

Local Food Advisory Committee

Meeting Notes for December 12, 2014

Present on call:

Karen Korslund
Colleen Paulus
April Bogard
Kathy Zeman
Jane Jewett
Jennifer Stephes
Jan Joannides
Nikki Neeser
Grace Liebenstein
Greg Schweser
Valerie Gamble
Maia (?)
Cecilia Coulter
Karl Hakanson
Wayne Martin
Mike Lilja

Present by
phone:

Ryan Cox
Marilyn
Johnson
Lauri Clements

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Minnesota Department of Agriculture Update

Nikki Neeser

Layoffs in Dairy & Food Inspection

In October the Dairy & Food Inspection Division's Director and Assistant Director were both laid off for budgetary reasons. That division has now been split, with Ben Miller heading the food inspections and Nikki Neeser heading dairy, meat & egg, and feed inspections. Meat inspections has been holding one position open and has not been able to service some plants. A position in Cloquet, MN is in the process of being filled, but a different position that came open will be left unfilled. There has been an inquiry about inspection for a new processing plant in Pine River, but inspection for that cannot be added at this point.

Budget proposals

Proposals for increased funding for this division went through to the governor's office. If funded, this would put us in a better position for all programs.

- Dairy inspection is closely linked to commerce. We were projecting six layoffs in dairy inspections in 2016, but need to have that program fully funded because there is a public expectation of oversight and a mandatory inspection schedule. If grade A dairies are not inspected on the regulatory schedule, the farms cannot ship milk out of state.
- Meat inspection is less closely linked to commerce.
- Food and feed are even less linked to commerce than meat inspections, but under FSMA that link is coming. We have to be able to demonstrate adequate inspection.

Next steps for inspections budget requests

- The governor's office will consider the request from MDA and hopefully include it in his budget. There has been a lot of feedback from the governor's office and Nikki is cautiously optimistic.
- Nikki can provide information through LFAC. Individuals or groups involved with LFAC can take that information and apply it in various ways.

Federal-state partnership for meat inspections

- Meat inspections are paid for 50% by the state and 50% by a cooperative match from the USDA. The state submits a funding proposal to the USDA each year, and if the USDA has sufficient funds, it matches the state contribution.
- No fee is charged for inspection by the MN Equal-To program. The USDA frowns on fee collection for inspection because inspection is mandatory to do business (noted, however, that there is a fee for dairy inspection, which is also mandatory).

- USDA provides one inspector for 40 hours per week per plant; beyond that is overtime and is paid for by the processing plant.
- Minnesota allows flex-time for inspectors, which allows for travel efficiency: rather than limit a plant to an 8-hour day on slaughter days, for instance, the state inspector may be there for 10 hours on a slaughter day to avoid having to go back for 2 hours the next day.

On-Farm Food Events: Licensing questions

On-Farm Potlucks (Minnesota Statutes chapter 157.22 subd. 8)

- Are potlucks allowed for membership organizations only, or is it broader?
Answer: Broader. There is inconsistent language between current statute and the Starting A Food Business in Minnesota publication because the statute changed since that publication was last updated.
- Could a restaurant host a potluck event?
Answer: The restaurant could host an event such as a farm's CSA potluck, so long as food for the event is not brought into the restaurant's licensed kitchen.

Is a license needed for snacks at farm field days?

There was lengthy discussion about this topic. Some summary points:

- The focus should be on food safety and encouraging farmers to serve the lowest-risk items, which means commercially pre-packaged items.
 - Example: bottles of water and packaged granola bars handed out at a half-marathon. Olmsted County would not issue a license in that situation, but would ask some questions to assess the level of risk.
- A food truck with its own licensing could serve food at the farm tour. This would be essentially the same as a lunch wagon at an auction.
- If the farmer wants to serve food that s/he prepared that showcases the farm's products, that should be done under a Special Event Food Stand license on the farm; or possibly prepared off-farm in a commercial kitchen and served on the farm under a Special Event Food Stand License.
 - If you get a license, you are subject to the Food Code which states that food served to the public cannot be prepared at home.
 - Amish candies have been a source of illness outbreaks associated with farm tours.
 - A farm tour would not fall under the MDA's working definition of a "community event."

- Noted that a farmer could arrange for at least two other area farmers to attend the field day with tables of products for sale; then the event would meet the statutory definition of a “farmers’ market” and food samples could be offered without a license.
- Example: raspberry sauce made from the farm’s raspberries, served over ice cream:
 - The raspberry sauce has to be prepared in a licensed kitchen.
 - Scooping of ice cream out of containers requires a licensed food stand.
 - Commissary kitchen is needed for ware washing
 - Handwashing facilities are required.
- Example: What if raw raspberries are served?
 - The raspberries should be washed with water from an approved source.
- Information about licensing requirements should be conveyed to the MDA grant programs that require or encourage on-farm field days: the cost of a license for on-farm food service should be included as a potential line-item in the budgets for these grants.

