

**Minnesota Department of Agriculture
Food Safety and Defense Task Force
Food Innovation Team Subcommittee**

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Version #: 1	Effective Date: 04/20/2018
Title: Attachment 5: FIT Recommendation Report Template	

Data Privacy Warning:

The Food Innovation Team (FIT) regularly requests data from food business owners (FBOs) interested in participating or gaining food business licensing guidance from FIT through the Pre-Screening Intake Form (PSIF), during FIT meeting proceedings, and as part of the regular processes of FIT. The information provided for these FIT activities will be used before, during, and after FIT meetings to answer licensing questions from FBOs. Information provided is public information and will be discussed at a meeting that is open to the public. If you have information that you want protected, please contact the Food and Feed Safety Acting Division Director, Katherine Simon (Katherine.simon@state.mn.us or (651) 201-6596) before filling out this form and submitting it to FIT.

FIT Website Notification:

Please note that all information contained in this form is subject to public information requests. The information contained in this form will be included on the FIT website with the exception of items under the “General Business Information” category.

Date of FIT Meeting: 11/13/2018

Meeting Participants:

- FIT Members:
 - Molly Herrmann
 - James Roettger
 - Lolly Occhino
 - Jane Jewett
 - Kathy Zeman
 - Julia Selley
- Business Members:
 - Judy Harder, FBO
- Other:
 - Katherine Simon, MDA
 - Natasha Hedin, MDA

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Jubilee Markets & Peacemeals
Location of business:	Mountain Lake, MN
Referred by:	<input type="checkbox"/> MDA <input type="checkbox"/> MDH x FIT member <input type="checkbox"/> MDA Delegated Agency <input type="checkbox"/> MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	Retail Food Handler – Issued 10/22/2015 Also operating under the Cottage Food Law
Why was this business referred to FIT?	
Current business model:	A building on farm property that houses a farm market (farm produce as well as other local farmers' eggs, beef and sweet potatoes). Also a restaurant (Peacemeals) and a commercial kitchen located in the same space. Food is prepared in the kitchen for the restaurant and for sale in the store.
Key issues examined by FIT:	Confusion about the Better Process Control School requirement for making pickles for use in the restaurant, when Cottage Food pickles could be made in a home kitchen. Also wanted to know if Cottage Food could be made in the commercial kitchen, and if it would have to be sold outside of the store/restaurant building.
Other issues:	Selling Cottage Food in Retail Store on property/home
How was the issue resolved?	
Description of resolution:	<ol style="list-style-type: none"> 1. Cottage Food can be made in the Jubilee Market's commercial kitchen, but must be clearly separate from other products by labeling and by physical separation. 2. Sale of Cottage Food cannot take place within the FBO's licensed retail space. Labeling, internet ordering, and dedicated shelf space are not sufficient separation when the Cottage Food Operator is also the owner/operator of the licensed retail space. 3. Cottage Food items could be on display in a dedicated area within the licensed retail space, but the FBO must exit the retail space in order to complete a sale of Cottage Food items to a customer.
Other notes:	Future issue with food cart identified, suggested to submit as a new case
Who resolved the issue (name(s) and organization(s)):	FIT members (see above)
Date of resolution:	11/13/2018

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Licensing authority representative (name and organization):	James Roettger, MDA
Recommendations / Lessons Learned	
Internal (FIT):	<ol style="list-style-type: none"> 1. Short term - 2018 product - canned product from last year stay as Cottage Food sold "out of house". Clearer spatial separation from store. 2. Long term - 2019 product - Acidified food or approved process for everything else in jars. Look into Commercial License that would cover everything. 3. Lolly and Jane will coordinate with Judy to problem solve options 1 and 2. Market Fresh will perform pH test for \$5/formulation. Judy will work with their lab to have products tested. Barbara Ingham also identified as better process authority as Judy took her class. 4. MDA will follow-up with Judy to notify of currently assigned area inspector for future business changes.
Licensing agency:	MDA
Rules / Statutes:	28A Chapter 31, Rules chapter 4626

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Date of FIT Meeting: 1/15/19

Meeting Participants:

- FIT Members:
 - James Backstrom, Minnesota Department of Health
 - Jane Jewett, Minnesota Institute for Sustainable Agriculture
 - Julia Selleys, Hennepin County Environmental Health
 - Molly Herrmann, Kitchen in the Market
 - Jim Roettger, Minnesota Department of Agriculture
 - Lolly Occhino, Agriculture Utilization Research Institute
 - Lauri Clements, Olmsted County Public Health
 - Kathy Zeman (via WebEx), Minnesota Farmers Market Association

- Other:
 - Katherine Simon, Minnesota Department of Agriculture
 - Natasha Hedin, Minnesota Department of Agriculture

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	America Stay Inn
Location of business:	1700 2 nd Avenue NW Stewartville, MN 55976
Referred by:	<input type="checkbox"/> MDA <input type="checkbox"/> MDH <input type="checkbox"/> FIT member <input type="checkbox"/> MDA Delegated Agency <input type="checkbox"/> MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	Lodging Establishment #21213 Issued in 2014
Why was this business referred to FIT?	
Current business model:	Applicant operates a small lodging (hotel) establishment and lives on site. She wants to be a cottage food producer and opportunity to sell to lodging guests and general public.
Key issues examined by FIT:	Individual cottage food producer with a related business (lodging establishment)
Other issues:	She has a lodging license (Olmsted County) with an “add on” to sell commercial food products.
How was the issue resolved?	
Description of resolution:	Sales can take place over the internet or in the home. The home is her private residence in the hotel. The notice that it is homemade and not subject to state inspection has to be given at the point of sale. Delivery or exchange of product could take place anywhere as long as she is handing it directly to the consumer. Advertising that she has cottage food can be done anywhere in the hotel lobby.
Other notes:	All advertising/display options: <ul style="list-style-type: none"> • Internet • Actual items for display only • Pictures/posters in hotel lobby are allowed under 28A.152 but cottage food product may not be allowed in a licensed food establishment under the Food Code/either MDA or MDH licensed food establishment.

