

MN FOOD SAFETY AND DEFENSE TASK FORCE
Meeting Minutes
September, 2019

Today's meeting was held in Room B145, Orville L. Freeman Building, 625 Robert Street North St. Paul

Courtney Bidney called the meeting to order at 1:30 PM.

Members present included: Courtney Bidney, Ruth Petran, Chris Gindorff, Patrice Bailey, Lorrene (Lolly) Occhino, Annalisa Hultberg, Jamie Pfuhl, Angie Cyr, Benjamin Warren and Brent Kobielush.

Visitors present included: Joe Jurusik, Carrie Rigdon, Karly Ackerman, Heidi DeBeck, Neal Fredrickson, Jan Kelly, Dave Boberg, Cindy Weckwerth, Heidi Kassenborg, Brett Boswell, Alida Sorenson, Heidi Varberg, Natasha Hedin, Jane Jewett, Shaun Kennedy, Linda Prail, Dionne Meehan, Sarah Leach Rima Kapadia (via WebEx), Lenora Howard (via WebEx) and Mary Crawford (via WebEx).

1. Dates and links

The next Food Safety and Defense Task Force (FSDTF) Meeting will be Tuesday, November 12, 2019, Location: St. Paul Capitol Complex, Room: TBD, 1:30 pm – 4:30 pm.

- U.S. Food and Drug Administration (FDA) Pesticide Residue Monitoring Report and Data for Fiscal Year (FY) 2017:
<https://www.fda.gov/food/pesticides/pesticide-residue-monitoring-2017-report-and-data>
- Food Safety for Food Donation:
<https://www.health.state.mn.us/communities/environment/food/docs/license/fooddonate.pdf>
- AFDO Food Sorting Guidance and Model Consumer Commodity Salvage Code - 2017 Version
<http://www.afdo.org/page-1280262>
- Dairy Plant Food Safety Workshop:
<https://www.idfa.org/events/dpfsw>
- Building an Industrial Hemp Industry In Minnesota
<https://www.auri.org/research-reports/hemp/>
- Sustainable Materials Management (SMM) Web Academy Webinar: Oregon's Wasted Food Strategy: Highlights of current work, recent research and next steps
<https://www.epa.gov/smm/sustainable-materials-management-smm-web-academy-webinar-oregons-wasted-food-strategy-highlights>
- Integrated Food Systems Leadership Program:
<https://ifsl.umn.edu/>

2. The minutes from the July 16, 2019 meeting were approved.

3. Member and Visitor Updates:

Joe Jurusik (Hennepin County Public Health): Joe mentioned that CBD oil is a hot topic for them right now. They are also dealing with the complication of a new app called Swimply. It is basically a VRBO of swimming pools, which is not allowed by the Minnesota Pool Code. The code identifies specific regulations regarding public pools that most private homes do not have.

Carrie Rigdon (Minnesota Department of Agriculture (MDA)): Carrie will be providing a legislative update later in the meeting.

Annalisa Hultberg (University of Minnesota Extension): This past summer U of M Extension coordinated with the MDA's Produce Safety Program to complete on Farm Readiness Reviews. These reviews designed to help producers understand what an inspection might look like. PSP has started inspections. They are planning the next round of Produce Safety Rule trainings for this coming winter. Some of the trainings are already sold out.

Jane Jewett (Minnesota Institute for Sustainable Agriculture (MISA)): MISA was awarded a USDA Sustainable Agriculture Research & Education Professional Development Program (SARE-PDP) to do trainings on local food systems in every MN County ("Blazing Trails Grant"). They have completed training in 18 counties and planning to complete more this fall, winter and spring. The Farmers Market Aggregation project is moving along now that there is produce available.

Jamie Pfuhl (Minnesota Grocers Association (MGA)): Jamie mentioned that they are navigating CBD oil, working on updates and challenges pertaining to the new Food Code, and working with MDA on the wholesale produce dealers license.