Water Sources

How many farms get their water tested?

- All dairy farms
- All organic farms

Approved water source is required by the Food Code

- Food Code refers out to well construction specifications and EPA drinking water standards
- Olmsted County, when out doing sanitary survey work, looks at bacterial and nitrate testing
- MDA evaluates wells based on information provided by the farmer, and approves qualifying wells for food manufacturing.
 - Many situations under MDA’s jurisdiction do not qualify for the “transient non-community public water source” designation.
 - Example: dairy farm converting to a rural meat processing plant.
 - Didn’t meet the definition of a transient non-community public water source
 - MDH provided Jennifer Stephe with their evaluation method used for transient non-community wells, which included well construction logs and semi-annual coliform and nitrate testing.
- MDH requires businesses to meet the transient non-community public water source threshold (hereafter referred to as “transient, etc.” threshold) of minimum of 25 people served on a minimum of 60 days/year in order to be able to do any food service with their well water source.
 - An on-farm event, not meeting the “transient, etc.” threshold, would have to haul in water from an approved source.
 - Discussion about the need for a rational pathway and policy at MDH for dealing with smaller-scale operations that would need to use a non-municipal water source.

- Concern from MDH staff that lowering the defined threshold for “transient, etc.” water supply would touch a lot of other areas.
- Lowering the threshold would not be needed if there is a pathway to get water sources approved as part of the licensing for small events, food stands, etc.
 - Consider allowing out-of-state water testing at certified labs; may be cheaper and more comprehensive than some in-state testing.
- Suggested to reach out to Kyle Johnson and Dan Disrud in the Wells and Drinking Water section of MDH; as well as Doug Edson, the state hydrologist; and try to get them to attend the next LFAC meeting to help discuss and clarify this.

Farmers’ Market Questions

- 1) Can farmers’ markets serve as a CSA drop site?

Answer: Yes; this would be a non-licensed situation similar to cross-docking. MDA allows temporary storage of cross-docked product for up to 24 hours with no license.

- 2) Can wholesale sales take place at farmers’ markets?

Answer: There is no issue with this if the farmer is present. If the market manager is involved to a limited extent, like pointing the purchaser toward a stack of boxes left by the farmer, this is similar to the cross-docking situation.

- 3) Potential for wholesale buyer confusion between Pickle Bill–exempt items that they are not allowed to purchase for resale, and pickles produced under a license that they are allowed to purchase for resale. The products look the same in the jar. Is there education needed of buyers and sellers on this point?

- 4) If abuse of the Pickle Bill exemption is spotted, who should be informed?

Answer: It should be referred to inspectors.

* Example: pickled pigs’ feet: This is a cooked and pickled product, but it’s a meat product, which is specifically forbidden by Pickle Bill. It has been seen on some farmers’ market tables in Minnesota.

Cottage Food Law

A lawsuit was brought against MDA and MDH regarding limits and license requirements for some cottage food operators. Both departments have now been dropped as defendants because the products in question were manufactured food items, not food service, and thus not under the jurisdiction of MDH; and the items contained off-farm ingredients and thus were not exempt from licensing as the plaintiffs claimed.

A group of about 10 individuals have met with Senator Scott Dibble to attempt to draft legislation that would revise Minnesota's cottage food regulations. Issues that may or may not be addressed in said draft:

- Attempt to define a list of non-potentially hazardous food items (an early attempt at this was ended).
- Change the allowed venue for sale of manufactured food items exempt from licensing. Currently this is limited to county fairs and community events, but many people want to sell these products out of their homes and outside of the farmers' market season.
- Raise the dollar limit for sales of Pickle Bill items and non-potentially hazardous food items. Currently this is at \$5,000 for each exemption. One suggestion that has been floated is to raise the limit to \$30,000 to adjust for inflation.
- Allow Wisconsin-based vendors to cross state lines with Pickle Bill items. Currently the wording of the statute (28A.15 Subd. 10) restricts the exemption to products made in Minnesota. The wording of the non-potentially hazardous food exemption (M.S. 28A.15 Subd. 9) does not contain the made in Minnesota provision, so Wisconsin vendors can currently sell baked items at Minnesota farmers' markets but not pickled items.

Colleen Paulus noted that the exemption from licensing was intended to be for small amounts of product. Once you get into larger amounts, you get into the same scale as small businesses that are licensed. Zoning would be an issue; city and county governments would need to be on board with the proposed changes.

