



A GUIDE TO REGULATIONS FOR LOCAL FOOD ENTREPRENEURS

Minnesota Institute for Sustainable Agriculture

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1. Introduction

WHAT'S CHANGING & WHY

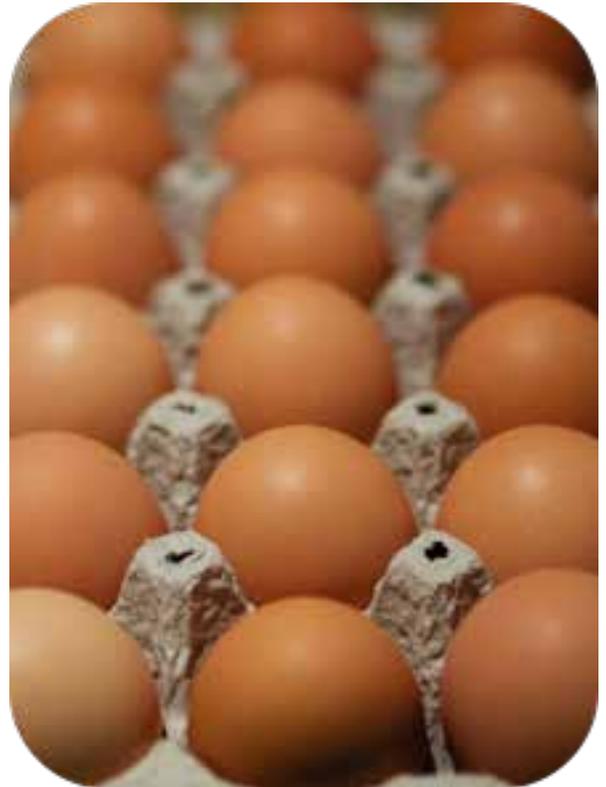
Agricultural and consumer trends in Minnesota and across the nation are driving significant changes in Minnesota's food environment. On the human health front, food-borne illness outbreaks across the country capture public attention, raise alarms about our food system and trigger closer scrutiny and regulation at the national and state level. Nutrition concerns have taken center stage as obesity and diabetes have risen to epidemic proportions, with the attendant impact on health costs. On the environmental side, there is significant concern among farmers and communities about the impacts of intensive, industrial-scale agriculture: soil erosion and toxic runoff, groundwater contamination and pesticide impacts on wildlife and beneficial insects. On the economic front, recession and corporate downsizing have driven many Americans into the entrepreneurial activities to support themselves and their families.

NEW FOCUS ON FOOD

Access to healthy and affordable food has become a major focus for public health agencies nationally as diet-related illnesses have become a major public health threat. Unprecedented consumer attention has focused on our food system and desire to know where our food comes from, as well as the conditions for farmers and workers, animals and communities. This consumer attention and interest is driving up demand for local and healthy food sources. It's bringing together farmers and consumers in more direct ways through farmers' markets and Community Supported Agriculture (CSA). Farm to School continues to grow as school districts seek cost-effective ways to bring more local, healthy meat and produce into their lunch and breakfast programs.

ENTREPRENEURIAL RESPONSE

Both public health focus and consumer interest and demand have given rise to entrepreneurial ventures and business models that are either new or that were lost to consolidation and specialization in the industrial food system. Many food entrepreneurs envision building a more humane, human-scale and low-impact food system which contributes to community health and vitality while meeting the triple bottom line of economic, environmental and social welfare. The local food/food justice movement brings together environmentalists, farmers, social justice activists and economic development interests from across the political spectrum.



KEY TRENDS IN LOCAL, SUSTAINABLE FOOD SYSTEMS

- Growth in number and size of farmers' markets
- Rapid growth of Farm to School and child nutrition improvement programs
- Growing number of Community Supported Agriculture (CSA) farms and customers
- Mobile food operations/food trucks
- Artisan and European-inspired food trends: cheeses, fresh and cured meats
- On-farm processing, value-added enterprises

Farmers' markets and restaurants are the front lines in this growing diversification and localization of the food system. Farmers' markets have grown in size and number and given consumers a perfect way to have a direct relationship with farmers and food producers. Consumers gain a sense of control over who and how their food is grown.

GROWTH AND CHANGE CREATE ISSUES

Rapid growth in numbers and kinds of farmers' markets have served as incubators of many new food enterprises and spurred some farmers to enter into value-added products or light processing activities. The growth of many small food enterprises has created challenges for local and state regulators to enforce existing food code and statutory requirements, many of which were written and developed in a different era.

This Report starts with an overview of the federal, state and local regulatory framework that deals with food. It will be followed by the focus areas of entrepreneurial activities: farmers' markets, mobile food units and commercial kitchens.



2. The Regulatory Framework

REGULATORY CHANGE AND UPDATING

This is a time of change and evolution in the regulatory system at the federal, state and local levels. The Food Safety Modernization Act (FSMA) was passed in 2011 and is in the rulemaking process. This law aims to bring Good Agricultural Practices (GAP) and food safety protections to large and midsize farms but has created uncertainty and debate across the country, especially among sustainable agriculture farmers and smaller family farms. [See page 9.]

Minnesota's Department of Agriculture (MDA) and Department of Health (MDH) have undertaken the first full-scale rewriting of Minnesota's Food Code since 1998. It is a large multi-year project with opportunities for public comment throughout. The *Minnesota Food Code* document (www.health.state.mn.us/divs/eh/food/code/) lists Minnesota Rules governing food safety in various settings. Minnesota Statutes also contain references to food safety. The rapid growth and changing nature of farmers' markets and food businesses in the state is bringing new questions to the fore. It is also creating much debate at the local level as citizens encounter laws and ordinances that don't appear relevant, at appropriate scale or scientifically based for newer business practices and contemporary tastes.

This report will focus on state and local food regulations that have posed a challenge for small food enterprises in Minnesota. For purposes of this report, we are focusing on a few key areas of entrepreneurial activity:

1. Farmers' markets
2. Mobile food enterprises
3. Commercial kitchen/value-added food products.

This report will not cover on-farm regulations, except for value-added enterprises. With a focus on state and local regulations, the intent of this report is not to explain the Food Safety Modernization Act (FSMA) though it briefly describes areas of concern for small food producers in this law. Farms and bricks-and-mortar restaurants are not the focus of this report. On-farm regulation is on the brink of significant change with the Food Safety Modernization Act (FSMA) and, as such, requires a separate and in-depth treatment. Restaurants are a long-established type of food operation, with architects, designers and consultants to guide people through the process.

REGULATIONS COLLABORATION

Collaborations have emerged over the several years to improve consistency and communications among food inspectors and regulators. I've participated in the Local Food Advisory Committee at the University of Minnesota and base some observations on discussions within this advisory group.