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Who resolved the issue (name(s) and organization(s)):	FIT members (see above)
Date of resolution:	1/15/2019
Licensing authority representative (name and organization):	Lauri Clements, Olmsted County
Recommendations / Lessons Learned	
Internal (FIT):	<ul style="list-style-type: none"> • Diagram case right away outlining options, keep balance between answering specific case and resolving broader application. • There was lots of discussion regarding “point of sale” (what it means and when it occurs). M.S. 34A.01 does have a sell/sale definition. Referring this question to the Cottage Food Committee for further discussion.
Licensing agency:	Olmsted County
Rules / Statutes:	28A.152, 4626.0130b

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Date of FIT Meeting: 5/21/2019

Meeting Participants:

- FIT Members:
 - James Backstrom
 - Jane Jewett
 - Julia Selley
 - Molly Herrmann
 - Jim Roettger
 - Lolly Occhino
 - Lauri Clements
 - Kathy Zeman (WebEx)

- Other:
 - Katherine Simon (MDA)
 - Collin Kappenman (MDA)

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Prairie Horizons, LLC
Location of business:	Starbuck, MN
Referred by:	<input checked="" type="checkbox"/> MDA <input type="checkbox"/> MDH <input type="checkbox"/> FIT member <input type="checkbox"/> MDA Delegated Agency <input type="checkbox"/> MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	MDA license #
Why was this business referred to FIT?	
Current business model:	Prairie Horizons raises organic grass-fed beef and has it processed at the Belgrade Locker, a MN Equal-To inspected plant. Sales are through an on-farm store, deliveries, and sales of quarters, halves and wholes.
Key issues examined by FIT:	<ol style="list-style-type: none"> 1. Processes of inspection and disposition of carcasses and organs at Equal-To plants 2. Reporting of disposal of condemned carcasses and organs Potential for the farmer to get a condemned liver back for diagnosis
Other issues:	
How was the issue resolved?	
Description of resolution:	<p>Farmers who want their own organ meats back must be very proactive with their processing plant. Request that the processor keep the livers with the carcass, request that the processor make sure the inspector knows the livers are desired.</p> <p>The farmer can contact the inspector directly to make sure it is known that the livers are desired. The farmer can ask the processing plant for the inspector's contact information. The inspector will be present on slaughter days, so a farmer can also make contact with the inspector in person on those days.</p> <p>Queries about disposition of organs must be made promptly after the slaughter date. It is too late to wait until the carcass has aged; been cut, wrapped, and frozen; and returned to the farmer – that may be three to four weeks after slaughter. Records are not kept on individual livers on slaughter days.</p> <p>Farmers who want an answer for their own information about reasons for condemned organs need to plan to attend the slaughter of their animals. Two pathways:</p>

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	<ol style="list-style-type: none"> 1. Take photos of the organs and send to a veterinarian 2. Request release of the condemned organ to be brought to a veterinarian or sent in for testing. Condemned organs must normally be denatured before being released. Usually this is done with a green dye that renders organs inedible, but could be done with bleach, charcoal or ash. The organ could be slashed for release to be taken to a veterinarian.
Other notes:	<p>Organs stay with carcass through inspection of carcass until it's determined the carcass passes inspection; then organs that pass inspection typically go into a commingled bin.</p> <p>Very difficult to keep records on individual organs – inspectors have bloody hands, the slaughter areas are wet, and they can't reasonably take notes. Do keep records re: whole-carcass condemnation.</p> <p>Systems are designed for large-scale plants. Records are made of how many livers were condemned, but no tracking of individual livers.</p> <p>Value of organ meats is changing with a changing culture. Inspectors are willing to take extra care with organs, but need to know that's wanted.</p> <p>Based on testimony from Mary Jo Forbord's emails, she stated that their processor noted livers from their beef consistently had a different appearance from most livers. Mary Jo stated communication was always done with their processors to request that livers be returned.</p> <p>Sometimes a bin of organs will accidentally get dropped on the plant floor and rather than deal with cleaning and trimming to rescue the organs, the plant will simply discard those livers.</p> <p>Farmers who are marketing inspected organs with specific claims, if they aren't actually getting their own organs back, could be inadvertently doing false advertising. Custom-exempt livers have to stay with the carcass with rare exceptions.</p> <p>Animals are aged at the plant based on teeth. If farmers disagree, they can supply their own documentation to the plant to document the age of the animal. Could be a registration paper, or birth records + ear tags. If there are no records, MDA goes by the teeth. Liver, heart, tongue, kidneys, sweetbreads, tripe are all still allowed on 30+ month animals. Could be an issue with oxtail – would have to have the "wings" removed from the top of the tail.</p>

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	<p>Inspectors are not veterinarians to diagnose a problem with an organ. They are trained to determine normal vs. abnormal, and their decision to discard an organ is not subject to appeal.</p> <p>MDA acknowledged lack of follow-up from Dr. Jopp. That was an unfortunate oversight.</p> <p>Mary Jo concerns: Transparency of information; it hasn't been clear how to access information about what happens with animals after they leave the farm.</p>
Who resolved the issue (name(s) and organization(s)):	FIT group; Dr. Nicole Neeser and Nicole Droher from Dairy & Meat Inspection.
Date of resolution:	5/21/2019
Licensing authority representative (name and organization):	Dr. Nicole Neeser – Dairy and Meat Inspection Division, MDA
Recommendations / Lessons Learned	
Internal (FIT):	Educational training for farmers who market their own inspected meat to let them know that carcasses could be condemned, organs could be condemned, and they may not get all their own organ meat or burger trim back, and they need to be proactive with processors and inspectors in order to get answers.
Licensing agency:	
Rules / Statutes:	

