

MINNESOTA FOOD SAFETY AND DEFENSE TASK FORCE

Meeting Minutes

November 1, 2022

Today's meeting was held via Microsoft Teams.

The meeting was called to order at 1:33 PM.

Members present included: Courtney Bidney, Chris Gindorff, Jaime Kirkpatrick, Jamie Pfuhl, Julia Selleys, Patrice Bailey, Lolly Occhino, Annalisa Hultberg, Brent Kobielush, and John Hilgren.

Visitors present included: Lillian Otieno, Cari Dufner, Deb Freedman, Michelle Boyd, Kathy Zeman, Gabriel Wilson, Jane Jewett, Ellen Ciarimboli, Brinn Harris, Nicole Baysal, Meghan Melheim, Joseph Scimeca, Jan Kelley, Sadie Gannett, Kip Fondrick, Katherine Simon, Jeff Luedeman, Katie Volkendant, Dionne Meehan, Ben Miller, Andrew Siira, Shaun Kennedy, Mike Nordos, Lenora Howard, David Boberg, Vonda Canaan, Jill Herberg, Sana Elassar, Alida Sorenson, and Natasha Hedin

1. Dates and links

The next Food Safety and Defense Task Force (FSDTF) Meeting will be Tuesday, January 17, 2023.

- [Task Force Sponsored Trainings](#)
- [Food Labeling: Nutrient Content Claims; Definition of Term "Healthy"](#)
- [Task Force Open Member Positions](#)

2. The minutes from the September 2022 meeting were accepted with no comments.

3. Member and Visitor Updates

Deb Freedman (Food Protection and Defense Institute (FPDI)): Deb has replaced Jennifer Van De Lite as Program Director of FPDI. They will be hosting a training 11/29 – 12/1 on food defense and intentional adulteration. Check out their website for registration information.

Kathy Zeman (Minnesota Farmers' Market Association (MFMA)): Kathy and Jane Jewett with Minnesota Institute for Sustainable Agriculture (MISA) are kicking off winter classes of Blazing Trails Through the Jungle of Food Regulations course and working with the Minnesota Cottage Food Producers Association to add another series of Cottage Food specific changes.

Jane Jewett (MISA): Working on wholesale readiness training, food safety training, and business management training offerings.

Annalisa Hultberg (University of Minnesota Extension): Working on regulatory trainings for Food Safety Modernization Act (FSMA) produce safety requirements, trainings required for farms covered by the produce safety rule and other wholesale opportunities such as farm to school.

Joseph Scimeca (International Dairy Foods Association): Highlighted upcoming FDA hosted webinar to discuss proposed changes to the definition of healthy and the "healthy" claim on food labels. FDA is looking for public comments by December 28th to the proposed rule (link above).

Shaun Kennedy (Food Systems Institute): Shaun shared the state of Tennessee is adopting disease management in case of foreign animal disease.

4. Retail Food Regulatory Program Standards Update

Mike Nordos, Retail Food Specialist with FDA provided an update on the 2022 changes to the National Voluntary Retail Food Regulatory Program Standards (NVRFRPS). Mike is Greg Abel's counterpart but for Iowa and Wisconsin. He shared that there were updates to Standards 2, 6, and 8 for regulatory agencies (these standards cover training, sampling, and staffing). His slides are attached.

5. MDA Rapid Response Team Update

Alida Sorenson, Response and Outreach Supervisor with the Minnesota Department of Agriculture (MDA) presented recent response work and projects from this past year. See slides attached.

6. Food Innovation Team (FIT) Report to Task Force

Kathy Zeman, chair of FIT, presented on a FIT review of cases covered over the last two years, see attached slides. Brent brought forward a concern about FIT being a large burden on its members. It was determined that FIT can be used to identify best practices for these types of challenging licensing or regulatory cases.

7. International Food Protection and Defense Institute (IFPTI) Project Presentation: State-Tribal Relations within Minnesota's Food and Agricultural Landscape

Natasha Hedin presented her 2022 IFPTI Fellowship in Food Protection project. See the slides attached.

8. Potential Agenda Items for January

- Final Traceability Rule – presentation from FDA (what made it into the final vs. proposed)

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Attachment 1
Retail Food Regulatory Program Standards Update
Mike Nordos, FDA

2022 Voluntary National Retail Food Regulatory Program Standards (RPS) Manual Update

Minnesota Food Safety and Defense Task Force

November 1, 2022

2022 RPS Updates

- Updates reflect recommendations from the 2021 Biennial Conference for Food Protection
- Revisions made to Standard 2, Standard 6 and Standard 8

Standard 2: Trained Regulatory Staff

- **Appendix B-1 format:** The curriculum for Retail Food Safety Inspection Officers was reformatted into a Table for improved usability.
- **Standard 2 Curriculum:** FD252 Allergen Management course was replaced with the B2 Allergens course (CC8029W)
- **Standard 2: Trained Regulatory Staff requirement** was amended from **18 months to 24 months** to provide more time for jurisdictions to complete steps 1 – 4.
 - Step 1. Completion of Pre-Curriculum courses
 - Step 2. 25 Joint Inspections and Completion of CFP Field Training Manual
 - Step 3. 25 independent inspections and Post curriculum courses
 - Step 4. Field Standardization similar to FDA

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ORA has transitioned to a new learning management system (LMS) known as the Office of Regulatory Affairs Training System – ORA LearnED.

Learn more about the [ORA LearnEd Training System](#).

Standard 6: Compliance and Enforcement

Standard 6: Compliance and Enforcement was amended to allow jurisdictions to use an alternative sampling method to the existing method in the VNRFRPS Standard 6 to help assess the effectiveness of their compliance and enforcement program.

Standard 6: Compliance and Enforcement

Option 3: Using a selection method, other than those described in Option 1 and 2 above, established by the jurisdiction with written procedures that includes supporting documentation and worksheets that:

Part I – Describe the compliance and enforcement review process;

Part II – Describe and include the random selection of establishment files or routine inspections that have at least one Foodborne Illness or Public Health Intervention Violation marked OUT of compliance; and

Part III – Is equivalent to the published Standard 6 statistical model for the number of inspections reviewed and the method of selection.