LOCAL FOOD ADVISORY COMMITTEE

An informal regulations advisory group was established in 2013 by the Minnesota Institute for Sustainable Agriculture (MISA), the School of Agriculture Endowed Chair in Agricultural Systems, and U of MN Extension Alternative Livestock Program. It brings together representatives from Renewing the Countryside (RTC), Sustainable Farming Association (SFA), Minnesota Farmers Union (MFU), the Minnesota Farmers Market Association (MFMA), Minnesota Association of Meat Processors (MAMP), Minnesota Grown, Homegrown Minneapolis, Minnesota Department of Agriculture's Dairy and Food Inspection Division, Minnesota Department of Health's Food, Pools and Lodging Services and other groups to discuss and trouble-shoot a variety of regulatory issues for small food producers.

FOOD SAFETY PARTNERSHIP

The Minnesota Department of Health leads a statewide effort to facilitate ongoing education and food safety system improvements. The Food Safety Partnership of Minnesota is consortium of environmental health professionals, industry partners, and other stakeholders working together to protect the public health in the area of food safety. The goal of the Food Safety Partnership is to create a unified program for food safety in the State of Minnesota. The Food Safety Partnership Videoconferences are held each year in February, June and October with some additional sessions on special topics.

THE FEDERAL SYSTEM

Several federal departments are charged with ensuring the safety of the nation's food supply. The most often cited and recognized agencies are the Food and Drug Administration (FDA) and United States Department of Agriculture (USDA). FDA is part of the U.S. Department of Health and Human Services (HHS).

The federal Food, Drug and Cosmetic Act (FDCA) grants broad authority to the FDA for food safety. However, the FDA delegates significant authority to state and local governments over retail food establishments such as restaurants and grocery stores, due to the great volume of these businesses.

The FDA regulates raw and processed foods, game meat and venison, food additives, bottled water and infant formula. In the 1990s, FDA created a model Food Code to address growing concerns about outbreaks of foodborne illness across the United States and to drive toward consistency in the patchwork of state regulations.

The USDA regulates all livestock meat, poultry products, eggs and catfish through its Food Safety and Inspection Services (FSIS). The USDA's Animal and Plant Health Inspection Service (APHIS) sets and enforces standards for the care and treatment of animals and protection from pests. The USDA regulates labeling, processing and slaughtering of beef, pork, poultry, as well as inspection and labeling of eggs. For sales across state lines, meat must be slaughtered and processed at a USDA-inspected plant. The USDA delegates authority to the Minnesota Department of Agriculture (MDA) for slaughter, processing and labeling of meat at Minnesota Equal-To plants. That allows sales to individuals or businesses within the state of Minnesota.

Other federal agencies with oversight over aspects of the food system are: the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA) regulates seafood; the Department of Homeland Security inspects food, plants and animal imports at the border; Environmental Protection Agency sets drinking water standards and regulates pesticides, setting residue limits; Federal Trade Commission (FTC) enforces consumer protection and fair trade practices.

MAIN FEDERAL AGENCIES INVOLVED WITH FOOD SAFETY, THEIR OVERSIGHT, AND TOOLS THEY CAN USE FOR REGULATION.

Federal Agencies			
Department	Agency	Oversight	Regulatory Tools
Health and Human Services (HHS)	Food and Drug Administration (FDA)	All domestic and imported food, except processed eggs, catfish, and most livestock meat and poultry products. Main food regulator, with authority from farm to table; responsible for the safety oversight of 80% of the U.S. food supply.	Inspects production facilities and warehouses, reviews import records, oversees animal feeds and drugs, sets microbial standards and production standards, sets and enforces labeling requirements, oversees food additives and substances used in foods, and educates consumers.
	Centers for Disease Control and Prevention (CDC)	Foodborne diseases.	Monitors and investigates disease occurrences in conjunction with other federal, state, and local agencies. Develops laboratory and epidemiological methods.
Department of Agriculture (USDA)	Food Safety Inspection Services (FSIS)	Most domestic and imported meat and poultry products, processed egg products, and catfish. Second most significant regulator behind the FDA.	Enforces food safety laws, regulates substances added to meat and poultry, educates consumers, develops labeling requirements, approves safety plans for and inspects slaughtering and processing plants, and approves foreign facility safety systems for importation purposes.
	Animal & Plant Health Inspection Service (APHIS)	Animal and plant health.	Sets and enforces standards for the care and treatment of animals. Protects against spread of pests and noxious weeds.
	Agricultural Marketing Service (AMS)	Dairy, produce, livestock, meat, poultry, seafood, and unprocessed eggs.	Sets quality and marketing standards, certifies quality programs, and conducts grading services.
	Food and Nutrition Service (FNS)	Domestic nutrition programs such as national school meal programs.	Coordinates safety efforts.
	Grain Inspection, Packers, and Stockyards Administration (GIPSA)	Grains.	Sets quality standards, tests grains.
Department of Commerce (DoC)	National Oceanic and Atmospheric Administration (NOAA)	Seafood.	Provides voluntary seafood quality and safety inspections.
Department of Homeland Security (DHS)	U.S. Customs and Border Protection (CBP)	Food security.	Inspects food, plant, and animal imports at the national border.
None (independent of Departments)	U.S. Environmental Protection Agency (EPA)	Potentially harmful chemicals and substances such as pesticides and pollutants.	Sets drinking water standards in cooperation with the FDA, regulates pesticides, and sets residue limits.

Information taken in part from Renee Johnson, *The Federal Food Safety System: A Primer 8-11 (2012)*, available at www.nationalaglawcenter.org/assets/crs/RS22600.pdf; National Center for Agricultural Law Research and Information, *Food Safety: State and Federal Standards and Regulations*, available at www.nasda.org/nasda/nasda/Foundation/foodsafety/fed-state.pdf; and International Food Information Council, *Ensuring a Safe Food Supply: A Concise Guide to the U.S. Food Regulatory System*, available at www.foodinsight.org/Content/6/FINAL_Guide%20to%20Food%20Regulatory%20System.pdf.

Food Safety Modernization Act: In Brief

While this report is not addressing farm-level regulations, there is much debate at the national and local level about the new Food Safety Modernization Act (FSMA).

In January 2011, Congress passed FSMA to update and improve food safety regulation at the farm level. The rule-making process created major concerns for small and medium size sustainable farms. The National Sustainable Agriculture Coalition (NSAC) mounted a major response from farmers and thousands of comments were submitted. The FDA announced in December 2013 that several areas of the law would have an extended comment period to address concerns from farmers that the law would put them out of business. Some areas of special concern:

- Water quality standards and testing
- Standards for using raw manure and compost
- Provisions affecting “mixed-use facilities” (value-added operations)
- Due process considerations for farms who are eligible for qualified exemptions from FSMA requirements.

NSAC cited several other areas warranting further discussion and revision and commended FDA for reopening those areas for the second comment period.

They cite on-farm co-management of conservation and food safety practices—including wildlife habitat protections—as a critical issue. They also request defining farms to include usual and customary farming activities, as well as counting only regulated food and not all farm products in determining eligibility for modified requirements.

NSAC wants to ensure that the rules don’t make direct marketing operations subject to food facility registration, a clarification Congress directed FDA to incorporate. Congress also directed FDA to put hard numbers on the scope of farming operations that could be considered food processing facilities under the rule. NSAC called for an overhaul of the economic cost-benefit analysis, and for more discussion on how the federal-state interface will work to ensure effective implementation and prevent unfunded mandates.

