

**Food Innovation Team
Meeting Minutes
March 19, 2019**

Today's meeting was held in Room 408 Hayes Hall, 1509 Gortner Avenue, St. Paul.

Members present included: James Backstrom (via WebEx), Lauri Clements (via WebEx), Julia Selleys, Carrie Rigdon, Jane Jewett, Kathy Zeman (via WebEx), Collin Kappenman.

Visitors present included: none

Meeting started 9:05

Jim R. motion to approve minutes

Julia 2nd motion

1. Upcoming Dates

The next Food Innovation Team (FIT) Meeting will be Tuesday, May 21 – located at Room A462, Orville L. Freeman, 625 Robert Street N, St. Paul.

2. FIT committee's purpose

The FIT members reviewed the committee's purpose as a subcommittee of the Minnesota Food Safety and Defense Task Force (FSDTF). The FSDTF and its subcommittees are advisory bodies only. The job of the FIT subcommittee is to aid Food Business Owners (FBOs) with complex questions as it relates to licensing, and offer suggestions based on member's experience and expertise. The FSDTF and its subcommittees do not have any enforcement or regulatory authority, and are not liable for any issues or consequences arising out of the use of the FSDTF or any subcommittees thereof.

2. Case Review and Discussion

The FIT membership reviewed 10 scenarios based on FBO inquiries into how they can mold their business model to meet current the food regulations. The underlined portion of the scenarios, below, set the scene for the context of the cross-talk discussions.

- 1 - A Farmer wants to build a commercial kitchen on their farm to sell bread, salsa (acidified canned products), and meat products. The farmer started out with producing food under the Cottage Food Law and Product of the Farm and, now, they want to move toward food production under a license. County Health Department or local planning & zoning may have jurisdiction over water & septic for any food business. If the FBO is making food product w/meat, they can do it under a retail license, but, manufacture & wholesale must be under the meat inspection program. The FBOs predominant mode of business would determine which license they would be needed and whether or not a plan review would be required. If they require a license from retail, plan review would be required. If they require a license from manufacturing, a plan review. The farmer would need to check with local municipal to find out who approves water and septic.
- 2 - Multi-location food service with central office space wants to set up a walk-in cooler at the office for collection and distribution of local veggies to their own feeding sites. The veggies would be purchased from farmers, stored and packaged at distribution center, then, distributed to satellite

locations. The warehouse that distributes product to multiple locations that each have their own licensing for food service. The members determine the location of the distribution center would be licensed by the Minnesota Department of Agriculture (MDA).

- 3 - Food entrepreneur wants to manufacture a packaged snack product out of a rented commercial-grade kitchen and sell it to grocery and convenience store. The majority of their sales are wholesale with a small retail front. So, they should be licensed as a wholesale/manufacturer. A retail plan review may still need to be required for the retail portion of their business. The 51% rule applies to the firm's licensing in order to determine what type of license they need. The facility standards or regulations are independent of the licensing requirements. The member recommended the firm contact the MDA retail plan review to discuss the current or limited requirements. Jane and Kathy will discuss the licensing boundaries, exclusions, and exemptions at their next Blazing Trails meeting.
- 4 - Local farmers' market wants to collect (buying & selling) produce from multiple vendors to fill orders from schools, hospitals, & restaurants in that county and adjacent counties. Minnesota Statute 28A has no administrative rules that would apply to this scenario. The firm would need a wholesale license even though the farmers' market does not have an official physical location. The Minnesota Department of Agriculture manufacturing program has approved the model of operation.
- 5 - An event planner wants to arrange an on-farm festival that includes a dinner with ingredients sourced from several local farms, plus a pop-up farmers' market. In addition, a petting zoo was added to the operation. The farm must receive their water from an approved source even if it is for handwashing. The FIT members recommended rental hand sinks for customers to wash their hands. The on-farm festival was licensed as a special event stand and Olmsted County would allow them to use the farm's well, as long as, they have a bacterial and nitrate test within 2 weeks of the event. The FIT members discussed the farm must provide food from approved sources. So, food sourced from Cottage Food vendors could not be served under the Special Event license.
- 6 - A county SHIP coordinator wants to establish a Farm to School program in a school district, with direct purchasing of food from area farmers. The FIT members discussed that the school district could acquire meat and produce that was sourced from a farmer who produces food under M.S. 28A.15 subp. 2. The animal must be slaughtered at a licensed slaughter facility that is under continuous inspection. The meat package must contain a USDA or MN=2 stamp in order to be legal for it to be sold via wholesale or retail. If the package contains the phrase 'Not for Resale', or some other variation of the aforementioned phrase, it would be deemed illegal to sell via wholesale or retail. Schools can purchased eggs from an unlicensed vendor, such as a farmer, as long as the vendor has under 3000 hens. The eggs are considered potentially hazardous, but, farmers do not need a license to sell eggs from their farm.
- 7 - A local civic group wants to offer a summer lunch program for area youth three days per week. The FIT members determined the civic group would need to have a license to prepare, transport, and serve food. The FIT members recommended multiple options for the civic group to receive a license such as: they could receive a Mobile Food Unit license by renting or purchasing a food trailer; the Minnesota Department of Health could license them as a Seasonal Temporary Food stand and operate for longer than 21 days with MDH approval; they could receive a Retail Food Vehicle license from MDA if they assemble and package the food ahead of time. The FIT member,

also, discussed the conditions that would allow food to be made under the Church Lady Law. These conditions will be further discussed at the Local Food Adversary Committee (LFAC).

- 8 - Farmers use other farmer's farms to drop off Community Supported Agriculture (CSA) food. The FIT members discussed the condition that should be met for CSA boxes to deem them exempt from licensure. If items, from other farms, are included, the items and the CSA boxes may not be properly licensed. It would be a regulatory agency decision to require licensure of the CSA boxes or not. Currently, MDA's policy allows up to 24 hours for cross-docking to meet the 28A.15 subp. 2 exemption of not regularly engaged in the business of selling food.

- 9 - Farmers markets are co-mingling produce, such as tomatoes, from three different farmers. The FIT members discussed the purpose of the labels. One of which identifies where the food came from, but, the labels may not follow the produce once they are co-mingled. There is no requirement to keep the produce separate. If there were a requirement, M.S. 28A.0753 would apply and the licensed entity would have to meet the requirement. The obligation of the licensed entity is to trace product one step forward and one step back. An example of this would tracing from the market back to the farmers whose product was within the box would be the limit of the market's responsibility for tracing back.

- 10 - Special event stand was buying meat products labels as 'Not for Resale'. The FIT members discussed the conditions that must be met in order to resell meat, as outlined in scenario 6. The meat was traced back to a meat market and they claimed the meat was made under continuous inspection. They just put it in the wrong labeled packaged because it was cheaper to use. The meat was deemed illegal and could not resold. Meat produced under continuous inspection must be labeled properly in order to be in compliance with the law.

3. Agenda items for May 19:

- a. Prairie Farms Case review.
 - o M.S. 31, 31A, 34A – meat is a perishable product and can be condemned if there's a public health reason for it.
 - o Representative from meat compliance or DMID to discuss.
 - o Who owns the animal once it goes through a slaughter facility?
- b. Access to shared documents on FoodShield.
- c. Meeting scheduled for FIT May 21, 2019 at the Freeman building. Task Force will get a conference room at Capital Complex.