacy Amendment.
  - Public Health Law Center is doing some analysis of models, so send any suggestions to them.
- Strategizing for approaching the Legislature:
  - It would be helpful to have an inventory of local activities and funding sources in hand. Legislators want to know what’s already happening. There are small pots of money and activities taking place already in many Minnesota communities, but no one has a good handle on that.
  - Need to be able to lift up good stories in addition to pointing out deficiencies.
  - Be able to answer the question: If we put in \$10 million, what do we get back? How is it sustainable? Look at multiple models for sustainable and community-driven initiatives
  - Get more input; take a broader look at who needs to be at the table

# Minnesota Food Code

Linda Prail, MDH

## Introduction to Food Code Revision

The Minnesota Food Code is contained in Minnesota Rule chapter 4626. It is based on the FDA Food Code, but hasn't been updated in Minnesota for a long time. Revision work in MN has been going on for six years. About 85 to 90% of MN's Code comes directly from the FDA Food Code.

Find the Food Code revision online: [www.health.state.mn.us](http://www.health.state.mn.us); Search on "Food Code," click the yellow button to go to Food Code Revision. It currently shows the current code side-by-side with proposed new code.

- It would be best to submit comments earlier rather than later. There are meetings every two weeks to address comments received.
  - Use the comment form to submit suggestions.
  - Contact Linda Prail if you have questions.
- Tips on reviewing the Rule:
  - Look at the content, not details like punctuation, etc. The Revisor of Statutes office will work through the details of language.
  - Are we defying nature by having impossible requirements?
  - Can you understand it?
  - Can we make it better?

## Main areas of change within the Code

- Revised equipment standards; eliminated ANSI and NSF requirement for all but 10 types of equipment.
  - This was a compromise between MDA and MDH, but NSF may fight the change.
  - It's easier for inspectors to have the ANSI and NSF standards, because inspectors can assume that the equipment is adequate.
  - NSF approval is an expensive process for equipment manufacturers that they would rather avoid.
- More rational language on sinks.
  - Current guidelines require many kinds of different sinks: hand sink, wash sink, prep sink, mop sink, etc. etc.
  - New guidelines move away from requiring a separate sink for every operation; especially for small-scale and mobile food service.
- Allow more use of food-grade portable coolers for short-term and mobile food service.
- Eliminated Chapter 9
- Changes to requirements on allergens

## Process of revision and review

- Revised Food Code goes to the Office of Administrative Hearings
  - Changes have to be justified with SONAR: Statement of Need and Reasonableness
  - SONAR must include cost of implementation within agencies and for businesses
- Notice of Intent to Adopt with Public Hearing
- Hold public hearings; public comment period closes 20 days after hearing
- Administrative Law Judge (ALJ) reviews the Code and issues a report
- MDA and MDH review the ALJ report and justify adoption or non-adoption of the recommendations made in that report
- Commissioners of MDA and MDH issue a statement of intent to adopt
- 6-month grace period before implementation

## Training on the new MN Food Code

- Training plan is under development
  - Internal training for MDA and MDH staff
  - Training for Delegated Authorities
    - Local governments can be stricter than the MN Food Code
  - Online training for industry

## Future revisions of the Food Code

- MDH and MDA will try to establish a 3- to 4-year cycle for revisions. Long delays result in the Minnesota Food Code being out of step with changes in the industry.
- FDA changes the Food Code every 4 years and issues an update every 2 years.
- Minnesota will get pressure from the governor's office to put the Food Code in plain language, but the Revisor of Statutes is under Legislative authority and not subject to the plain language requirement.

## Cottage Food Law

Lauri Clements

### Planning & Zoning Offices Uncertain About Cottage Food

Olmsted County Public Health has had some Cottage Food operators referred to them by the county Planning & Zoning. The wording of the Cottage Food statute (M.S. 28A.152) says that the operator must comply with any requirements of the local health authority.