3. The Federal and State Relationship

Federal regulators are present in the state, as required by federal law. Inspectors from the USDA examine all meat, poultry, and related products processed or manufactured in USDA-inspected plants in Minnesota. USDA-inspected products may be sold to any buyer, individual or business, within Minnesota or in other states. Minnesota Department of Agriculture inspectors inspect all meat, poultry, and related products processed or manufactured in state Equal-To plants in Minnesota. Equal-To inspected products may be sold to any buyer, individual or business, within the state of Minnesota but may not be sold across state lines. State inspectors inspect other food businesses under agreements with the USDA or the FDA. States can adopt stricter rules than what the USDA requires for meat, poultry and egg processing. For example, USDA allows sale of up to 1,000 birds per year with no license, if slaughtered and processed on the farm and sold directly from the farm premises. Minnesota has adopted that standard but Michigan requires a license.



Minnesota State law requires periodic inspection of participants in the commercial food industry in the following categories:

- Food Manufacturers
- Processors
- Distributors and transporters
- Retailers

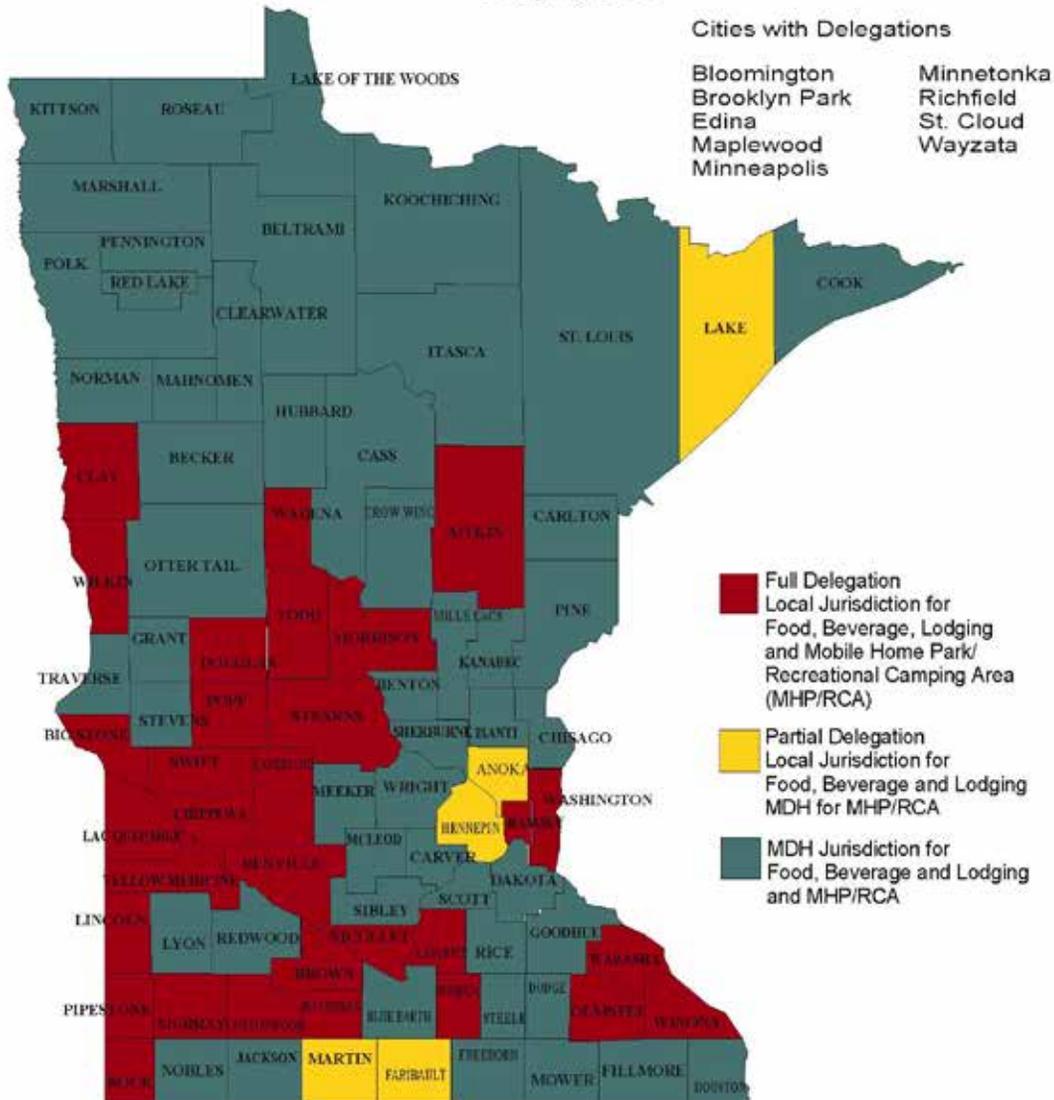
Minnesota Statutes (Ch. 28, 157 and 327) and Minnesota Rules (4626.0010-4626.1870, 4625.0100-4625.2300, 4626.2000-4626.2010) cover the licensing, inspection and enforcement authority of the MDH over food establishments and lodging establishments; and of the MDA over other food businesses. That authority to license, inspect, and enforce regulations is sometimes delegated to a local board of health, which may in turn delegate the authority to a city or county government. The terms of delegation agreements that these agencies may enter into are spelled out in M.S. 28A.075 (MDA) and M.S. 145A.07 (MDH).

The state statutes contain licensing categories/definitions and fees and the Minnesota Food Code describes food handling procedures and facility sanitation standards and inspection frequency based on type of food operation and level of risk to public health.

The Centers for Disease Control (CDC) coordinates the national foodborne illness surveillance network and provides funding for state participation. Inspectors from state Departments of Agriculture and Departments of Health have a role in monitoring, detecting and investigating food-borne illness.

4. State and Local Relationship: Delegation Agreements

County Delegation Map of Food, Beverage and Lodging and Mobile Home Park/Recreational Camping Area Jurisdiction
July 9, 2013



MDA and MDH have statutory authority to delegate certain retail facility licensing and inspection activities to participating and eligible local units of government, either municipal or county. Through delegation agreements, some larger cities carry out their own restaurant licensing and inspection programs under agreement with MDH. For current map/listings:

MDH has district offices in Bemidji, Duluth, Fergus Falls, Mankato, Marshall, Metro Office, Rochester and St. Cloud. MDH has Delegated Agreements with local governments in cities: Bloomington, Brooklyn Park, Edina, Maplewood, Minneapolis, Minnetonka, Richfield, St. Cloud and Wayzata.

www.health.state.mn.us/divs/eh/food/license/contactmap.html

5. Minnesota Food Code

MN RULES, CH. 4626

MDA and MDH worked together to revise food regulations and to develop uniform sanitation and food safety standards. The joint endeavor combined rules and regulations for food and beverage service establishments, retail food establishments, bakeries and vending establishments into one uniform regulation. The MN Food Code sets practices and requirements for all facilities, equipment, employee hygiene, food preparation, storage, cleaning and sanitation to protect public health from human and food-borne illness.