Standard 8: Program Support and Resources

Standard 8: Program Support and Resources

amended to allow jurisdictions to use alternative methods for determining staffing levels.

Standard 8: Program Support and Resources

Jurisdictional Requirement for Adequate Staffing Levels:

Jurisdictions can set their own requirement for the number of inspectors needed to demonstrate adequate staffing and use a calculation method deemed acceptable to the jurisdiction.

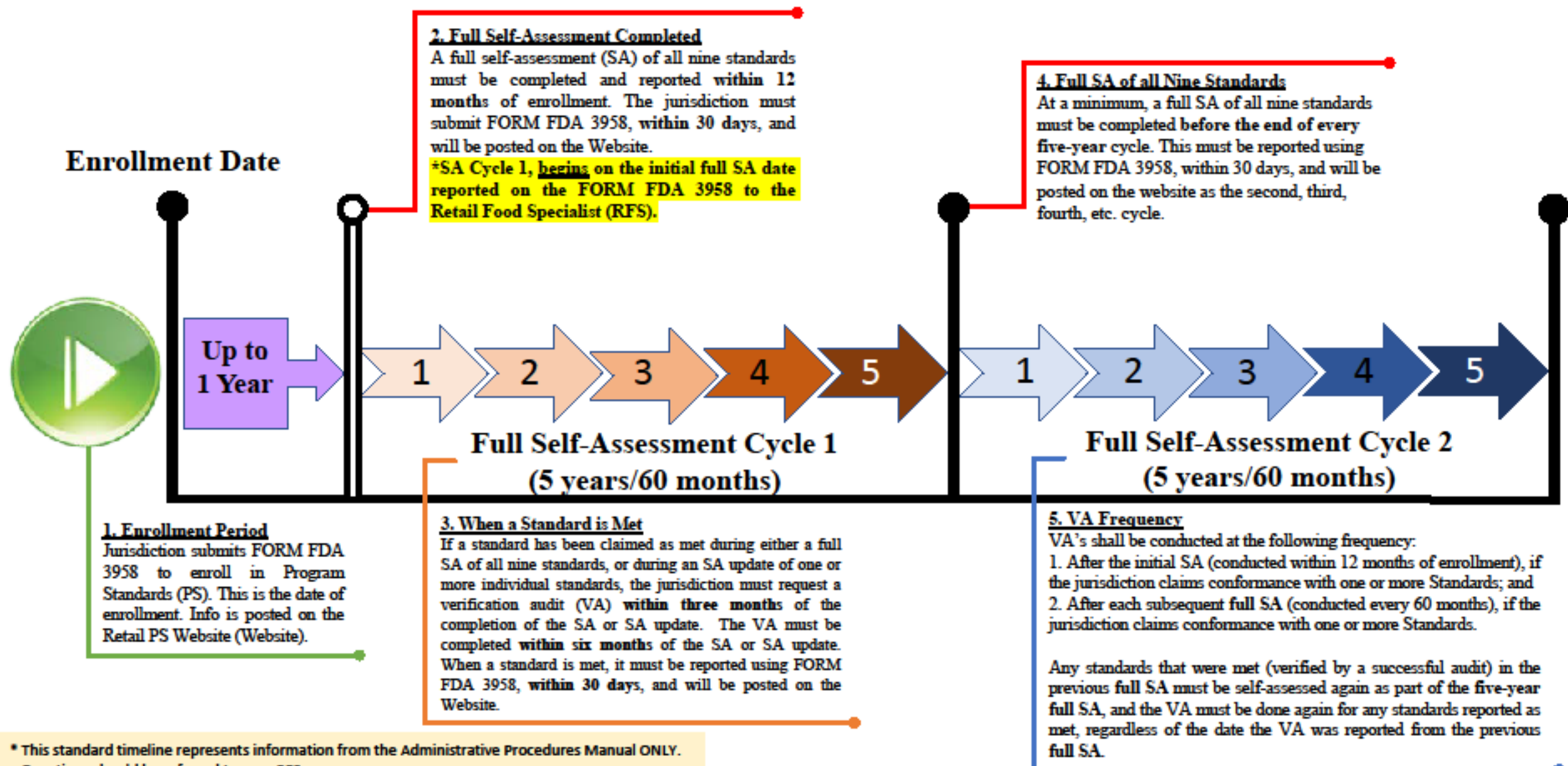
New Guidance on Administrative Procedures

- Program Standards Timeline has been updated to reflect the intent of the Administrative Procedures.
- All FDA Regions were not interpreting the procedures the same.
- A change for Iowa in how standards are reported.

Note: these are clarifications to the administrative procedures. Not changes. They did not come from CFP

Program Standards Timeline*

Enrollment Date



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Attachment 2
Food Innovation Team (FIT) Report
Kathy Zeman, FIT Chair