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Farm on Wheels
Location of business:	Kenyon, MN
Referred by:	<input type="checkbox"/> MDA <input type="checkbox"/> MDH <input checked="" type="checkbox"/> FIT member <input type="checkbox"/> MDA Delegated Agency <input type="checkbox"/> MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	MDA license # 20051292
Why was this business referred to FIT?	
Current business model:	Farm on Wheels
Key issues examined by FIT:	Correct licensing for vendors who sell food products at farmers' markets or other venues
Other issues:	<ul style="list-style-type: none"> • Consistency – other vendors @ same market as Linda were not notified to change their license. • Retail food handler license allowed for meat processors selling meat at farmers' market? Custom processing plant is licensed for operations at its location. • Cross-border sales by out-of-state retailer food handlers
How was the issue resolved?	
Description of resolution:	<ul style="list-style-type: none"> • Correct licensing is Retail Food Vehicle/Portable Structure or Cart; this allows sales at multiple different locations – unless the sales are happening in more than one location simultaneously. In the case of simultaneous sales at multiple locations, additional licenses would be needed. This license does not limit annual days of operation at a single location. • The Retail Food Vehicle/Portable Structure or Cart license is not tied to physical location or structure in the same way as other licenses. It's tied to the transactions that you make with delivery equipment that meets the standards of the license. (i.e. The equipment standards must be appropriate for the product being sold. Refer to the Minnesota Food Code, 4626 to determine appropriate equipment standards.) It

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	<p>allows temporary and malleable structures at the point of sale. It allows operators to sell product in multiple locations sequentially but not simultaneously.</p> <ul style="list-style-type: none"> • Someone with a licensed retail brick & mortar facility who wants to do mobile sales at multiple locations is going to need a mobile type of license for the sales at multiple locations. • Cross-border sales by out-of-state retailer food handlers are subject to MN law when they are selling in MN. (This also applies to tribes. Sovereignty applies on tribal trust land only.) • Contacts with individual vendors up for license renewal are made by the inspectors who cover the territory where the vendor lives – so each inspector is doing their own checking on licensees – there hasn’t been coordination of that. Different vendors at the same farmers’ market may have different inspectors.
Other notes:	<ul style="list-style-type: none"> • Note difference between mobile sales and “Mobile Food Unit.” These two terms not interchangeable. “Mobile Food Unit” is a noun. Mobile sales refer to the action of traveling from place to place. • The Retail Food Vehicle/Portable Structure or Cart license category was developed in 1998. • Hennepin County has a “Facility Change Form” that is used to change license type in between license cycles.
Who resolved the issue (name(s) and organization(s)):	FIT team; statutory & Rule information and history supplied by Jim Roettger.
Date of resolution:	7/16/19
Licensing authority representative (name and organization):	Jodie Burke
Recommendations / Lessons Learned	
Internal (FIT):	Update LFAC Selling Minnesota Meat guide and Selling Minnesota Poultry guide
Licensing agency:	<ul style="list-style-type: none"> • Is there a way to remove the financial burden on individual small businesses to have multiple licenses? Enterprise view rather than physical location view. Have a base license fee and then an add-on for each location, perhaps? (Note: license fees are already scaled to the volume of the sales of the

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	<p>business. Also, more services are given by agency to the small operators. This is a legislative question: what is fair?)</p> <ul style="list-style-type: none"> • Take the policy development question to LFAC • Clarify language on website and application to describe the requirements and restrictions of the different license types. Add Guidance to application that includes examples. • Create Guidance documents for each license type, along the same lines as Cottage Food Guidance or the Special Event Food Stand Guidance. • MDA needs to develop a plan to get farmers' market vendor licenses switched over to the correct license.
Rules / Statutes:	<p>M.S. 28A.05 (license types) M.S. 28A.06 (requirement for license, linked to M.S. 157.15) MN Rules 4626.0020 Subd. 73 (definition of Retail Food Vehicle/Portable Structure or Cart) MN Rules 4626 (appropriate equipment for retail product sales)</p>

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Date of FIT Meeting: 9/16/19

Meeting Participants:

- FIT Members:
 - Jane Jewett
 - James Backstrom via WebEx
 - Julia Selleys via WebEx
 - James Roettger
 - Lolly Occhino
- Food Business:
 - Tiffany Tripp, Graise Farms LLC
- Other:
 - Dan Opsahl, MDA
 - Collin Kappenman, MDA
 - Alida Sorenson, MDA
 - Natasha Hedin, MDA

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Graise Farms LLC
Location of business:	Fairbault, MN
Referred by:	<input type="checkbox"/> MDA <input type="checkbox"/> MDH <input checked="" type="checkbox"/> FIT member <input type="checkbox"/> MDA Delegated Agency <input type="checkbox"/> MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	
Why was this business referred to FIT?	
Current business model:	Farm sells eggs direct to consumer and wholesale. Sells meat chickens and pork direct to consumer.
Key issues examined by FIT:	<ul style="list-style-type: none"> ● Farm wants to have a store retail front on the farm. In order to have a retail store front they would need an approved water supply. Farm had reps from MDH/MDA visit to review well multiple times. The Food Business Owner (FBO) hasn't heard back on the status of well review
Other issues:	Review reason for communication gaps between regulatory agencies (MDA and MDH) and FBO.
How was the issue resolved?	
Description of resolution:	<ul style="list-style-type: none"> ● MDA will make sure well review letter gets to FBO and inspector will follow-up with information on retail food vehicle portable structure or cart license. ● FBO may decide to contact a well contractor to determine if well meets requirements.
Other notes:	
Who resolved the issue (name(s) and organization(s)):	FIT Members
Date of resolution:	9/16/2019
Licensing authority representative (name and organization):	Raymond Starin – MDA, Food and Feed Safety Division, Retail Food Inspector James R – MDA, Food and Feed Safety Division, Licensing Liaison
Recommendations / Lessons Learned	

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Internal (FIT):	Well inspection can take time (typically a few months). Managing expectations of well review process. Review checklist on MDAs website (Retail Food Handlers' License).
Licensing agency:	MDA
Rules / Statutes:	31.175 Water, plumbing and storage, Food Code

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Meeting Participants:

- FIT Members:
 - Jane Jewett
 - James Backstrom via WebEx
 - Julia Selleys via WebEx
 - James Roettger
 - Lolly Occhino
- Other:
 - Dan Opsahl, MDA
 - Collin Kappenman, MDA
 - Alida Sorenson, MDA
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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Country Bumpkin Crafts
Location of business:	Hill City, MN
Referred by:	<input type="checkbox"/> MDA <input type="checkbox"/> MDH <input checked="" type="checkbox"/> FIT member <input type="checkbox"/> MDA Delegated Agency <input type="checkbox"/> MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	The current license (Retail Food Handlers and Retail Mobile) is held by her mother, who is deceased. Intends to register as a Cottage Food Producer.
Why was this business referred to FIT?	
Current business model:	Sole proprietor – continue sales over Etsy, sell wholesale to pop-up boutiques, and sell under a Cottage Food Registration at farmers’ markets/community events (indoor market –seasonal).
Key issues examined by FIT:	Unsure of food types and locations and what license they fall under.
Other issues:	<ul style="list-style-type: none"> • Need clarification on types of products and where she plans to sell. • Where she plans to manufacture • Where she plans to store product
How was the issue resolved?	
Description of resolution:	<ul style="list-style-type: none"> • Wholesale Manufactures License – to cover sale at Etsy and seasonal pop-up boutiques • Cottage Food Registration – if she wants to sell pickled vegetables and salsa at farmers’ markets and community events. • Emphasis importance of keeping cottage food production and sale separate from manufactured product.
Other notes:	<ul style="list-style-type: none"> • If she chooses to store product at a separate location from the commercial kitchen where it’s manufactured she would need a Wholesale Food License. Would recommend storing product at the community center. She may be able to get licensed to store at her home in an outbuilding (if it meets requirements). • Need to determine if the fruit syrup meets requirement for licensed production as a non-acidified food product. Alternatively determine if fruit syrup meets non-potentially hazardous food standard to be allowed as a cottage food. Recommend testing product for pH and water activity.
Who resolved the issue (name(s) and organization(s)):	FIT Members

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Date of resolution:	9/16/2019
Licensing authority representative (name and organization):	James R. – MDA Food and Feed Safety Division Collin Kappenman – MDA Food and Feed Safety Division
Recommendations / Lessons Learned	
Internal (FIT):	
Licensing agency:	MDA – Food and Feed Safety Division
Rules / Statutes:	28A.05 – Classification

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FIT Website Notification:

Please note that all information contained in this form is subject to public information requests. The information contained in this form will be included on the FIT website with the exception of items under the “General Business Information” category.

Date of FIT Meeting: 11/12/2019

Meeting Participants:

- FIT Members:
 - Kathy Zeman
 - Jane Jewett
 - James Roettger
 - Julia Selley
 - Molly Herrman
 - Lolly Occhino
 - Lauri Clements
 - Blake Nordin, (for James Backstrom)
- Other:
 - Katherine Simon, MDA
 - Jeff Luedeman, MDA
 - Alida Sorenson, MDA
 - Levi Muhl, MDA
 - Natasha Hedin, MDA

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	WillowSedge Farm
Location of business:	Palisade, MN
Referred by:	<input type="checkbox"/> MDA <input type="checkbox"/> MDH <input type="checkbox"/> xFIT member <input type="checkbox"/> MDA Delegated Agency <input type="checkbox"/> MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	Retail Mobile Food Handler – issued in 2009 Sells product of the farm (chicken, turkey, beef, lamb) also sells pork items that have off-farm ingredients added (ham, bacon, sausage).
Why was this business referred to FIT?	
Current business model:	Sells off mobile trailer and stores meat in outbuilding on property
Key issues examined by FIT:	<ul style="list-style-type: none"> • Does a storage space (where no processing is done) need to have water and septic? • Does a brick-and-mortar storage space for product sold under a Retail Mobile Food Handler license need to be licensed separately? • What are the parameters for a storage space that would fall under the Retail Mobile Food Handler license? • Can product of the farm and licensed product be stored together?
Other issues:	
How was the issue resolved?	
Description of resolution:	Options for Jane: <ol style="list-style-type: none"> 1. Quit using storage area 2. Wholesale license – could only be issued if food needing a license were stored in that area. 3. Only store product of the farm in the storage area Pending any further determination of whether an approved water source is needed and where that may come from (local agency, etc.)
Other notes:	Recommendation/Actions moving forward: <ul style="list-style-type: none"> • Jane’s case - get clarification between 28A.07 (Issuance of License - assessment for fitness to do business) and 31.175 prohibition against

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	<p>licensing if water, sewage and plumbing are not met. When are the codes applicable? Other agencies make the determination (not MDA).</p> <ul style="list-style-type: none"> • Request inter-agency discussion on these statutes (MDH, MNPCA, Dept. of Labor) in the form of written guidance. • There may be other provisions in local code (IE allowable in-home businesses)
Who resolved the issue (name(s) and organization(s)):	FIT, DMID, MDH, MDA
Date of resolution:	11/12/2019
Licensing authority representative (name and organization):	Collin Kappenman, Food and Feed Safety Division, MDA
Recommendations / Lessons Learned	
Internal (FIT):	
Licensing agency:	MDA, Food and Feed Safety Division
Rules / Statutes:	28A.07 and 31.175

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Date of FIT Meeting: May 19, 2020

Meeting Participants:

- FIT Members:
 - Blake Nordin
 - Julia Sellys
 - Molly Herrmann
 - Lolly Occhino
 - Kathy Zeman
 - Jane Jewett

- Other:
 - Jan Kelly
 - Levi Muhl
 - Nicole Droher
 - Jeff Luedeman
 - Alida Sorenson
 - Natasha Hedin

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Kaw Khang
Location of business:	Grand Marais, MN
Referred by:	<input type="checkbox"/> MDA <input type="checkbox"/> MDH <input checked="" type="checkbox"/> FIT member <input type="checkbox"/> MDA Delegated Agency <input type="checkbox"/> MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	20195551 (wholesale food processor/manufacturer) Date of issue: 4/26/2018
Why was this business referred to FIT?	
Current business model:	<p>Details: Currently out of business. Prior to going out of business, the business model was that Ms. Phumipraphat used the commercial-grade kitchen in the Cook County Community Center on one morning per week, to make single-serving meals sealed in microwaveable containers and sold to the local grocery store to be purchased by grocery store customers.</p> <p>Ms. Phumipraphat purchased the ingredients for the meals (meat, rice, vegetables, and spices) from the local grocery store(s).</p> <p>Packaged meals were delivered to Johnson’s Foods in approved delivery equipment in Ms. Phumipraphat’s personal vehicle.</p>
Key issues examined by FIT:	<ul style="list-style-type: none"> • Important to note that the system worked in this case to catch product that shouldn’t have been on grocery shelves. • However, the FBO, store owner, and kitchen manager were caught by surprise when the product was removed. • This scenario highlights need for additional communication and education.
Other issues:	Current capacity of Equal-To meat inspection program doesn’t permit the flexibility of scheduling to complete early morning inspections at distant locations within the state. MDA is willing to accommodate inspections at locations but scheduling is limited based on availability.
How was the issue resolved?	
Description of resolution:	<ul style="list-style-type: none"> • Areas of opportunity: <ul style="list-style-type: none"> ○ Provide more outreach/education, particularly around how licensing can change based on product.