The MN Food Code includes specific temperature and handling guidelines for categories of foods. Any time you add a new food process, equipment, or a time and temperature sensitive food item, you should involve your state or local health inspector before and during the process or menu change. The health inspector can help assess food safety risks and identify practices to reduce those risks. They can also help you to decide if the changes you are planning will require plan review by your regulatory authority.

When certain foods are added to the menu, you will need standard procedures to support your HACCP plan for safely handling these items. Such procedures include but are not limited to guidelines for purchasing, receiving, storage, washing, processing, holding, temperature logging, serving and re-serving of potentially hazardous foods. As part of routine inspections, the local or state inspector will ask to see your business's HACCP plans.

What is HACCP?

Hazard Analysis and Critical Control Points (HACCP) is a preventive plan for reducing the risk of food-borne illness or contamination of foods during production or processing. HACCP is an international set of standards that covers all food processing, handling and preparation activities. For example, a meat processing plant needs to have separate HACCP plans on file for cutting muscle meats, for grinding meat, for each recipe for sausage or for smoked meats. The HACCP plan covers each step of the process—cooling, cutting, grinding, wrapping and freezing—with time and temperature documentation each step of the way.

Critical Control Points are specific places and times in the process where you do an intervention to prevent a food safety hazard. HACCP regulation in Minnesota is based on the FDA's 1995 Food Code, with Minnesota amendments.

AGENCIES RESPONSIBLE FOR FOOD SAFETY

AGENCY	ROLE	REGULATED ENTITIES
Minnesota Department of Agriculture (MDA)	<p>MDA licenses and inspects food manufacturers, wholesalers, transporters, and retailers. Inspectors enforce state standards relating to food quality, condition, labeling, and advertising as well as the sanitation of premises, equipment, and vehicles used in the sale, storage, or distribution of foods and beverages.</p> <p>MDA also investigates complaints regarding questionable food products or sales practices, participates in foodborne illness investigations involving MDA-regulated facilities, and educates regulated entities and citizens about safe food-handling practices.</p>	Grocery stores; bakeries; convenience stores; meat or poultry processors; egg handlers; dairy farms, processing plants, and haulers; food manufacturers; vending machines; food delivery vehicles; fair stands; mobile food units; wholesale food distributors; and feed mills
Minnesota Department of Health (MDH)	MDH licenses and inspects food service entities; enforces the food code (Minn. Rules, ch. 4626); and provides food safety information to the public and industry via its website, an interactive education program, and professional development courses. MDH also tracks and monitors foodborne illness through disease outbreak detection activities, including active lab surveillance for reportable diseases, utilization of the Minnesota Foodborne Illness Hotline, and inspection of identified facilities to ensure safe food handling.	Cafes, restaurants, bars and lounges, bed and breakfasts, hotels, motels, resorts, delis, caterers, cafeterias, coffee shops, clubs, and conference centers

6. Approved Sources

MN RULES, CH. 4626

The Minnesota Food Code requires all food sold or served to the public must be from an “approved source.” Produce growers are an approved source for fresh, raw fruits and vegetables and food facilities are allowed to buy directly from the grower. In fact, there’s a growing trend for food facilities to buy directly from farmers and farmers’ markets and for food shelves to receive donated products directly from the farm.

Growers are an approved source when selling their own whole produce including produce with “limited processing” defined as sorting, trimming (includes husking corn) and washing. (Minnesota Statutes 28A.15 and MN Constitution Article 13, Section 7)

Growers are still responsible to ensure that all produce they sell or donate complies with applicable regulations, proper handling and is safe, wholesome and unadulterated. For more information about safe on-farm food handling practices, visit the University of Minnesota’s Food Safety Plan for You website: safety.cfans.umn.edu/fsp4u/

A Food Handler License is required if any “processing” has occurred as defined by MDA: slicing, heating, canning, drying, mixing, coating, bottling; or if the product includes added off-farm ingredients such as salt, spices or sugar. For more information, see www.mda.state.mn.us/food/safety/~media/Files/food/foodsafety/fs-produce.ashx.

Growers who wish to process their produce must use an inspected and approved kitchen or processing facility (see Commercial Kitchen section). For further information on using or preserving local produce in your food facility, refer to: www.mda.state.mn.us/food/safety/~media/Files/food/foodsafety/fs-canning.ashx.



Approved Source

An Approved Source for meat and poultry means products that come from licensed and inspected processing facilities. For products produced and sold in Minnesota, the inspection may come from the USDA or the Minnesota Equal-To program. Continuous Inspection is required for any business that wishes to sell meat or products containing meat to retail outlets, such as grocery stores, restaurants or other food service establishments. Federal exemptions exist for hot, ready-to-eat pizzas and sandwiches that contain sliced meat, vegetables or cheese between slices of bread. Wraps or meat pasties are not included in this exemption.

USDA facility

These meat-processing plants have USDA's Food Safety and Inspection Service (FSIS) staff on-site on every day of operation and are allowed to sell meat products across state lines. Farmers who have their animals slaughtered and processed at these plants can take their meat back and sell it wholesale or retail within or outside the state. A business can purchase products from USDA-inspected sources and further process these products under continuous inspection, for sale within or outside Minnesota. The FSIS program is administered out of 10 regional offices. Minnesota is part of a 5-state region administered in Des Moines, Iowa.

Equal-To Plants

These meat slaughter facilities are able to process meat and poultry for wholesale or retail sales within the state of Minnesota. MDA Inspectors are on-site for all slaughter days. These businesses may harvest their own animals or harvest animals that belong to others. A farmer can bring an animal to an Equal-To plant, have it slaughtered and processed under inspection and take the meat to sell at wholesale or retail. A business can also purchase products from Equal-To-inspected sources and further process those products for sale within Minnesota.

...about Custom-Exempt Plants

This type of meat processing facility cannot be used by farmers to process meat to be sold or served to the public. Custom Exempt facilities can process livestock and poultry for the owners of the animals, the owner's household and non-paying guests. These plants are an important route for farmers to sell meat to individual customers. Customers must first own the animal before it goes to processing and the owner does not have to be the farm family. A beef steer, for example, could be sold as quarters to four different customers with proper record-keeping and documentation that the animal was spoken for prior to slaughter. Custom Exempt meat products are to be labeled "NOT FOR SALE." Custom Exempt processors must still meet State and Federal plant guidelines for sanitation and construction, but are inspected less frequently than continuously inspected USDA or Equal-To plants.

7. Facilities and Zoning Regulations

County or city planning and zoning staff can provide information on building codes and local ordinances governing your type of food business. They can inform you if your city or township has local zoning ordinances that may differ from those of the county and where to apply for the necessary building permits.

Zoning

The first step for any food business is to ensure compliance with local zoning laws which govern what types of business can operate in specific geographic areas of the city or community. In most non-metro areas of the state, this occurs at the county level. Larger cities usually separate industrial business activities from residential areas, and residential areas from commercial/ retail. City zoning ordinances may be very different from suburban ones and suburban ordinances are different from towns or townships.