Food Innovation Team

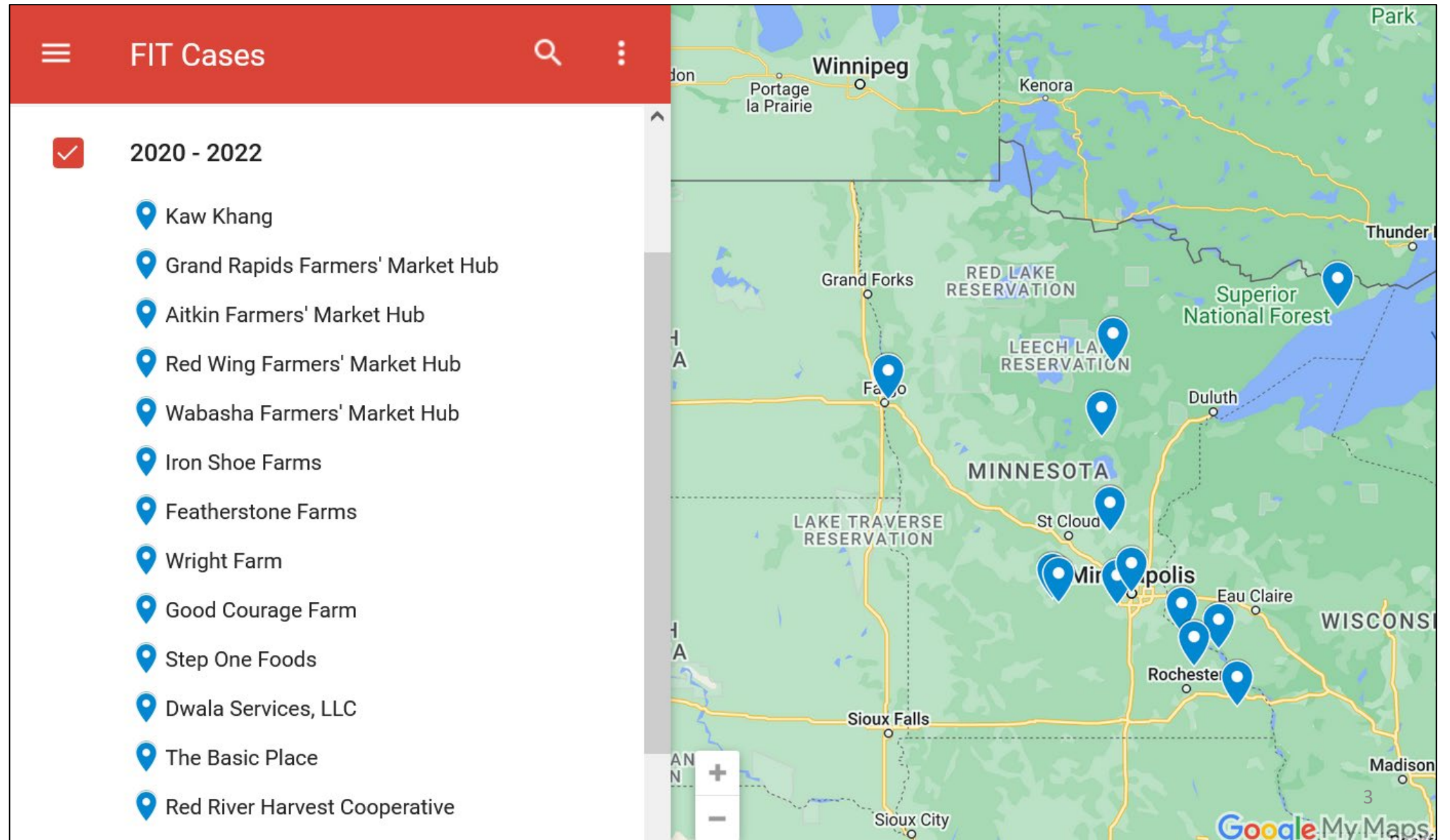
Report to the Food Safety & Defense Task Force