Anytime something refers to the "health authority," that comes to the local delegated authority in counties or cities with delegation. Planning & Zoning interpreted the language of statute to mean the Cottage Food operator is required to have a letter of approval from the "local health authority," so was asking Public Health to approve Cottage Food operators.

Cottage Food is under MDA's jurisdiction, so MDH or MDH's delegated authorities aren't responsible for it; county Planning and Zoning offices should be referred to MDA.

MFMA will put this information into a fact sheet that can go out to Planning & Zoning offices. It should be reviewed by Val Gamble and Lauri Clements.

## Cottage Food Law and Community Events

Can church groups use Cottage Foods for special event meals, and can Cottage Foods be sold at church fundraisers?

- Churches are exempt from licensing, but not from the Food Code. Churches' special meals are community events. Can they use Cottage Foods?
  - Answer: No. Cottage Foods are not approved source for food service.
  - This applies not just to church groups, but also to fraternal organizations or other organizations that may have special event/fundraiser meals. MDH may need to take more responsibility for explaining this to churches and organizations that they regulate.
- What about sale of Cottage Food items at a church or community bazaar?
  - Cottage Food operators would have to be physically present at a church sale in order to donate items to be sold. The language of the Cottage Food statute requires that the Cottage Food operator make the sale in person.

## Cottage Food Training

Val Gamble and Kathy Zeman

The first training was offered at the U of MN's Urban Research and Outreach Center (UROC) in North Minneapolis. There were 69 attendees, and 42 had come to the event specifically for the Cottage Food training.

- Question about approved recipes for baked goods
  - 95% of recipes are going to be fine. The main thing likely to be a problem with a recipe is water activity. MDA could review questionable recipes.
  - Examples of problematic items with high water activity:
    - Pumpkin pie
    - Chess pie
    - Ingredients in bread such as jalapenos, olives or spinach
  - Testing equipment for water activity is not terribly expensive; around \$2200 for a unit.
- Farmers' market managers are starting to understand that their vendors selling Cottage Foods *must* have the Cottage Food training and registration.
- Training will be offered at 8 locations around the state.
  - FLAG could help with outreach to Hmong farmers
  - Connections in southwest Minnesota to do outreach on Cottage Food Law:
    - MN Farmers Union
    - AURI
    - Southwest State University culinary program

- Land Stewardship Project – Montevideo office
- Consider outreach to high school ag instructors. There is potential for youth involvement with farmers' markets as an FFA project.

## Shared Commercial Kitchens and Plan Review

Lauri Clements

A question was raised about how Plan Review works for shared-use commercial kitchens.

- Most new shared-used kitchens have gone through Plan Review, but it is voluntary. It's technically not required for the kitchen owner to do that; it's the responsibility of licensed operators using that kitchen to undergo Plan Review.
- New kitchen construction is recommended to build to retail standards because that increases the options for types of food businesses that could rent the facility.
- Question: Would MDA accept an Olmsted County Plan Review if an operator wanted to go into a shared-use kitchen with an MDA wholesale food manufacturer license? Answer: Yes.

## Update on Bush Community Innovation Grant

Stephanie Van Dyke

Two models for change to the food regulatory system in Minnesota have been developed and discussed by the Bush grant advisory committee:

- Merger of the MDA and MDH food regulatory divisions
- Development of a navigator/coaching system to help farmers and food entrepreneurs through the licensing process

There was much discussion of these options, particularly the Merger idea. Concerns and drawbacks:

- What would happen to delegated authorities?
  - Minnesotans believe in home rule; elimination of delegated authorities would be unpopular in the places that currently have them.
- Dislike of change among groups currently regulated by MDA or MDH
  - Large-scale agriculture and agribusiness
  - Restaurant industry
  - Other industry
- Funding needed to create a "one-stop shop"
- MDA or MDH having to give up positions that would migrate to the other agency

The Bush grant committee was advised to write all documents with opposition in mind.