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	<ul style="list-style-type: none"> ○ Provide more training for kitchen managers, especially resources available for operators. In this case, the kitchen manager wasn't aware that Parinda needed continuous inspection. <ul style="list-style-type: none"> • This is not within Blazing Trails current training content. • Molly Herrmann would be happy to work with Blazing Trails folks on creating training content if that's the path taken. ○ Potentially add language to MDA's licensing inspection report. ○ Craft message for all FBOs highlighting special processes that would require additional regulation. ○ Currently the Blazing Trails training is grant funded. Need to address continuing training once grant expires. ○ MDA will take a look at providing more routine training for delegated agencies on this topic and within the RFP/MFP for new inspectors. <ul style="list-style-type: none"> • In order to mitigate confusion on the part of FBOs and kitchen managers, it is going to require action on all items of opportunity listed above. <p>Specific options available to FBO:</p> <ul style="list-style-type: none"> • Would have the option to pursue vegetarian menu (no meat items). • Takeout meals (including meat) could be sold directly to consumer as a retail, rather than wholesale. <p>Parinda plans to remain closed.</p>
Other notes:	<p>Intentions for FIT meeting review of case:</p> <ul style="list-style-type: none"> • This particular case doesn't pose a regulatory challenge. The regulations are clear on what the FBO would need to do to legally run her business. • The FIT method will be used to document and learn/educate, rather than debate regulations and what happened in the past. • The team has agreed to focus on providing education and outreach moving forward. We acknowledge that the regulations are confusing for operators around when meat inspection is required. <p>Important to note:</p> <ul style="list-style-type: none"> • Businesses are continually evolving. When activities change over time, FBOs don't always realize that the requirements may change as well. For example, they start their business without any meat products but then add a new product that contains meat, creating a regulatory shift. • We realize this is a complicated space for operators. We need to consider where we want to focus our energy and what would be helpful for operators.

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Who resolved the issue (name(s) and organization(s)):	FIT members and MDA staff
Date of resolution:	5/19/2020
Licensing authority representative (name and organization):	MDA
Recommendations / Lessons Learned	
Internal (FIT):	Sometimes useful to discuss cases even if there is no regulatory challenge (can still identify opportunities for outreach, training, and engagement with customers).
Licensing agency:	MDA
Rules / Statutes:	31.A Meat inspection statutes, 28A Licensing statutes

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FIT Website Notification:

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Date of FIT Meeting: 09/15/2020

Meeting Participants:

- FIT Members:
 - Blake Nordin
 - Julia Selleys
 - Lolly Occhino
 - Kathy Zeman
 - Jane Jewett
- Other:
 - Jeff Luedeman
 - Alida Sorenson
 - Natasha Hedin

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Richfield Farmers' Market Aitkin Farmers' Market Grand Rapids Farmers' Market Wabasha Farmers' Market
Location of business:	Richfield, Aitkin, Grand Rapids, and Wabasha, MN
Referred by:	<input type="checkbox"/> MDA <input type="checkbox"/> MDH <input checked="" type="checkbox"/> x FIT member <input type="checkbox"/> MDA Delegated Agency <input type="checkbox"/> MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	All businesses are currently licensed by the MDA
Why was this business referred to FIT?	
Current business model:	<ul style="list-style-type: none"> • Up until June 2020, these markets were licensed as Wholesale Food Handlers and were operating according to protocols laid out in the <i>Selling Minnesota: Aggregation of Farmers' Produce</i> document. • The markets have been operating with mostly temporary structures: pop-up canopies and folding tables. Two of the markets, Wabasha and Grand Rapids, also have trailers. Most product is received and distributed on the same day. The markets with trailers may have product in transit overnight. • The markets use an online sales platform to offer vendors' products for sale and receive customer orders. On market days, the markets receive product from multiple vendors, aggregate products to fill customer orders, and distribute the product to retail and wholesale customers. • Majority of the farmers are selling produce, eggs, meat, honey, and maple syrup under the product of the farm exclusion from licensing, M.S. 28A.15 Subd. 2. Farmers selling meat products with added ingredients, such as sausage or bacon, have their own food handler licensing from MDA. Any bakers selling product to the market are licensed. There are also some licensed makers of jam, jelly, syrup, or other processed food products. • Most of these markets are operating in a limited time frame, receiving products from vendors and distributing products to customers within a four-hour window. Therefore, some of these markets are using camping coolers with ice to maintain temperatures. Some of these markets are using mechanical refrigeration.
Key issues examined by FIT:	<ul style="list-style-type: none"> • Does Retail Food Vehicle/Portable Structure or Cart licensing mean there can be no wholesale sales?