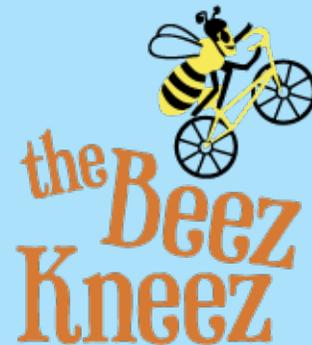
In smaller communities or townships, there is need for further assistance on zoning and building regulations, since many local communities don't have a separate zoning code. Farmers in rural areas or townships should start with their county's planning/zoning staff to get guidance on applicable codes.

If you are building or remodeling your facility, a zoning permit as well as blueprints must be reviewed by both state and local agencies. When you contact your local or county zoning authority, they will initiate review of your plan to meet both state and local building codes. At the state level, building code review is by the Department of Labor and Industry.

Business Licensing

There are also local business licenses for food establishments in many communities. These are issued out of a local or county business licensing office, with some variation in categories for businesses. Larger cities have departments for licenses and permits or issue them out of the city clerk's office.

Minneapolis City Licenses, Department of Licensing and Consumer Services 612-673-2080
St. Paul City Licenses, License and Permit Division, 651-266-8989
Duluth City Licenses, City Clerk office, 218-730-5500
St. Cloud, City Clerk office, 320-255-7210



A Minneapolis honey production facility, Beez Kneez, LLC planned to open in a former corner grocery location. They learned their honey operation was not allowed under the retail zoning laws, but would be considered a food manufacturing business and restricted to industrial zones. After city zoning officials learned more about the scale and nature of their honey processing, they were allowed to open in that corner grocery space. They have since moved to a different location in south Minneapolis that better suited their production and retail needs.

PLAN REVIEW

Plan Review for food facilities is distinct from review of building plans by zoning authorities. Plan Review application and materials are available from your local city or county offices, or contact Minnesota Department of Health or Minnesota Department of Agriculture to request these materials and find out the fee for Plan Review.

The following information will be required by MDH, MDA or your local licensing authorities at least 30 days (preferably more) prior to the start of construction. For more information on food facility standards, please refer to the Mobile Food Unit, Seasonal Temporary Food Stand and Seasonal Permanent Food Stand Construction Guide, at www.health.state.mn.us/divs/eh/food/license/mfuseaconguide.pdf

Some or all of these aspects are part of plan review:

1. Plan, layout or blueprint of facility, drawn to scale, including location of all areas of the food establishment: kitchen, storage, ware washing, dining, retail sales, rest room, garbage area
2. Location of all equipment in the food establishment
3. Manufacturer and model number of equipment
4. Interior finishes for ceilings, walls and floors
5. Menu or written description of foods prepared, processed and sold
6. HACCP (Hazard Analysis Critical Control Points) plan
7. Plan review application
8. Plan review fee

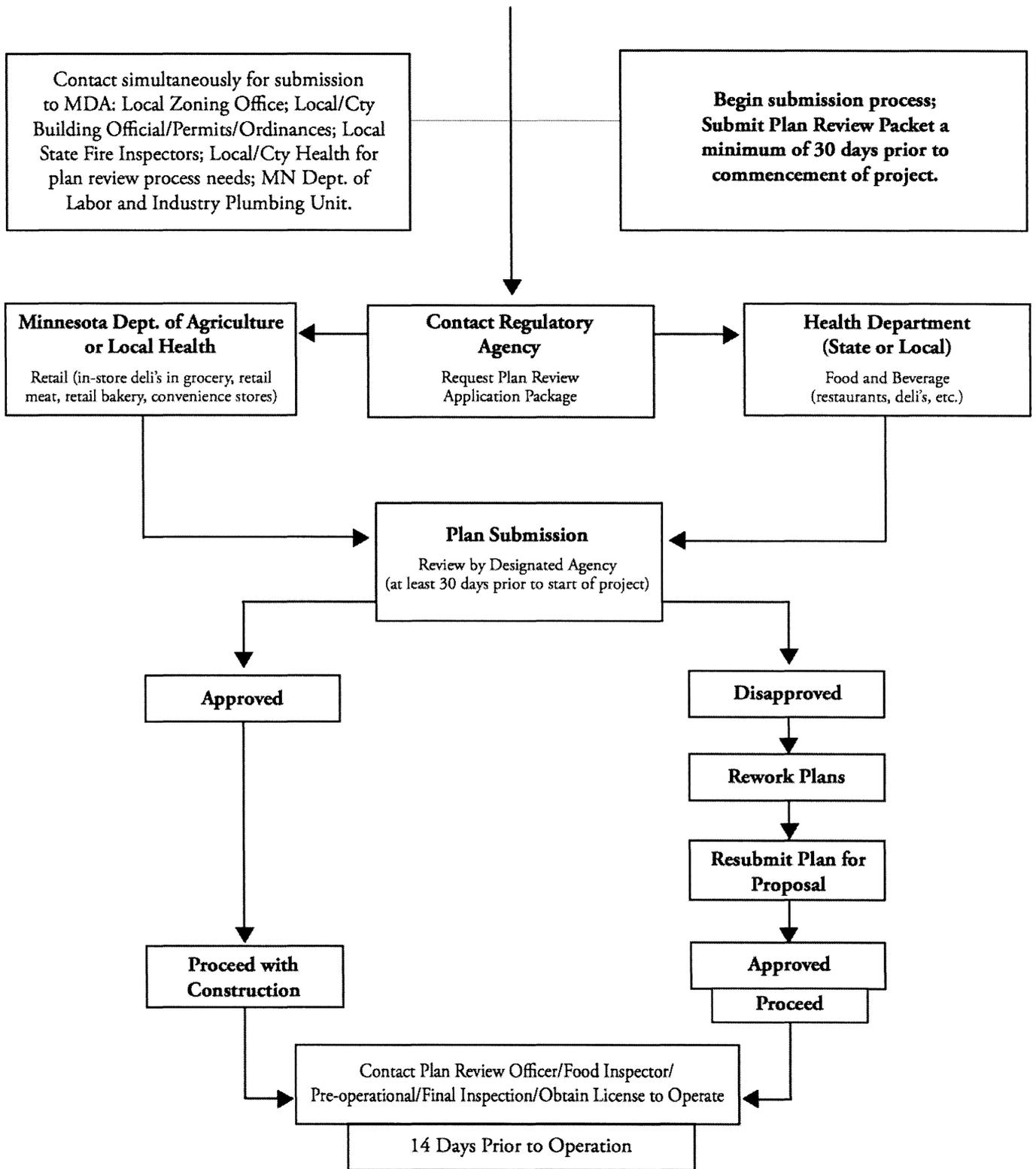
[See Plan Review chart, page 18]

Local or state regulatory authorities may request additional information about your business, especially when it is an unfamiliar type of food or food business for local authorities. With one Minneapolis business producing a new type of granola bar using raw ingredients, the local health inspector watched the entire production process to fully understand the ingredients and safety precautions necessary.

Once Plan Review is conducted, regulatory authorities issue a letter stating any required changes or clarifications needed for approval. After written approval is received, construction can begin. If you are not working with a licensed contractor, you are responsible for ensuring that any required inspections are requested and conducted in a timely manner.