November 1, 2022

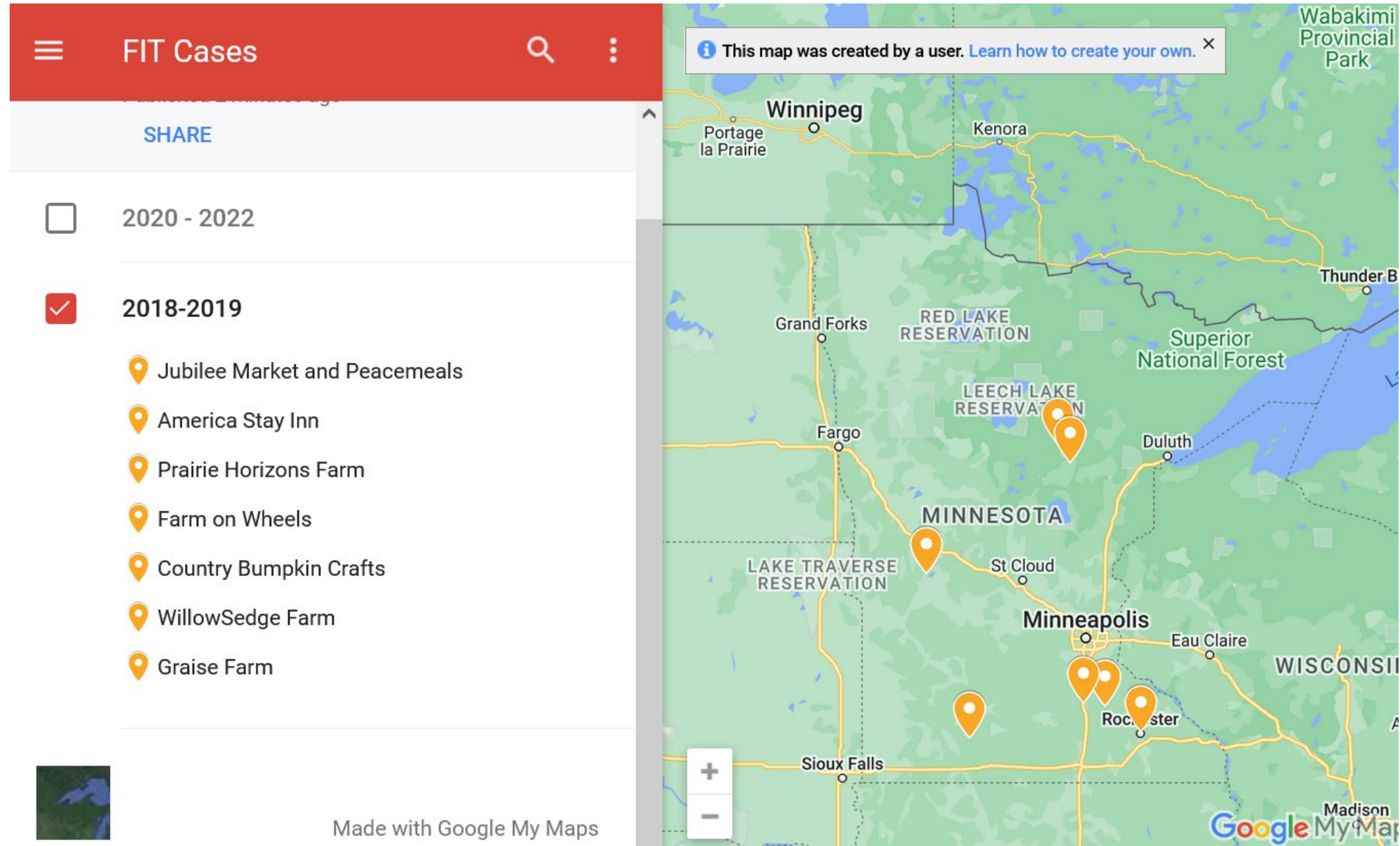
Timeframe: May 2020 through March 2022

Number of cases: 11

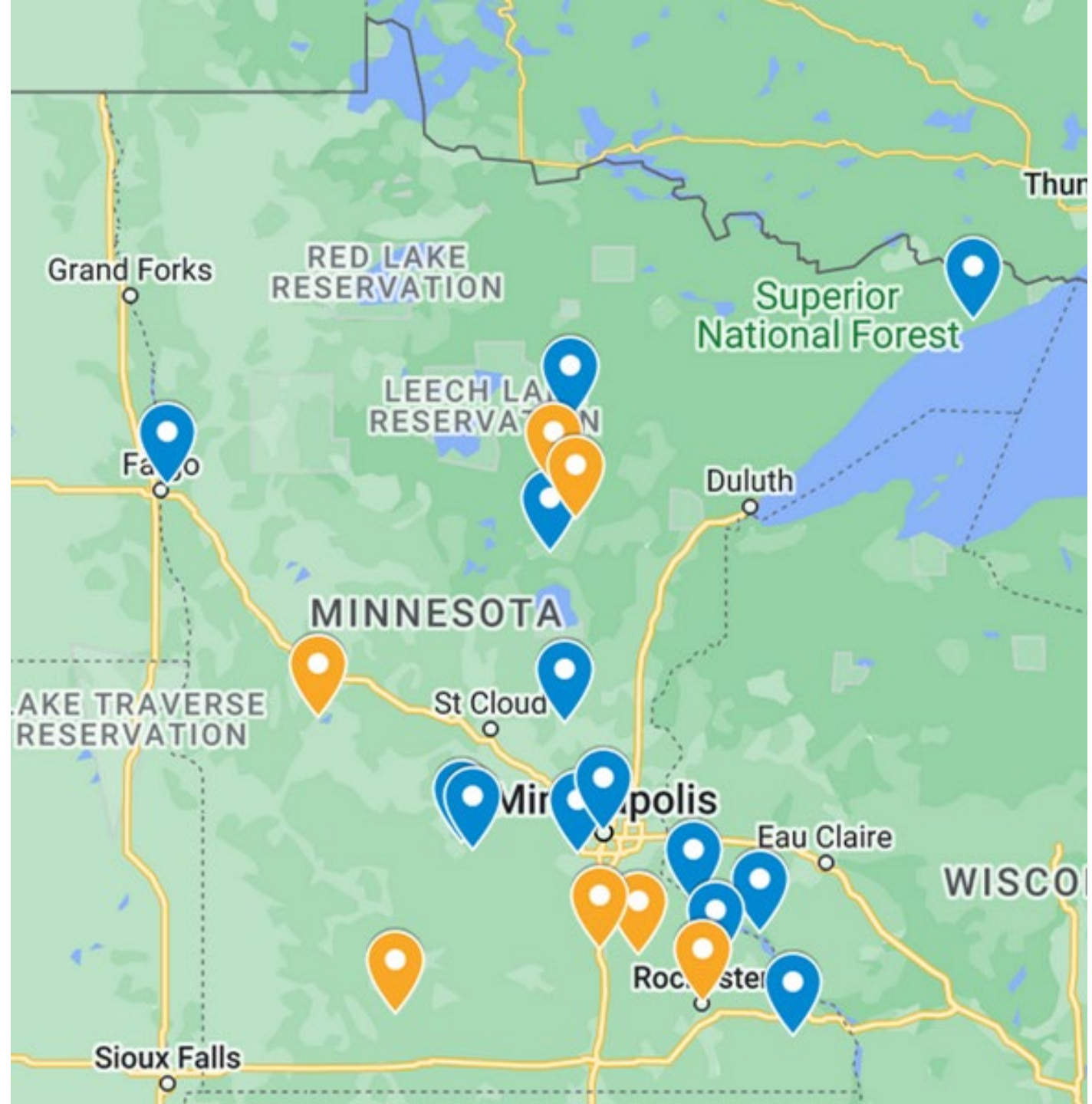
Locations of FIT cases, 2020 - 2022



Locations of previously reported cases: 2018 - 2019



Geographic
distribution
of all FIT
cases to date:





FIT cases showed a lot of variety

- 9 cases were non-metro, 2 were metro-area
- 6 cases involved questions about Cottage Food
- 4 cases involved questions about product of the farm
- 3 cases involved farmers' markets



FIT cases showed a lot of variety

- * 2 cases were about juice production and sales
- 3 cases involved wholesale food processing
- 2 cases involved cross-border sales between states
- 2 cases involved on-farm food service



FIT cases often involved straddling or shifting of license categories

- * Multiple types of operations at the same location
- Multiple types of operations under the same business umbrella
- Changes from one type of business model to another



FIT cases fell under multiple agency jurisdictions

- * 8 cases were primarily MDA
- * 3 cases were primarily MDH
- * 3 cases involved delegated authorities
- * 2 cases had a lot of crossover between MDA and MDH



Summary of Trends:

- * Blended business models
- * Non-metro locations
- * Wide array of topics = evidence of innovation



Comparison to March 2020 report:

- Less confusion about Cottage Food
- Still some miscommunication between Food Business Owners and inspectors
- More innovative business models being explored
- More cross-border sales

Kaw Khang

May 2020

Clarifications:

- Wholesale product containing $\geq 2\%$ cooked meat or $\geq 3\%$ raw meat must be made under continuous inspection, USDA or MN Equal-To.
- Wholesale food processor license by itself is not sufficient.