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	<ul style="list-style-type: none"> • Is there a difference in how licensed markets can aggregate products and how markets can be licensed for aggregation & sales depending on whether vendors are physically present during aggregation and sales? • What restrictions would there be on meat items if markets were licensed and vendors were not present during the assembly of orders?
Other issues:	<ul style="list-style-type: none"> • Also discussed cottage food being offered for sale on the market platform. • Determined that the cottage food producer would need to walk their product out to the customer and the customer would have to pay the cottage food producer in person.
What issues were resolved?	
Description of resolution:	<ul style="list-style-type: none"> • Clarification that nothing prevents a market licensed as a Retail Food Vehicle/Portable Structure or Cart from also selling at wholesale, up to 50% of total sales. The license held by the operator should reflect the predominance of sales. • Licensed farmers' markets doing aggregation and sales of products from multiple vendors do not need to have those vendors present when sales take place, no matter the type of product, so long as the product is from an approved source. • Licensed farmers' markets handling highly perishable products such as meat, dairy, or eggs must have adequate measures to maintain required temperatures of those products. • Cottage Food Producer payments and products cannot be handled by farmers' markets as part of aggregation and sales. Cottage Food Producers must sell directly to their customer, and not through any intermediaries.
Other notes:	
Licensing authority representative (name and organization):	Jeff Luedeman, Food and Feed Safety Division, Minnesota Department of Agriculture
Recommendations / Lessons Learned	
FBO:	
Internal (FIT):	
Licensing agency:	Minnesota Department of Agriculture
Rules / Statutes:	M.S. 28A.15 Subd. 2.

Exclusion of liability statement

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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.

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FIT Website Notification:

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Date of FIT Meeting: 09/15/2020

Meeting Participants:

- FIT Members:
 - Blake Nordin
 - Julia Selleys
 - Lolly Occhino
 - Kathy Zeman
 - Jane Jewett
- Other:
 - Jeff Luedeman
 - Alida Sorenson
 - Natasha Hedin
 - Carla Mertz

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Iron Shoe Farm
Location of business:	Princeton, MN
Referred by:	<input type="checkbox"/> MDA <input type="checkbox"/> MDH <input checked="" type="checkbox"/> x FIT member <input type="checkbox"/> MDA Delegated Agency <input type="checkbox"/> MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	No current license for commercial kitchen or food & beverage service
Why was this business referred to FIT?	
Current business model:	<p>Iron Shoe Farm sustainably raises beef, poultry, and hogs. Pre-COVID, they sold to 45 local restaurants in the Twin Cities as 90% of their business. During COVID that restaurant business was lost. Since June 2020 they have begun hosting licensed caterer chefs and restaurant chefs as part of a “dinner on the farm” series. They’ve hosted seven public ticketed events and three private friends and family events to test the market. They have eight more events scheduled through the end of October. This has been a great shift in promoting agritourism, talking about issues involving local food systems in Minnesota to educate the consumer, and supporting chefs who want to do what they love best: cook for the people. Everything on the menu is sourced from Minnesota. In 2013, Iron Shoe Farm became the first event location in Sherburne County on agricultural property. They worked through their county’s Conditional Use Permit process, so they have permitting in place from their county to host agritourism events. With the COVID-related decline in large gatherings such as weddings, they turned the focus to smaller-attendance dinners and brunch on the farm. Chefs prepare food offsite and finish plating and warm-up on the farm. Some chefs want to use open fire cooking methods and an outdoor kitchen. This type of cooking is interesting to many people and draws dinner customers to the farm.</p>
Key issues examined by FIT:	<p>After speaking with the MDH regarding licensure, Iron Shoe Farm was told that open-air, open-fire methods of cooking were not okay as there was a chance for contamination of the food. However, Ms. Mertz has observed that many licensed restaurants in Minneapolis feature open fire cooking, or have a patio setting where restaurants can plate and serve food outdoors. This outdoor plating and service also poses a risk of contamination for food, but it is allowed. Iron Shoe Farm’s owners feel that on-farm outdoor cooking spaces should be exempt from commercial facilities requirements associated with restaurant licensing but recommended to use commercial equipment. Also, the need to have each menu approved separately seems a bit extensive. Licensed restaurants that do outdoor cooking on their premises are not required to get approval of every menu.</p>

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Other issues:	The current structure of license types doesn't exactly match up with this innovative approach of outdoor cooking and food service combined with temporary licensure and bringing in different chefs or caterers in succession.
What issues were resolved?	
Description of resolution:	<ul style="list-style-type: none"> • This operation would be licensed and inspected by the Minnesota Department of Health. • Special Event Food Stand licenses are available for agritourism businesses. They allow a business to operate for up to ten days'-worth of events annually without commercial food service equipment requirements and with flexibility on MN Food Code facilities standards. A new license model may need to be explored. <ul style="list-style-type: none"> ○ Generally, a license should be held by the person preparing and/or serving the food. If the farm is running an event with multiple chefs preparing the food, it might be more cost effective to have the farmer hold the license. • Licensed outdoor cooking is possible with some menu items and some configurations. <ul style="list-style-type: none"> ○ There is potential for approval of a shield for cooking or finishing food over an open fire. • Seasonal Temporary Food Stand licenses are available for agritourism businesses. These licenses allow a business to operate up to 21 days per year in any one location. With local zoning approval it is possible to operate in one location for more than 21 days annually. • There are documents available that describe outdoor cooking options for permanent restaurants that could be adapted. • Generally, MDH has not objected to outdoor cooking operations by a licensed food establishment that involve food preparation in an area protected from environmental contamination, followed by brief transport of food outdoors to an outdoor cooking area.
Other notes:	It may be possible to find a pathway to this type of agritourism within existing food & beverage service license categories. If not, agricultural groups might consider pursuing legislative changes to license categories.
Licensing authority representative (name and organization):	Blake Nordin, Minnesota Department of Health
Recommendations / Lessons Learned	
FBO:	The FBO is already working with her local MDH inspector and that inspector's supervisor. This FIT discussion explored a more varied set of potential options than had previously been discussed, which can inform future discussions between FBO

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	and inspectors. An exact pathway forward for the FBO was not defined by FIT in this case.
Internal (FIT):	
Licensing agency:	Minnesota Department of Health
Rules / Statutes:	

Exclusion of liability statement

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FIT Website Notification:

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Date of FIT Meeting: 01/12/2021

Meeting Participants:

- FIT Members:
 - Jodie Burke
 - Blake Nordin
 - Noelle Harden
 - Lolly Occhino
 - Jane Knott
 - Jane Jewett
- Ad-Hoc Experts:
 - Nicole Baysal
 - Jeff Luedeman
 - Kip Fondrick
- Business Members:
 - Todd Bram
- Other:
 - Natasha Hedin
 - Alida Sorenson
 - Shelley Erickson