Pre-opening Inspection by MDA, MDH or local agencies is required before the business license to operate is issued.

Retail Food and Food Service



Building, fire, plumbing and electrical codes

A food facility must comply with the State Building Code (see text box on p. 19). The building code establishes safeguards for human health and safety by stipulating uniform performance and standards. The Department of Labor and Industry (DOLI) website has links to appropriate codes, and state or local authorities for plumbing, electrical, boiler, elevators and more. For a directory of your local building code enforcement authority consult workplace.doli.state.mn.us/jurisdiction/ or a list of Minnesota Designated Building Officials at www.dli.mn.gov/CCLD/pdf/bc_bo_list.pdf.

For the “build out” of a food facility, it’s important to work with knowledgeable contractors who are willing to have meetings and collaboration with local building code inspectors. Whether a business is doing new construction or renovating an existing structure, the local or state building authorities are an important step for a new business.

Electrical permits are obtained by contacting your local or state building authority. An electrical contractor will handle this process for you. The electrical inspector must see the roughed-in wiring before it is covered by drywall or plaster. If you are doing electrical work yourself, you will have 30 days to finish the project or a new permit will have to be pulled.

Fire Code is enforced by local or state fire inspectors who will ensure that your building has the required

fire safety features and who will also conduct regular inspections of the facility. The building must also comply with the State Plumbing Code. Plumbing Plan blueprints must be approved by the DOLI at least 30 days prior to the start of construction, whether it’s new construction or alterations to an existing plumbing system.

Pre-opening inspection by licensing authorities is required before a license to operate is issued.

Inspections

Inspections by building inspectors and by sanitarian/environmental health inspectors are two primary ways local food businesses interact with government on an ongoing basis. Inspectors can vary in style and approach and maintaining a good relationship with them is helpful. One food business operator called these styles “teacher vs. terminator.” Fortunately, some cities are asking their inspectors to follow a more educational approach. Minneapolis is instituting a new Service Improvement Project to improve communications and outreach with the business community and organizations.

It’s important to know that you can ask questions of your inspector and get clarification on any rules being applied. Many business owners don’t know they can ask questions. The Inspector is designed to be a resource, not an adversary.



STATE BUILDING CODE, MN STATUTE CH. 16B

The State Building Code governs construction, reconstruction, renovation and repair of all buildings and housing in the state. The code provides basic and uniform performance standards; establishes reasonable safeguards for health, safety, welfare, comfort, and security; and provides guidelines for methods, devices, materials, and techniques.

The Minnesota State Building Code, administered by the Department of Labor and Industry (DOLI), is the minimum construction standard throughout all of Minnesota including all cities, townships and counties. Although it is not enforceable by municipalities unless it is adopted by local ordinance, this law creates a level playing field for the construction industry by establishing the Minnesota State Building Code as the standard for the construction of all buildings in the state. Following are excerpts of the law contained in Minnesota Statute 16B.62 Subdivisions 1a and 1b:

- Application (1a): The state building code is the standard that applies statewide for the construction, reconstruction, alteration, and repair of buildings and other structures of the type governed by the code. The State Building Code supersedes the building code of any municipality. The State Building Code does not apply to agricultural buildings except with respect to state inspections
- Municipal enforcement (1b): (a) If, as of January 1, 2008, a municipality has in effect an ordinance adopting the State Building Code, that municipality must continue to administer and enforce the State Building Code within its jurisdiction. The municipality is prohibited from repealing its ordinance adopting the State Building Code. This paragraph does not apply to municipalities with a population of less than 2,500 according to the last federal census that are located outside of a metropolitan county, as defined in section 473.121, subdivision 4. (b) If a municipality is not required by paragraph (a) to administer and enforce the State Building Code, the municipality may choose to administer and enforce the State Building Code within its jurisdiction by adopting the code by ordinance, appointing a certified building official, and establishing a fee schedule.

Some communities in Minnesota do not have a building inspection program; however, all Minnesota food businesses and establishments are required by statute to comply with the State Building Code and related local regulations for the safety of both their patrons and employees.

In rural Minnesota, you may contact county Economic Development offices designed to help small businesses through various planning and regulatory processes. There are city and county Economic Development offices in all parts of the state. For a listing of Economic Development authorities, commissions and departments, consult www.ecodevdirectory.com/minnesota.htm#Statewide Minnesota.

Contacts for local and state building/fire/plumbing inspectors in all areas of the state can be accessed via: workplace.doli.state.mn.us/jurisdiction.

8. Focus on Key Local Food Segments

This section of the report spotlights a few areas of special concern for local food entrepreneurs. Consumer interest and demand have driven many new entrepreneurs and businesses into the mix. Food entrepreneurs often introduce food products at farmers' markets to develop a customer base. Thus, farmers' markets are an important incubator for new food products. Similarly, many chefs introduce new concepts with a food truck. Successful food trucks often lead to bricks-and-mortar restaurants, like World Street Kitchen and Smack Shack. Yet these new business introductions can sometimes face regulatory hurdles that can delay projects.

Key areas of interest and regulatory concerns across the state:

- Farmers' Markets
- Mobile Food Operations
- Commercial Kitchens



Farmers' Market

With the tremendous growth in farmers' markets across the state over the past decade, farmers' markets have become good places to launch local food enterprises and develop a customer base. MDA's Minnesota Grown directory lists 143 farmers' markets across Minnesota, up from 100 markets listed in 2009. Farmers' markets are located in all corners of the state.

These farmers' markets have also served as local food business incubators, allowing farmers and entrepreneurs to introduce their products to a wide variety of customers who are already interested in local food. Farmers' markets have also served as locations for the introduction of food trucks like Chef Shack and many food product launches.

"Products of the Farm" in MN Constitution

The Minnesota Constitution grants farmers the right to sell their own "products of the farm" without a license. This covers farm products with no off-farm ingredients and "limited processing." The exemption from licensing is stipulated in MN Statutes 28A.15, Subd. 2.

Cottage Food Laws

Most states also have exemptions from licensing for farmers and small-scale food producers called Cottage Food laws.

Farmers selling particular products at farmers' markets or community events are granted exemption from licensing under Minnesota Statute 28A.15.

Subdivision 9 is known as the "Non Potentially Hazardous Food Exemption."

Subdivision 10 is known as the "Pickle Bill," which is Minnesota's best-known cottage food law, passed in 2004 [see sidebar, page 23].

Together, the non-potentially hazardous food and Pickle Bill exemptions can allow for potential sales of up to \$10,000 a year in exempt sales per "person" as defined in MN Statutes 34A.01 subd.10.

Subd. 9. non-potentially hazardous foods

This exemption covers many baked goods such as fruit pies, cakes and cookies, as well as maple syrup. An individual who prepares and sells food that is not potentially hazardous at a community event or farmers' market with gross receipts of \$5,000 or less in a calendar year from the prepared food items, is exempt from licensing requirements.

If the food is not prepared in a kitchen that is licensed or inspected, the seller must post a visible sign or placard stating that: "These products are homemade and not subject to state inspection." Prepared foods sold under this exemption must be labeled to accurately reflect the name and address of the person preparing and selling the foods.