Karly Ackerman (MGA): Karly is a first time attendee of the Task Force meeting. Karly mentioned that they received a food waste grant from Hennepin county and

Jan Kelly (MDA): Jan mentioned that the Manufactured Food Program is continuing to implement its strategic plan. They have five new inspectors going through training, once those inspectors have completed their training they will be adjusting inspection territories accordingly. The program is in the planning phase of their 2020 FDA contract inspection work and wrapping up the current year. They will be conducting forty full scope PC inspections for fiscal year 2020. They have conducted a few investigations at manufactures in MN that had added CBD oil to products, thinking it was legal.

Neal Fredrickson (Cargill): Neil mentioned that Cargill is ready for the upcoming FDA enforcement period for the Intentional adulteration Rule. They are expanding the scope of their food defense program to prepare for Global Food Safety Initiative (GFSI) standards as well.

Heidi DeBeck (FDA): Heidi mentioned that they are wrapping up their fiscal year 2019 inspections and planning for fiscal year 2020. They don't expect any budget issues but nothing is certain at this time. On 9/14/2019 FDA issued the final results of their annual pesticide monitoring program (link provided above). The vast majority of the samples were below tolerance levels set by EPA the required levels.

Brent Kobielush (Cargill): Brent will be submitting a symposium on CBD oil for International Association for Food Protection (IAFP) in October. Want to look at it from a safety perspective

toxicologically. Brent has been looking into novel foods especially pea protein and the potential for peanut allergic individuals to react to pea protein. Cargill has fifty percent stake in a major pea protein manufacturer so they want to make sure they are monitoring the topic and being proactive.

Ben Warren (Land O' Lakes): Ben is on the program committee for IAFF. They are currently accepting proposals for their meeting in Cleveland, OH next August 2-5th, 2020. Ben also mentioned that he works with the Innovation Centers for US Dairy and Dairy Management Inc. on their food safety. They have developed a dairy plant food safety workshop that has been given around the country for the past five years. This October they will be hosting a new workshop focusing on dry dairy plants here at their location in Arden Hills. The workshop will take place October 15th and 16th and may still have spots available. If you'd like more information, please reach out to Ben.

Rima Kapadia (United Natural Foods Incorporated (UNFI)): Rima said that they completed integration with SUPERVALU. They are also working on GSFI standards at their DC locations. They have completed integrating all the new policies and procedures and focusing on executing them and following up through training.

Lenora Howard (Conagra Food Brand): They just purchased a new company and so they are working on their food defense plan as preparing for the Intentional Adulteration Rule. Lenora is a first time attendee calling in from Omaha.

Dave Boberg (MDA): Dave is Retail Food Inspector with MDA. He will be speaking later regarding the regulatory side of food donation. Dave is a first time attendee.

Cindy Weckwerth (Minneapolis Health Department): Cindy mentioned that they are interested in guidance on CBD oil. They also have an ongoing project working to get their health inspections online.

Linda Prail (Minnesota Department of Health (MDH)): Linda mentioned that they have begun working on Food Code 2.0. They are currently receiving feedback, correcting errors and issues. Hopefully this will be as small as a revision as possible. If you have critical high priority issues send them to Linda. They are planning to publish a request for comments this fall. Linda will also be looking for advisory committee members, if you're interested please let her know.

Heidi Kassenborg (Kassenborg Consulting): Heidi provides training and consulting for various entities and universities. She has an upcoming training planned this October training Pakistanis veterinarians in Indonesia.

Lolly Occhino (Agricultural Utilization Research Institute (AURI)): Lolly mentioned they are working on a report Building an Industrial Hemp Industry in MN, which will be coming out soon and will be available on their website. They have some preview documents already available on their website including feed, fiber, food, and fuel value chain overviews. They are trying to keep up to speed regarding CBD oil. They have had people come to them wanting to develop products involving CBD. They have a project called Ag Innovation Partnership (AIP) and they have accepted proposals for three topics: food waste mapping, a guide on food shelf life for smaller companies, and a project on wild rice looking at protein quality and digestibility. Those projects are just getting started and will be about six months out.