Outcome:

- FBO cannot continue to make her product containing meat for wholesale to the local grocery store.
- Discussion re: providing wholesale licensees with list of special processes.

Key issues:

- * FBO lack of understanding that adding meat to product triggers continuous inspection requirement in addition to license.
- * Lack of MDA-DMID inspector capacity to travel regularly to Grand Marais.

Food Innovation Team
Case #8

Farmers' Market Hubs

September 2020

Clarifications:

- * Farmers' market hubs with >50% retail sales and no permanent structures can obtain Retail Food Vehicle/Portable Structure or Cart licenses instead of Wholesale Food Handler licenses.
- Vendors other than Cottage Food supplying a farmers' market hub need not be present during hub sales.
- Hubs can sell meat, eggs, and dairy with appropriate temperature control.

Outcome:

Four farmers' market hubs obtained Retail Food Vehicle/Portable Structure or Cart licenses to operate in 2021

Key issue:

Farmers' market hubs are a new model. The switch from wholesale to retail sales due to COVID-19 wasn't anticipated and was unfamiliar to regulators.

Iron Shoe Farms

September 2020

Clarifications:

- Food preparation on-farm requires licensing for the farm location
- Special event food stand license could be held by either chef or farmer
- Outdoor food preparation requires shielding from the elements

Outcome:

FBO will proceed with plans for chef-led outdoor dining experiences

Key issues:

- * FBO confusion about number of licenses required when some food preparation is off-site and some is on-site
- * Lack of understanding of difference between outdoor dining and outdoor food preparation

Food Innovation Team
Cases #10

Featherstone Farms

January 2021

Clarifications:

- Juice produced as product of the farm for retail sales does not require a license, nor the Juice HACCP, nor Retail Plan Review, nor retail HACCP.

Outcome:

Farm will proceed with production of watermelon juice from surplus watermelons, for sale as a frozen juice product to its CSA (Community Supported Agriculture) customers.

Key issue:

- Regulatory confusion about the requirements for juice when it is product of the farm sold at retail.

Wright Farms

January 2021

Clarifications:

- Product of the farm juice processed by the farmer for wholesale sales is subject to Juice HACCP
 - Unless sold to a brewer or distiller and will be fermented
- Aronia juice may not meet the $\text{pH} \leq 4.6$ requirement to be water-bath canned and sold under the Cottage Food Law, but acidifying agents could be added.

Outcome:

Farmer will need to adjust his planned sales model or else follow a juice HACCP plan for wholesale juice sales

Key issues:

- Lack of farmer knowledge of juice HACCP requirement for wholesale sales
- Juice regulations are really complicated

Food Innovation Team Case #12

Good Courage Farm

May 2021

Clarifications:

- A kitchen used by the farm under a Special Event Food Stand license can also be available for use by private individuals or groups, if the farm removes all food products left over from the Special Event food service.
- In situations in which food licensing and county septic, water, and building licensing are contingent upon each other – the FBO should be in contact with both the licensing agency and the county permitting agency simultaneously.

Outcome:

- FBO will contact their local MDH delegated agency to begin the conversation about licensing needs for their farm.
- FIT will pursue policy requiring FBOs to be in contact with a regulator prior to submitting a FIT case.

Key issues:

- Uncertainty on the part of FBO about where to start their regulatory process
- Highly complex model including potential religious exemption

Step One Foods

July 2021

Clarifications:

- This food business that conducts only food processing at its physical location and retail sales solely via internet, so its operating model on-site is food processing/manufacturing.

Outcome:

- Hennepin County accepted advice from MDA on modifying equipment requirements to better match the wholesale food processing/manufacturing activities at the site.
- Discussion of the need for a licensing category that can accommodate this business model of food processing/manufacturing combined with online retail sales.

Key issue:

- All of Step One's sales are retail, so that put it into a retail licensing category with facility and equipment requirements not well matched to its actual food processing activities.

Food Innovation Team Case #14

Dwala Services LLC

September 2021

Clarifications:

- An independent dishwashing service for restaurant wares could be licensed by MDH under MN Statute 157.16 Subd. 3(d)(1)(iv)
- Restaurants wanting to use this licensed service would have to get a variance

Outcome:

- Dwala advised to seek a suitable location for licensing as a dishwashing service, and develop a template for restaurants to use to request a variance.

(Epilogue: Dwala ultimately did not proceed with the business.)

Key issue:

- Prior to this case discussion it was unclear that this business model could be licensed under M.S. 157. The FBO had been told there was no regulatory pathway for them to obtain licensing.

Food Innovation Team Case #15

Red Wing Farmers' Market

September 2021

Clarifications:

- Minnesota's Cottage Food law recognizes both water activity and pH level as indicators of non-potentially hazardous status of food. Wisconsin's law recognizes only pH.
- WI residents are allowed to register as MN Cottage Food Producers, but must obtain correct WI licensing to produce products allowed to enter MN as MN Cottage Food but not allowed to leave WI as WI Cottage Food.

Outcome:

- WI-DATCP food inspector Brian Jorata provided much insight into Wisconsin's laws
- Cross-border sales document developed
- Red Wing market manager has the information she needs to ensure legality of products for sale at the market.

Key issues:

- Red Wing is on the border with Wisconsin and many of the farmers' market vendors are from Wisconsin.
- Wisconsin laws differ from Minnesota's on Cottage Food and product of the farm, which creates confusion for vendors and market managers.

The Basic Place

November 2021

Clarifications:

- A retail food counter with beer on tap is not a “bar”
- A walk-through opening in a half-high partition wall is not a “doorway”
- The handwashing sink in the wholesale bakery area can serve the retail food counter because there is no physical barrier between the counter and the sink.

Outcome:

- The Basic Place provided photos of the space to show the floor plan and the absence of barrier between the handwashing sink and the retail counter.
- The Basic Place passed Plan Review and was able to proceed with the retail counter addition.