Exempt vendors should provide accurate ingredient information to customers with food sensitivities or allergies. For baked goods, the common allergens are wheat, eggs, peanuts, tree nuts, soy, and milk.



Subd. 10 The Pickle Bill

Minnesota's Pickle Bill exemption allows a top dollar limit of \$5000 in annual sales at farmers' markets and community events for each person involved in the food preparation.

- Pickle Bill exemption covers high-acid canned foods like pickles, salsas, sauerkraut and some canned fruits with pH of 4.6 or less
- Seller must display a sign: "THESE CANNED GOODS ARE HOMEMADE AND NOT SUBJECT TO STATE INSPECTION"
- This legislation does NOT cover sales of home-canned, low-acid foods such as peas, green beans, beets, or carrots processed by either the use of a boiling water bath or by the use of a home pressure cooker.



Other provisions of the Pickle Bill involve labeling requirements for name and address of the person processing the food and date of processing or canning. It's recommended that home processors complete a better process school recognized by the Commissioner of Agriculture and have their recipe and process reviewed by a person

knowledgeable in food canning industry and recognized as a process authority by the Commissioner of Agriculture. Contact your University of Minnesota Extension Office for more information about canning process education. Link for Better Process Schools: www.gmaonline.org/file-manager/Events/Bro_BPCS-011411.pdf

The Operational Guidelines for Farmers' Market Vendors has some further description of the exemptions listed in Minnesota Statute 28A.15, subdivisions 9 & 10: www.mda.state.mn.us/~media/Files/licensing/dairyfood/fm-vendor-guide.aspx

TREND: Food Sampling and Nutrition

Many vendors and farmers' markets began to offer food tastings and samplings. Public health nutritionists were also demonstrating healthy recipes using fresh vegetables and fruits. MDA and MDH inspectors informed market managers that processed, cut or otherwise prepared foods required a different type of food license, and that proper hand washing and ware washing facilities were also needed.

In 2013, the Minnesota Farmers' Market Association (MFMA) worked with regulators to address concerns of farmers' markets across the state that these requirements posed an excessive barrier to sampling and selling local food products. MFMA Board of Directors and staff worked closely with MDA and MDH for more than a year to carefully craft language to allow these activities to occur at farmers' markets.

Representatives Bob Barrett (R) and Carolyn Laine (D) authored MFMA's farmers' market bill and introduced it in 2014 at the Minnesota Legislature. It passed and was signed into law by Governor Mark Dayton in April 2014. It accomplishes four significant things:

1. It defines the term "farmers' market" in Minnesota
2. It allows all vendors at farmers' markets to safely sample food, with no additional license or fee if they follow safe food handling practices. Some key provisions:
 - gravity hand washing with turn or flip spout; water >70° F, soap, paper towels, and containers to catch waste water – which must be disposed of in an approved sewage system
 - samples prepared on-site at farmers' market with clean "wares" (utensils, bowls, cutting boards, etc.)
 - free, 3-ounce disposable single serve dispensing of food samples (toothpicks, plastic/paper cups)
3. It allows food demonstrations at farmers' markets to include safe sampling of food, with no additional license or fee as long as the same safe food handling practices as set forth for vendors are followed.
4. It allows vendors who sell value-added food products to sample food all year long (not just 21 days) at their farmers' markets or community events without incurring additional license and fee.
MFMA templates and information about safe food sampling at farmers' markets : mfma.org/pages/MFMALibrary/

CASE STUDY: ST. PAUL FARMERS' MARKET, SUMMER 2013

While farmers' markets across the state have been growing and evolving, it has created a challenging regulatory environment as markets expand product categories and vendor types. Meetings and communications between market managers and local regulators are not unusual to keep markets in compliance with rules and regulations. Yet, farmers who have sold fresh, whole produce of the farm may not have encountered licensing requirements or dealt with local or state inspectors. When they do find themselves out of compliance for a variety of reasons, it can trigger frustration, anger and distrust as they navigate unfamiliar rules. At the same time, regulators must enforce rules and licenses that were drafted in a different era and don't necessarily accommodate the way the food system is rapidly changing and evolving.

During the summer of 2013, changes in regulatory authority over the St. Paul Farmers' Market demonstrated the complexity of this arena. In separate actions, MDA and MDH revoked the city's delegated authority agreements with those agencies. In July 2013, MDA and MDH took over retail and restaurant food inspections in the city of St. Paul, including the St. Paul Farmers' Market. One of the issues highlighted in MDA's regulatory audit was city licenses that weren't supported in state statute. St. Paul's retail food handler license allowed vendors to operate 365 days a year with prepared foods that were not strictly farm products and involved handling and assembling.

Longtime vendors at the St. Paul Farmers' Market were surprised to learn that the



Image courtesy Flickr user SunFlowery

license issued by the City of St. Paul was not consistent with state statutes. They were very concerned that a different type of license would be required by the state that carried time restrictions.

A few meetings followed with concerned farmers and vendors to clarify the situation. MDA and MDH honored St. Paul licenses that were current, and required them to obtain the Seasonal Temporary Food Stand license when renewing. They did not enforce the 21-day restriction for any vendor for the 2013 market season.

CASE STUDY: Continued

Ben Miller, MDA Dairy and Food Inspection Supervisor, acknowledged, "It is complicated but essentially the activity drives the license." He clarified aspects of regulating farmers' market vendors, including meat vendors.

The Food Handler license with MDA covers a truck if the farmer is selling prepackaged product directly from the vehicle. These Food Handler licenses are renewable annually but within a year there is no limit on days of operation for sales activities under this license.

If a vendor takes product off the truck, sets up a table or freezer and sells only prepackaged foods, this would require a Retail Food Vehicle license. There is no limit on days of operation within a year for this license.

If the vendor does any food preparation or sales of prepared, ready-to-eat foods outside of the truck or vehicle, this requires the Seasonal Temporary Food Stand license and is limited to 21 days at a single location.

Food preparation and sales done within a commercially equipped vehicle falls under the Mobile Food Unit license.

Both the Seasonal Temporary Food Stand and Mobile Food Unit license types are under the jurisdiction of MDH.

Vendors at the St. Paul Farmers' Market who were selling both packaged meat products, as they long had; and prepared breakfast sandwiches; thought their Retail Food Handler license covered both activities. But MDA and MDH officials explained in the follow up meetings that serving prepared, ready-to-eat foods made by the vendor and to be eaten on-site put them under a different statute, license classification and agency.

MN Statute 28A.05 contains the MDA license classifications for sales and distribution of manufactured or processed, packaged food products. Licenses under MDA include:

1) Retail Food Handler: persons who sell or process and sell food directly to the ultimate consumer or who custom process meat or poultry. The term includes a person who sells food directly to the ultimate consumer through the use of vending machines, and a person who sells food for consumption on site or off site if the sale is conducted on the premises that are part of a grocery or convenience store operation.

2) Wholesale Food Handler: persons who sell to others for resale. A person who handles food in job lots (jobbers) is included in this classification.

