

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

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Title: Attachment 5: FIT Recommendation Report Template	

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:
 - 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

The report generated is a *recommendation* by the FIT Subcommittee; it is the role of the jurisdictional regulatory body to determine next steps for the FBO. Neither the FIT Subcommittee nor the FSDTF are the final decision maker regarding the future of a case. FSDTF and its subcommittees are advisory bodies only. The job of the FIT Subcommittee is to aid 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.