Brett Boswell (MDA): The Commercial Feed Program is finishing up their current FDA contract work and in the planning phase for fiscal year 2020. They are seeing the common buzz words of “hemp” and “CBD” all over animal food as well, particularly for pet food.

Alida Sorenson (MDA): Alida mentioned that it was a quiet summer for response. Only a few outbreaks finding cyclospora and salmonella bovismorbificans. Also participated in a few CBD oil investigations at manufactures.

Heidi Varberg (MDA): Heidi mentioned that the Dairy and Meat Inspection Division is putting on its Hunter Harvester Venison Donation program again this year. They are also working on a new meat label guide for new equal to meat plants. The new guide will be simpler and cleaner guide and focus on creating labels that meet all regulatory requirements.

Patrice Bailey (MDA): Patrice is the new Assistant Commissioner for the MDA. He let everyone know that the Commissioner fully supports this Task Force and if there is anything we need we can let him know as he is the Commissioners designee for the Task Force.

Shaun Kennedy (Food Systems Institute/U of M): Shaun went to New Zealand this past August on behalf of the Center for Food Integrity, to review food broad programs for their member companies and regulatory authority in New Zealand. They will continue to work with the agency on updating their broad programs.

Dionne Meehan (Michael Foods): First time attendee from the Michael Foods team in Minnetonka.

Angie Cyr (MDH): Angie mentioned that there are no legislative updates at this time, however, they are working on a report for the Governor’s office regarding the impact of legalization of recreational marijuana.

Courtney Bidney (General Mills): Courtney mentioned that she had the opportunity to participate in the Integrated Innovation Food Systems Leadership Program at the U of M last week as an advisor. The intent of the program is to target early to mid-career professionals looking to learn food systems end to end. This is the first year of the program and they hope to offer it on an ongoing basis. It is thirteen credit hours and counts towards a master’s degree.

Ruth Petran (Ecolab): Ruth stated that Ecolab focuses on helping customers manage food safety risks help through sanitation solutions. Ruth also serves on the executive board of the IAFP and gave a reminder that proposals for symposia for the 2020 annual meeting are due October 1, 2019. Ruth mentioned that she was in Europe this past September to keep a pulse on global food safety concerns from an Ecolab perspective. It was noted that *Campylobacter* is still a major concern in Europe. It’s becoming more public in Europe and prompts the need for more ways to control it. There are less options in the European Union for them to use on carcasses based off of regulations, which may present some challenges that they won’t likely encounter here in the US. Ruth also phoned in to MN Food Safety Partnership webinar this past week and wanted to commend them for a great webinar. Ruth recently attended Food Protection and Defense Institute (FPDI) Intentional Adulteration training in mid-August that we helped fund as a Task Force. The next course will be in April of 2020 and the Task Force will need to decide if we want to use our grant money to help subsidize that rate.

Sarah Leach (MDH): Sarah will be presenting on food donations from a regulatory perspective and is also a part of the MN Food Safety Partnership.

Natasha Hedin (MDA): Natasha thanked Collin for taking on the Task Force duties while she was out on leave. She is happy to be back and is getting caught up on things. She will be prioritizing work on the Licensing Wizard 2.0 and updates to the MDA website.

4. 2019 Terms of Reference Vote

Task force members voted on the 2019 Terms of Reference. The 2019 Terms of Reference were updated as part of an annual review and to include added language for the FIT subcommittee. Courtney Bidney, Ruth Petran, Chris Gindorff, Patrice Bailey, Lorrene (Lolly) Occhino, Annalisa Hultberg, Jamie Pfuhl, Angie Cyr, Benjamin Warren and Brent Kobielush all voted in favor of passing the 2019 Terms of Reference.