Food Code Revision

- The advisory committee for the revision voted to end the NSF-only requirement for food facility equipment.
 - MDH developed a short-list of equipment that they will require to be NSF, and will be silent on other types of equipment. On the NSF-required list:
 - Prep sinks
 - 3-compartment sinks
 - Ovens (but not microwaves or toasters)
 - Refrigeration, freezers

Discussion of the reason for including sinks on the NSF-required list. There have been issues with cleaning of sinks with 90° corners. The radius corners in an NSF sink are important to have.

- MDA has resisted eliminating the NSF requirement.
 - NSF-only makes for easier inspection. Inspection of non-NSF equipment is time-consuming. Requiring NSF allows inspectors to focus on the food production process.

- Push for NSF-only was coming out of MDA’s Plan Review team; they truly felt that NSF is a higher standard.
 - Concern noted that NSF certification is expensive, and some equipment companies with good products don’t want to pay for the NSF sticker.
 - NSF has a monopoly.
 - MDA added meat slicers to the NSF-required list.
 - Commissioners of MDA and MDH are to make the final decision on Food Code revisions, with input from staff.
 - Staff at both MDA and MDH have been told that they must come to an agreement; the commissioners will not decide without that agreement.
 - Time is running out for that agreement to be achieved.
 - There could still be a bill to the Legislature that Minnesota follows the federal Food Code (which does not require NSF equipment).
 - Perspective on NSF requirements:
 - Colleen Paulus – There are words in the Food Code that get you to the endpoint of safe, sanitary equipment without necessarily requiring NSF. It’s less prescriptive.
 - Jennifer Stephe – Meat inspections rules also have language gets you to the endpoint but allows flexibility; it doesn’t specify materials.
 - Example: The U of MN Meat Lab acquired two large smokers that weren’t NSF. Because the Minnesota Equal-To inspection program has a performance standard that does not specify NSF equipment, the Equal-To program picked up the inspection of the U of MN Meat Lab.
 - Example given of trouble with food trucks from other states getting stopped from coming into Minnesota, because they are not required to have NSF equipment in their home state.
 - Noted that preference would be to have sufficient inspections staff that inspectors would have time to deal with both non-NSF equipment and the food production process.

Farm-to-School

Stephanie Heim, U of MN Extension

In Minnesota, 208 of 345 public school districts are engaged in some level in Farm-to-School. USDA has 8 field staff people for the Farm-to-School program. Our Midwest person specializes in small livestock. Schools are interested in purchasing meat locally: it’s non-seasonal product. Many schools are putting in grant requests for equipment that allows them to use local meats. Schools are finding innovative ways to balance food service budgets and afford local food.

- Example: The Redwood Falls school district had for several years purchased two beef animals every fall for the food service, for a special food event. This fall they were not able to schedule processing for those beef animals, and were desperately seeking processing.

- Ferndale Market has had good success with selling turkey to school districts. Schools can use the darker cuts of meat that are less saleable to other markets, but schools are also liking roasted turkey breast.

Challenges to School Food Service Purchases of Local Meat

- Some food service staff don't know how to cook raw meat. Dover/Eyota school district trained people in how to cook.
- Pre-cooked meat is sometimes perceived as safer; schools are concerned about liability.
 - On the other hand, people sometimes comment that local meat is safer. There needs to be education about safe handling practices for any kind of meat.
 - Noted that school food service staff are highly trained in food safety and very conscious of safe food handling.
 - A survey through SHIP in southeast MN showed that local food services did not know how to determine if the local source of meat was as safe as they believed the large-scale/distributor source to be.
 - Schools may also be misinformed about the legality of using local shell eggs; some schools believe they cannot use local eggs.
- May be additional equipment needs for using local meat and other local product.
 - Dover-Eyota district needed a larger cooler in order to have separation of product types to avoid cross-contamination.

Farm-to-School Legislative Policy

- Thirty-eight states have Farm-to-School policy on the books. Minnesota is not one.
- The Minnesota Farm-to-School working group has four priority areas:
 - Maintain AGRI funding for Farm-to-School, including Value-Added Grants, GAP cost-share, and funding for feasibility studies.
 - All Minnesota schools and childcares that participate in the National School Lunch program are eligible for AGRI grant funding, but many schools are not aware of these funds.
 - Hire permanent Farm-to-School coordinators in Departments of Education and Agriculture
 - Fund \$0.05/meal to serve unprocessed or minimally-processed, Minnesota-grown foods in school meals
 - Fund 6 educators and 4 specialists in Extension to support small-scale farms, including on-farm food safety and business planning.

Other Legislative Efforts

- FINI: Food Insecurity Nutrition Initiative
 - Department of Human Services is asking for around half a million \$ to support nutrition
 - Focused on produce; SNAP cards will be loaded with \$ that can only be spent on fruits and vegetables.
 - They are trying to make it work at the farmers' market level, but the system is cumbersome.