Key issues:

- The Basic Place’s primary business is a wholesale bakery, thus under MDA jurisdiction. MDA Plan Review for the retail sandwich/pastry/beer taps counter did not go well.
- The FBO and the Plan Reviewer used common terms far differently which led to frustration on both sides.

Red River Harvest Co-op

March 2022

Clarifications:

- North Dakota's Cottage Food law includes processed products of the farm that would just be considered product of the farm in Minnesota.
- North Dakota's Cottage Food law does not permit movement of cottage food items into or out of North Dakota.

Outcome:

- ND health department regulators attended and provided insight about ND's laws, but were not able to answer some questions that need to be referred to ND Dept of Agriculture.
- RRHC will need extra effort to understand regulations for their cross-border sales.

Key issues:

- The Red River Harvest Cooperative has a physical location in Moorhead, MN but several farmer-members from North Dakota.
- Movement of product back and forth across the MN-ND border is common practice for the co-op and they lack information about regulations on different classes of product.



Lessons Learned for FIT operation:

* Clarify requirement for FBOs to work with a food regulator first before approaching FIT

- Determine if after-action reviews of cases will be allowed and under what circumstances
- Improve case intake form with these clarifications
- Provide orientation and training for new FIT members, including how to do case intake



Summary of recommendations made to agencies:

- Provide Licensing Liaison with a juice summary document to cover all the various regulatory pathways for juice
- Develop a top-10 list of special processes to provide to licensees, so they know there are additional requirements beyond licensing if they use those processes
- Consider changes to licensing structure to accommodate a business model of food processing/manufacturing plus online retail sales
- Emphasize inclusion of photos in Plan Review applications; and Plan Reviewers should request photos if there seems to be miscommunication developing.



Summary of recommendations to community-based educators:

- Create a juice fact sheet; potentially offer trainings specifically about juice
- Emphasize HACCP requirements for special processes in trainings and fact sheets
- Be alert to issues of different usage of words between FBOs and regulators
- Ensure FBOs have worked with a regulator prior to submission of a FIT case
- Ensure FIT cases are worthy test cases that have aspects valuable for learning

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Attachment 3
IFPTI Fellowship in Food Protection Project: State-Tribal Relations within Minnesota's Food
and Agricultural Landscape Research Project
Natasha Hedin, MDA

Tribal-State Relations within Minnesota's Food and Agricultural Landscape

Natasha Hedin
IFPTI 2021-2022 Fellowship Cohort X
Minnesota Department of Agriculture



*Funding for the IFPTI Fellowship in Food Protection Program was made possible by the Association of Food and Drug Officials.

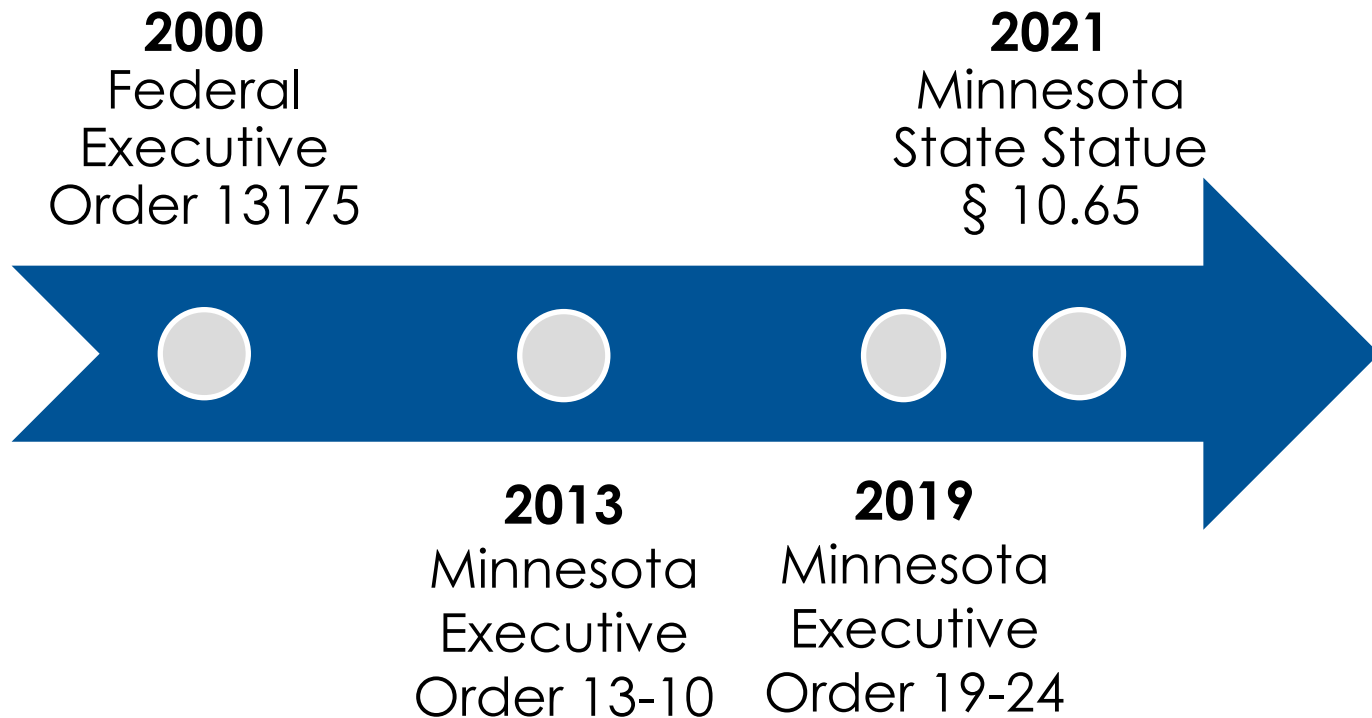
International Food Protection and Training Institute

- Non-profit organization
- Mission to protect public health and the global food supply
- Provide expertise for government agencies and organizations around the world
- Development of standards and instructor led training courses for government, academia, and industry instructors
- Fellowship in Food Protection: Leadership Development for an Integrated Food Safety System

IFPTI Fellowship in Food Protection

- Multi-faced approach
 - Classroom courses
 - Webinars
- Design and conduct a research project
 - Write a journal article for publication in a special edition of the Journal of the Association of Food and Drug Officials (AFDO)
 - Create and deliver a presentation at the AFDO annual conference
 - Design a scientific poster for display at the AFDO annual conference

Background



Background, cont.