5. Food Innovation Team (FIT) Subcommittee Update

Jane Jewett, U of M, gave an update on the FIT team meeting held earlier today. The group reviewed two cases this morning and Jane provided a brief synopsis of both and the recommendations that will be forwarded on to the food business owner and their corresponding regulatory agency. Jane also mentioned that the FIT subcommittee has been in operation for one year now. Members of the subcommittee serve two-year terms. We will need to begin thinking about filing those positions.

6. Member Update – MN Grocers Association Overview

Jamie Pfuhl, provided a presentation on the MN Grocers Association. Her presentation slides are attached.

7. Legislative Update – Carrie Rigdon, MDA Food and Feed Safety Division

It was a busy legislative session this past spring for the new MDA administration staff. Both the Agriculture policy and finance bills were approved by the legislature and signed into law by the Governor. You can find details listed below for the FFSD specific proposals that made it through along with related bills which may have future impacts on FFSD work. These changes went into effect August 1, 2019 unless otherwise noted in the bill text.

FFSD Specific Provisions

- [Addition of semicolon to the definition of “drug”](#) for animal feed in MS 25.33 – this clarifies the definition as containing 2 distinct parts and aligns with federal definitions.
- [New Gross Annual Food Sales calculation for exclusive liquor stores](#) who hold a food handling license – this language was inserted into MS 28A.16 but is NOT a license exclusion. An exclusive liquor store (as defined in [MS 340A.101](#)) will now exclude alcohol sales from gross annual food sales when determining retail food handler license fees.
- [Retail Delegation to Local Boards of Health](#) was updated to inclusively state “retail food handlers” rather than “retail grocery and/or convenience stores” in MS 28A.075. This allowed for consistency with the current delegation agreements and align with the Memorandum between MDA and MDH regarding retail food licensing authorities.

Related Changes of Note

- [Custom exempt food handler license classification](#) – this creates a specific food license classification which is not retail food for persons operating exclusively as custom exempt processors through the Meat Inspection Program.
- [MDH license exclusion for food stands on private property](#) – this added an exclusion to MDH food licensing which does not limit the types of foods sold but has a \$1000/calendar year sales limit.
- [Hemp Program definition update and expedited rulemaking](#) (see specific update links in revisor site) – this aligned the definition of hemp with the 2018 federal Farm Bill and allows for expedited rulemaking to move the program from a pilot into established program.
- [Board of Pharmacy allowed sales of certain Cannabinoid products](#) – this adds language to MS 151.72 to allow the sale of certain CBD products, other than food, under Board of Pharmacy regulation intended for consumption by humans or animals.

FY20 Policy Session Begins!

- Initial policy proposals were submitted to the Commissioner's office staff August 1st. This begins the Governor's policy proposal process. Policy Bills will be introduced February, 2020.

8. Food Donations

Regulatory Perspective

Sarah Leach, MDH reviewed the Food Safety for Food Donation guide that was developed with input from multiple agencies. The guide had been available previously but updates were made according to the new Food Code. The document link is provided above. She also recently listened to interesting webinar from Oregon Department of Environmental Quality regarding food donation research (link provided above).

Jan Kelly, MDA, Manufactured Food Program (MFP) provided information on food donation from the manufactured food perspective. The MFP regulates distribution centers and warehouses. Anything that would be a requirement for a food manufacturer would be the same for a business that wanted to donate food (for profit/not for profit status doesn't pertain). Jan also mentioned the AFDO Food Sorting Guidance and Model Salvage Code as a helpful guidance document. Pop-up when there are weather emergencies.

Dave Boberg, MDA, Retail Food Program provided information from a retail food perspective. Their requirements would be the same as a retail food handler, however there are different levels that help determine who it would fall under. Retail food limited to pre-packaged and whole raw produce would be considered licensed exempt. Once they step into handling re-packaging dry goods, they would need a license and plan review. For current licensed retail food handlers (grocery store) they would work with to write a procedure, looking at food flow, transportation, shelf life rotation, and sourcing.