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Featherstone Farm
Location of business:	Rushford, MN
Referred by:	<input type="checkbox"/> MDA <input type="checkbox"/> MDH X <u>FIT member</u> <input type="checkbox"/> MDA Delegated Agency <input type="checkbox"/> MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	No current license – operates under “product of the farm or garden” exemption (MN Statute 28A.15 EXCLUSIONS – Subd. 2) https://www.revisor.mn.gov/statutes/cite/28A.15
Why was this business referred to FIT?	
Current business model:	Featherstone Farm is a 250-acre, certified organic farm located in the bluff country in and around Rushford, MN. The farm produces around 70 varieties of fresh market fruits and vegetables for distribution to local co-ops, restaurants, grocers, wholesalers, and Community Supported Agriculture (CSA) members throughout the region.
Key issues examined by FIT:	<p>Todd Bram, General Manager of Featherstone Farm, was looking for options for on-farm or local processing of products to use up surplus produce and generate products the farm could include in their CSA share boxes. By July it was clear the farm was going to have bumper crop of watermelons and they needed to find a way to process them or have to discard some of the crop.</p> <p>Featherstone Farm would use its own watermelons and have its own employees do the work to make watermelon juice and freeze it for distribution to CSA customers (800 to 900 CSA customers in MN and WI.) The juicing would take place in a local restaurant’s kitchen that was closed due to COVID-19. Todd pursued information about CGMPs for juice production.</p> <p>Todd Bram reached out to Annalisa Hultberg for assistance on finding information about legality of juice production and sales, and Annalisa referred him to Jane Jewett. During the same time frame, Todd used the Food Licensing Wizard on the MDA website and received a reply from the Licensing Liaison that the farm would need to complete Plan Review and obtain a retail food license in order to do this. This was an incorrect response because the juice was product of the farm. In a series of emails on July 21 – 23, 2020, Todd asked for clarification based on these three points:</p> <ul style="list-style-type: none"> • The juice will be product of the farm • The juice will be frozen, not canned or bottled • The juice will be sold at retail to CSA customers, not sold at wholesale

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	After this request for clarification, Todd received a reply that because the juice was product of the farm, he would not need a license but would be subject to a retail HACCP plan and inspection at the discretion of MDA. Todd was provided contact information for Jodie Burke, who was the regional inspector at the time, and he reached out to her to request clarification on the HACCP plan requirement. Jodie replied in early August that he would not need either licensing or HACCP plan if the juice did not have added ingredients and was going to the farm's own CSA customers.
Other issues:	
What issues were resolved?	
Description of resolution:	This case was explored as an After-Action Review (AAR) – all issues had been resolved, including new staff in the Licensing Liaison position with training and background on licensing exemptions and an update to the MDA Website's Food Licensing Wizard to improve output.
Other notes:	See below for additional recommendations and lessons learned.
Licensing authority representative (name and organization):	This operation is currently exempt from licensing by MDA under MN Statute 28A.15 Subd. 2.
Recommendations / Lessons Learned	
FBO:	<ul style="list-style-type: none"> Time is critical for producers - peak harvest and bumper crops can mean no time to plan/research options, so this should be considered by MDA when working with this type of product or business.
Internal (FIT):	<ul style="list-style-type: none"> Highlights importance of partners working together (MISA, AURI, Extension, MDA, MFMA, etc.)
Licensing agency:	<ul style="list-style-type: none"> MDA will make additional edits to the Food Licensing Wizard to add more information on wholesaling juice (fermenting/HACCP) and other special regulatory cases/process that might apply to product of the farm – if a food business owner is exploring one of these special cases, they should call the Licensing Liaison to work through the details. It is critical to bring more awareness of the Licensing Liaison position to new business owners and utilizing the Licensing Liaison request form on the MDA website. MDA is working on internal factsheet about juice for inspectors and can adjust slightly for an external audience. MDA will work with partners on the fact sheet and ensure the Licensing Liaison and other MDA staff have access and know about the document.
Rules / Statutes:	MN Statute 28A.15 EXCLUSIONS – Subd. 2

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Exclusion of liability statement

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Data Privacy Tennessee Warning:

The Food Innovation Team (FIT) regularly requests data from food business owners (FBOs) interested in participating or gaining food business licensing guidance from FIT through the Pre-Screening Intake Form (PSIF), during FIT meeting proceedings, and as part of the regular processes of FIT. The information provided for these FIT activities will be used before, during, and after FIT meetings to answer licensing questions from FBOs. Information provided is public information and will be discussed at a meeting that is open to the public. If you have information that you want protected, please contact the Food and Feed Safety Division Director, Katherine Simon (Katherine.simon@state.mn.us or (651) 201-6596) before filling out this form and submitting it to FIT.

FIT Website Notification:

Please note that all information contained in this form is subject to public information requests. This form will be published on the FSDTF website.

Date of FIT Meeting: 01/12/2021

Meeting Participants:

- FIT Members:
 - Jodie Burke
 - Blake Nordin
 - Noelle Harden
 - Lolly Occhino
 - Jane Knott
 - Jane Jewett
- Ad-Hoc Experts:
 - Nicole Baysal
 - Jeff Luedeman
 - Kip Fondrick
- Business Members:
 - Paul Wright
- Other:
 - Natasha Hedin
 - Alida Sorenson
 - Shelley Erickson