- 11 federally recognized tribal nations that share geography with the State of Minnesota
- 2021 - jurisdictional assessment project
- Tribal consultative process
- Tribal-State food and agricultural relations in the past

Background, cont.

- 2020 hiring of MDA tribal liaison
- Government to Government Relations Policy
- Strategies for improvement

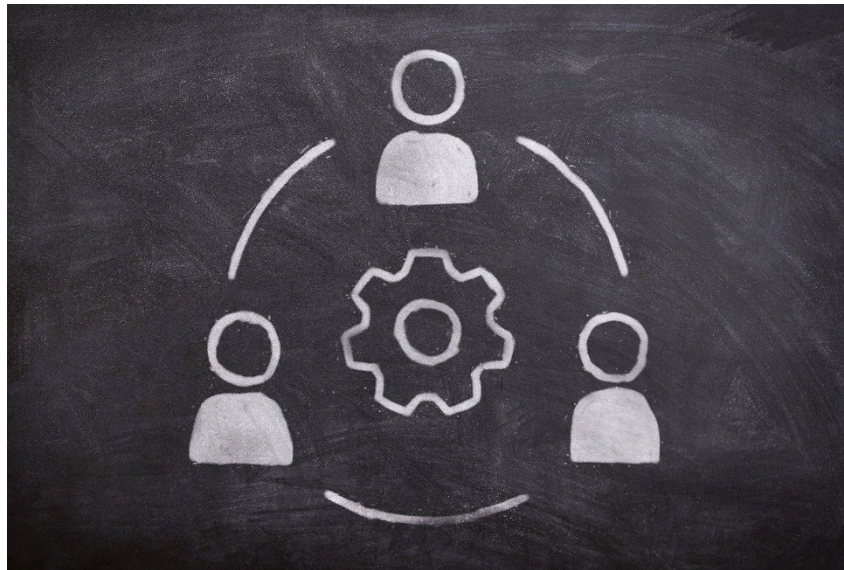


Image Source: Shutterstock

Problem Statement

Strategies to build and improve relationships between the Minnesota Department of Agriculture and Minnesota Tribal Nations, while honoring tribal sovereignty, have not been studied.

Research Questions

1. What experiences do Minnesota Tribal Nations have working with state agencies?
2. What are the experiences of other state agencies while working with Minnesota Tribal Nations?
3. What collaborative opportunities exist for improving relationships between the MDA and Minnesota Tribal Nations in terms of food and agricultural programs?

Methodology

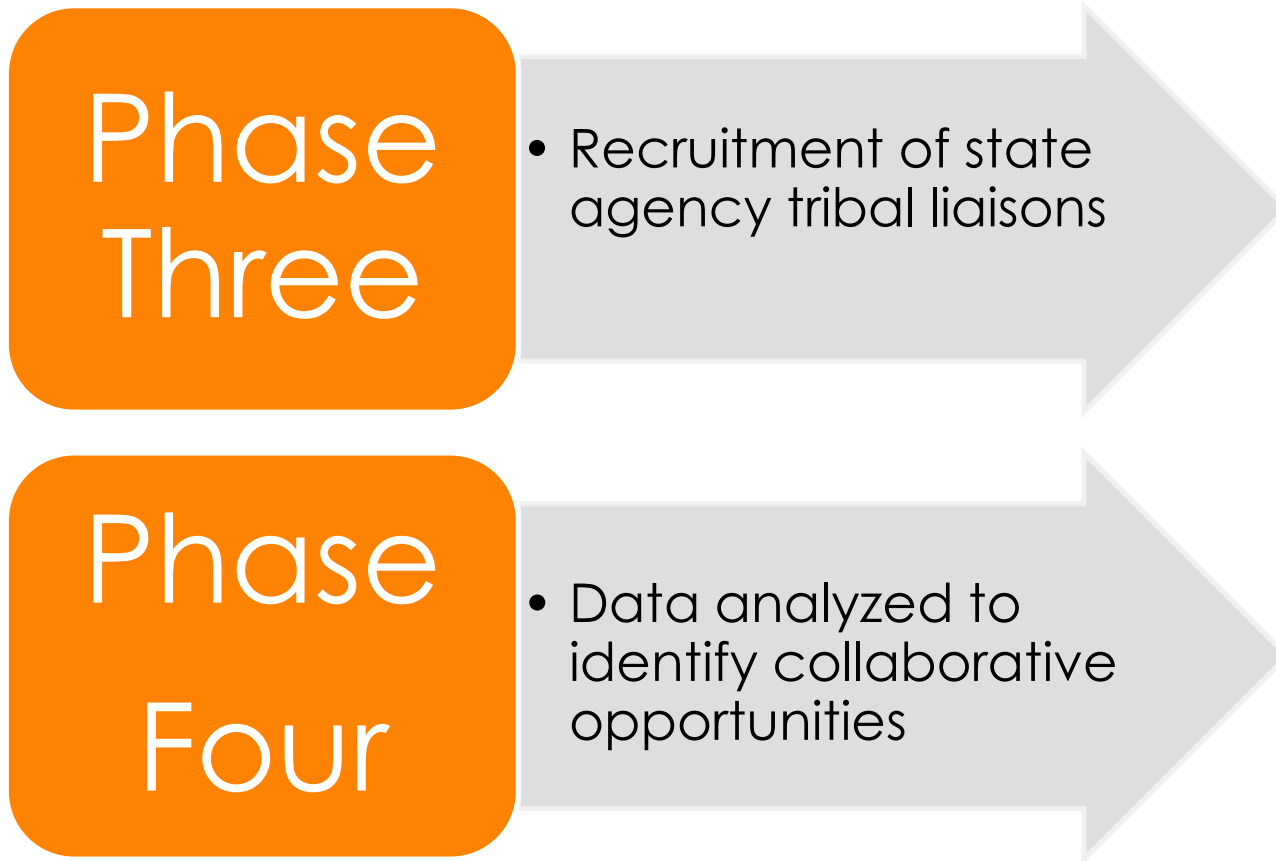
Phase One

- Institutional Review Board (IRB)
- Government Data Practices Act

Phase Two

- Minnesota Indian Affairs Council
- Microsoft Forms Survey

Methodology, cont.