Industry Perspective

Courtney Bidney, General Mills gave a brief presentation showcasing a few examples of industry involvement with food donation. Her presentation slides are attached.

Jamie Pfuhl, MN Grocers Association talked briefly about food donation activities that the MN Grocers Association is involved with. They are currently using some grants for consumer education. There is also a lot of work being done on shelf life and grocery stores utilizing organic waste.

9. Agenda Items for Next Time

- FIT Subcommittee members – reminder that membership ranks will be need to be re-filled in about a year.
- Cyclospora Increase – good story to share. Consider reaching out to Kwik Trip to ask them to share recent experiences.
- CBD oil potential topics/areas of interest
 - Lolly Occhino – hemp materials
 - Brent Kobielush – toxicology outline
 - Regulatory updates (What they are working on and how they are approaching)
 - MDA trying to collaborate on messaging
 - MDH
 - FDA

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Attachment 1
Produce Safety Program Update Handout

MDA Produce Safety Program: 2019 Highlights

The Produce Safety Program is in year four of a five-year grant supporting initial development work. The program is now fully staffed in all areas including data analysis and inventory development, outreach, inspections, and administration. Inspections of farms began in June of 2019, and most farm representatives have been receptive to conversations regarding produce safety.

Current Outreach Activities

- English and Spanish language grower trainings
- Grower trainings for Plain communities
- Grower training with Hmong interpretation
- Quarterly Produce Safety Advisory Group meetings

Current Inspection Activities

- Initial educational inspections for large covered farms
- Review observations to inform outreach
- Nine inspections conducted to date

Outreach and Education

The produce safety advisory group, composed of diverse stakeholders representing a variety of produce growers in Minnesota, has met quarterly for one year. This group provides feedback on program activities and outreach products including grower trainings, a key component of Produce Safety Rule education, and will next meet on September 30, 2019.

The Produce Safety Program and UMN Extension staff are currently planning grower trainings, scheduled to start in December of 2019 and to end in April of 2020. Ten classes will be offered in English around the state, with two located in and marketed to Plain communities. At least one additional training will be held in Spanish, and planning is underway for the first training in Minnesota with Hmong language interpretation.

Inspections

Produce Safety Program inspectors have completed nine inspections to date on large covered farms in Minnesota, with eleven more anticipated before the end of this inspection season in March of 2020. Following the national approach, these inspections are educational and do not result in orders issued, unless egregious conditions are documented.



MDA Produce Safety Program: 2019 Highlights

Current OFRR Activities

- Five reviews conducted in 2019
- Additional reviews to be offered to small covered farms
- Non-covered farms will be accommodated when possible

On-Farm Readiness Reviews (OFRR)

Program staff have conducted On-Farm Readiness Reviews with UMN Extension staff at five farms this season upon request. These reviews identify the top three Produce Safety Rule related concerns observed and allow the farms an opportunity to ask questions about the rule and inspection process. No orders are issued and notes are not taken during an On-Farm Readiness Review. One additional large covered farm that conducts indoor growing operations has requested a review that will be completed after the conclusion of the outdoor growing season.

Current Inventory Activities

- 2019 data verification complete
- 2020 grower questionnaire
- Postcard and long versions of questionnaire developed

Farm Inventory Development

Produce Safety Rule farm status	Number of farms
Covered	42
Qualified exempt	128
Exempt- processing	14
Excluded- sales under \$25,000	323
Excluded- Personal consumption only	28
Excluded- Rarely consumed raw produce	248
Unknown	744
Total number of farms in inventory	1,542

Next Quarter Priorities

- Complete initial inspections for large covered farms
- Complete all requested On-Farm Readiness Reviews
- Attend and present at winter conferences and events
- Begin 2019-2020 grower trainings
- Continue refining verified farm inventory database
- Release annual grower questionnaire
- Continue developing web presence for the program