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Wright Farms
Location of business:	Hutchinson, MN
Referred by:	<input type="checkbox"/> MDA <input type="checkbox"/> MDH X <u>FIT member</u> <input type="checkbox"/> MDA Delegated Agency <input type="checkbox"/> MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	No current license – operates under “product of the farm or garden” exemption (MN Statute 28A.15 EXCLUSIONS – Subd. 2) https://www.revisor.mn.gov/statutes/cite/28A.15
Why was this business referred to FIT?	
Current business model:	<p>Wright Farms currently grows Aronia berries and sells them frozen and directly to consumers in small quantities (in harvest trays or cleaned and bagged). The farm harvests the berries and puts them in trays or cleans them by removing leaves and stems and bag, then freezes the cleaned berries. Wright Farms does sell some in fresh state during harvest time.</p> <p>Paul Wright, owner of Wright Farms, contacted the Agricultural Utilization Research Institute (AURI) regarding questions about the licensing (and other requirements) needed to sell Aronia berry juice. Mr. Wright had contacted MDA and received some correspondence but was having difficulty understanding the requirements for selling direct-to-consumer versus wholesale or under the Cottage Food Law. Mr. Wright was seeking an outline with specific steps needed to take in order to sell juice from the farm.</p>
Key issues examined by FIT:	Mr. Wright would like to explore selling Aronia berry juice directly to consumers and possibly to other entities like wineries. They would press juice on the farm using a bladder press juicer. Product would either be bottled in 16 oz. to 1 gal. for consumers or in larger, 5-gal. pails for “wholesale”. He would like to clarify the steps needed for either option.
Other issues:	Additional issues came up during the discussion, including selling Aronia berry juice with additional ingredients (not considered “product of the farm”) and selling Aronia berry products under Cottage Food Law.
What issues were resolved?	
Description of resolution:	The discussion focused on producing pure Aronia berry juice with no added ingredients. Note that these discussions focused on the sale of juice, and not the whole berries. Whole berries can be sold to another location for juicing, and that location would then be responsible for any Juice Hazard Analysis Critical Control Point (HACCP) requirements.

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	<p><u>Option 1: Wholesaling juice to a fermenter (e.g. winery or brewery)</u> If the winery or brewery will be adding juice <i>before</i> the fermentation, the juice can be sold “raw”. If the secondary business is adding the juice <i>after</i> fermentation (e.g. for flavor), the juice will need a HACCP plan to address reducing pathogen load (see Option 2). This is a key question to ask of the winery or brewery before selling any product.</p> <p><u>Option 2: Wholesaling juice to another retailer (non-fermenting)</u> The juice will need to be produced under HACCP. The individual overseeing the juice HACCP plan will need to have had juice HACCP training. Natural pathogens in the juice are of greatest concern and the juice must undergo a pasteurization process to achieve a 5-log reduction in pathogen load.</p> <p><u>Option 3: Selling juice under a retail license (not wholesaling, selling to the end consumer)</u> This is an option if adding other non-farm ingredients (if the product no longer falls under the “product of the farm” exemption. The juice would need to be produced in a licensed facility. Again, this applies only for juice produced under a retail license. The product would require a cautionary statement if it is not pasteurized. If it is a ready-to-eat food (non-potentially hazardous) a date marking parameter is not identified.</p> <p><u>Option 4: Selling license-exempt “product of the farm/garden” (no license required)</u> Juice may be sold directly to consumers as a product of the farm/garden if it does not include any additional ingredients beyond what is produced at Mr. Wright’s farm. While no license is required and MDA would not complete an onsite inspection, the Aronia berry juice would need to be produced under current Good Manufacturing Practices (GMPs). These can be reviewed on FDA’s Electronic Code of Federal Regulations (Title 21: Food and Drugs – Part 117), but include disease control and cleanliness among staff, and safety and cleanliness of the production facility area and equipment (protected from the elements, cleanable, pest-free, etc.). The use of a cautionary statement as referenced in Option 3 is encouraged.</p>
Other notes:	<p>Selling as a dietary supplement: If wholesaling Aronia berries as an ingredient for a dietary supplement, more regulations may apply, because the product would no longer fall into the food/alcohol category.</p> <p>Selling under Cottage Food Law: Beverages can be sold under Cottage Food Law, as long as they meet law guidelines. The juice would need a pH of less than 4.6 and would need to be water bath canned or hot filled. The juice would need to be sold directly to the end consumer and gross annual sales could not exceed \$18,000. More limitations exist, see MDA Cottage Food FAQs and Registration (link below) for</p>

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	<p>more information. Other options that could be considered for Cottage Foods include jam, freezer jam or frozen treats created with the berries.</p> <p>Selling to another CSA: This type of sale would be considered wholesaling, and HACCP requirements would come into play.</p>
Licensing authority representative (name and organization):	This operation is currently exempt from licensing by MDA under MN Statute 28A.15 Subd. 2.
Recommendations / Lessons Learned	
FBO:	<ul style="list-style-type: none"> ● Resources <ul style="list-style-type: none"> ○ Perennial Fruit Book ○ Aronia PDF ○ Cottage Food Exemption ○ Cottage Food FAQs and Registration ○ MFMA Cottage Foods List (see Section 3: Beverages) ○ FDA CFR Title 21: Food and Drugs – Part 117 (GMPs) ● If selling to a winery or brewery, be sure to ask whether they will be adding the Aronia berry juice before or after fermentation. ● A HACCP plan is required for wholesaling juice to locations other than fermenters who will be adding before fermentation. ● Note that other considerations come in if the Aronia berry is sold as an ingredient for a dietary supplement (versus food or alcohol). The intent of use should be considered prior to sale. ● The FBO may explore doing a mix of different types of sales, though all sales under Cottage Food Law must be kept separate.
Internal (FIT):	<ul style="list-style-type: none"> ● Highlights importance of partners working together (MISA, AURI, Extension, MDA, MFMA, etc.)
Licensing agency:	<ul style="list-style-type: none"> ● MDA will make additional edits to the Food Licensing Wizard to add more information on wholesaling juice (fermenting/HACCP) and other special regulatory cases/process that might apply to product of the farm – if a food business owner is exploring one of these special cases, they should call the Licensing Liaison to work through the details. ● It is critical to bring more awareness of the Licensing Liaison position to new business owners and utilizing the Licensing Liaison request form on the MDA website. ● MDA is working on internal factsheet about juice for inspectors and can adjust slightly for an external audience. MDA will work with partners on the fact sheet and ensure the Licensing Liaison and other MDA staff have access and know about the document.
Rules / Statutes:	<p>MN Statute 28A.15 EXCLUSIONS – Subd. 2 Sales by farmers; others not in food business</p> <p>MN Statute 28A.152 COTTAGE FOODS EXEMPTION</p>

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