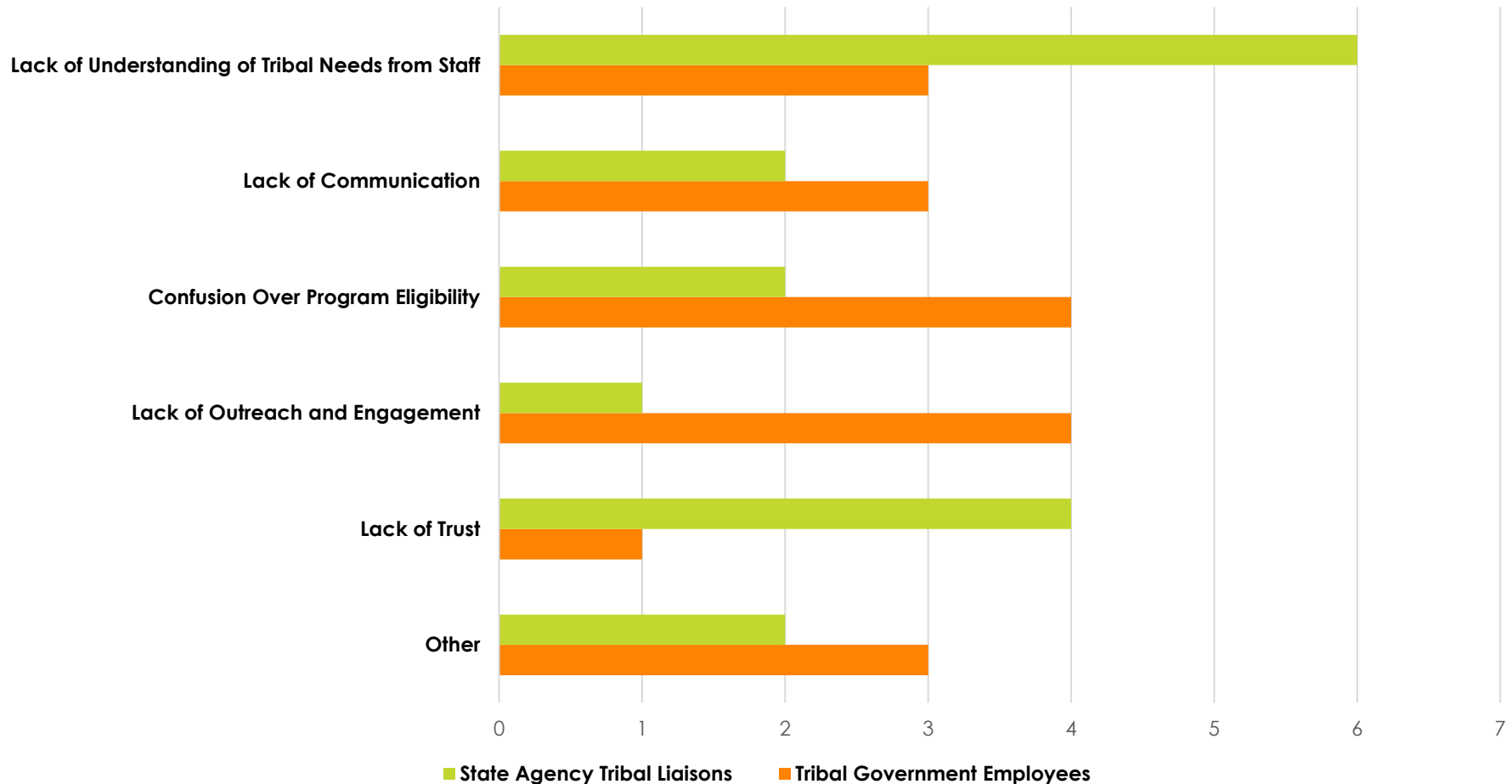


Results



Results, cont.

Barriers Identified in Tribal-State Relationships



Results, cont.

Communications

- Early and often
- Less talk more action
- Honoring preferences

Programs

- Long term
- Funded
- Traditional foodways
- Indigenous practices

Agency

- Increase staff training
- Asking for clarification
- Acknowledging barriers

Conclusions

- A primary barrier between tribal nations and state agencies is a lack of understanding of tribal needs by state agency staff.
- Tribal government employees referenced food or ag-related programs and identified the need to build upon them despite tribal capacity lacking in staffing, outreach, funding, and program planning areas.

Conclusions, cont.

- The MDH Statewide Health Improvement Partnership was the most frequently referenced program by tribal government respondents in a positive manner and could be sought for further guidance or as a program to emulate by the MDA.
- Improving communication and incorporating good listening practices were the most recurring improvement strategies identified by both survey groups.

Conclusions, cont.

- The MDH Statewide Health Improvement Partnership was the most frequently referenced program by tribal government respondents in a positive manner and could be sought for further guidance or as a program to emulate by the MDA.
- Improving communication and incorporating good listening practices were the most recurring improvement strategies identified by both survey groups.

Recommendations

1. Develop one-on-one relationships with tribal nations
2. Incorporate sustainable systems and community-driven collaboration
3. Evaluate and identify data sharing systems and opportunities
4. Develop information dissemination methods collaboratively with tribal nations
5. Increase outreach efforts

Acknowledgements

- Shannon Kesner, MDA Tribal Liaison
- Minnesota Indian Affairs Council
- MDA Indigenous Farmers' Collaborative Group
- Tribal community staff
- State agency tribal liaisons
- IFPTI
- Food and Feed Safety Division

Questions?

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