3) Wholesale Food Processor or Manufacturer: persons who process or manufacture raw materials and other food ingredients into food items, or who reprocess food items, or who package food for sale to others for resale, or who commercially slaughter animals or poultry. Included herein are persons who can, extract, ferment, distill, pickle, bake, freeze, dry, smoke, grind, mix, stuff, pack, bottle, recondition, or otherwise treat or preserve food for sale to others for resale, cold storage warehouse operators as defined in section 28.01, subdivision 3, salvage food processors as defined in section 31.495, subdivision 1, dairy plants as defined in section 32.01, subdivision 6, and nonresident manufacturers of frozen foods as described in section 32.59.

CASE STUDY: Continued

Statute 157 contains MDH license classifications for sale of prepared, ready-to-eat foods.

Miller further explains: "When this law (Seasonal Temporary Food Stand) was put in place, we didn't have the prevalence of farmers' markets and volume of vendors. There has been significant growth in this part of the food market [and subsequent confusion]. Our state agencies want farmers and food vendors to be able to sell the foods the consumers demand, but to do it safely."

license descriptions

Retail Food Handler is an MDA license classification specified in Minnesota Statute 28A.05. MDA also has a Retail Mobile Food Handler category covering portable structures under Minnesota Statutes, sections 28A.06 and 28A.07: a motor vehicle, portable structure, or non-motorized cart where food and food products are:

- A. offered to the consumer
- B. intended for off-premises consumption
- C. not subject to on-site preparation

Other MDA license categories are Wholesale Food Handler, Wholesale Food Processor/Manufacturer and a USDA Wholesale Food Processor/Manufacturer category.

The MDH has more licensing categories to cover the variety of circumstances in which prepared, ready-to-eat foods may be sold to the public.

There has been much discussion and debate about license or permit fees at the local level in some communities where there are delegation agreements with MDH and MDA. Concerns expressed involved additional paperwork, expense and delay for farmers' market vendors of new value-added products.

Mobile Food Businesses

While rolling ice cream trucks and hot dog stands have been seen on city streets for years, the mobile food truck phenomenon has taken hold much more strongly in the past five years. Buses and trucks fitted with commercial kitchen appliances have brought food to underserved areas, farmers' markets and downtown areas alike. Many of these chefs and food enterprises cater to a local food sensibility and help connect and expand the farm-to-table options.

Some like Sisters Camelot in Minneapolis and St. Paul emphasize using produce that would otherwise go to waste and serving populations that are underserved with healthy and nutritious foods. More recently, mobile groceries and food shelves are also in development. Minneapolis has drafted a mobile food ordinance to allow for mobile groceries and farmers' markets to operate in the city on private property with some restrictions on proximity to corner or grocery stores.

Chapter 157 of the MN State Statute defines five different categories of temporary or mobile vendors of prepared, ready-to-eat foods: Food Cart, Mobile Food Unit, Seasonal Permanent Food Stand, Seasonal Temporary Food Stand and Special Event Food Stand. These definitions limit the number of days of operation regardless of the food safety risk. Chapter 157 defines food carts and temporary and mobile food enterprises and limits operations of certain types to 21 days. The 21-day limit applies to Mobile Food Units, Seasonal Permanent Food Stands and Seasonal Temporary Food Stand. A 10-day limit applies to Special Event Food Stands. The definitions that limit days of operation for some businesses have been in Minnesota Statute since 1995.



TYPES OF MOBILE FOOD BUSINESSES

FOOD CART	A non-motorized vehicle self-propelled by the operator www.health.state.mn.us/divs/eh/food/license/foodcart.pdf
MOBILE FOOD UNIT	A vehicle-mounted unit, motorized or trailered, that can be moved from one location to another without being disassembled. www.health.state.mn.us/divs/eh/food/license/mfureview.pdf
SEASONAL PERMANENT FOOD STAND	A permanent food and beverage service stand that operates no more than 21 days a year. www.health.state.mn.us/divs/eh/food/license/seasperm.pdf
SEASONAL TEMPORARY FOOD STAND	A food and beverage service stand that is disassembled and moved from location to location. www.health.state.mn.us/divs/eh/food/license/tempseason.pdf
SPECIAL EVENT FOOD STAND	A food and beverage service establishment that is used in conjunction with celebrations and special events and which operates no more than three times annually for no more than 10 total days. www.health.state.mn.us/divs/eh/food/license/specevent.pdf
RETAIL FOOD VEHICLE, PORTABLE STRUCTURE	A food establishment licensed under Minnesota Statutes, sections 28A.06 and 28A.07, that is a motor vehicle, portable structure, or nonmotorized cart where food and food products are: <ul style="list-style-type: none"> A. offered to the consumer; B. intended for off-premises consumption; and C. not subject to on-site preparation.

TREND: Food Trucks

Many vendors and farmers' markets began to offer food tastings and samplings. Public health nutritionists were also demonstrating healthy recipes using fresh vegetables and fruits. MDA and MDH inspectors informed market managers that processed, cut or otherwise prepared foods required a different type of food license, and that proper hand washing and ware washing facilities were also needed.

Though long established in major cities across the globe, food trucks have brought street food to a new level in Minnesota. Since Chef Shack appeared in 2008, the food truck trend has exploded bringing culinary

flair and chef-driven specialties to enliven street life. Food trucks are starring at special events and farmers' markets in Minneapolis/St. Paul, Duluth and Brainerd among others. The Minnesota Food Truck Association now lists more than 60 food trucks. Local ordinances usually stipulate where these food entrepreneurs can operate, and that can take some time and process for city councils or county commissioners to make determinations.

Food Trucks were introduced into ordinance in the City of Minneapolis in 2011. The city required Food Truck licenses to operate in connection with a licensed Commercial Kitchen in the city of Minneapolis. The City issues mobile licenses in three categories: Mobile Food Vehicle Vendor (self-contained truck or trailer used to prepare and serve

food), Limited Mobile Food Vendor (vehicle from which pre-packed items such as ice cream and popsicles are sold) and Mobile Food Cart (non-motorized push cart that sells prepackaged or ready-to-eat foods on public sidewalks downtown). Food trucks fall into the Mobile Food Unit category.

After taking over inspections for the city of St. Paul, MDH is directly licensing food trucks in St. Paul as well as many other parts of the state. However, the MDH license will allow the food truck to operate in all cities or counties where MDH handles licensing and inspections directly; that is, where the city or county does not have a delegation agreement.



Photo courtesy of Chef Shack

CASE STUDY: Prairie Bay's Side Dish Food Truck



Prairie Bay restaurant is located in Baxter, MN and is owned and operated by General Manager Nick Miller and Head Chef Matt Annand. In 2012, they decided to expand their successful restaurant enterprise with a food truck to cater weddings and graduations. They offer prepared food specialties at community events and festivals. They obtained a license as a mobile food unit from the local MDH licensing/inspections office. They contacted Brainerd Planning and Zoning office and were informed they could set up on private properties with permission from the owner.

In October 2012, they set up in a bank parking lot and did a brisk business on a Monday. They were served with a Cease and Desist order from the city on Friday of that week after the city received complaints from downtown businesses. After further research of Brainerd zoning laws, they sought approval for a Transient Merchant license. They attended several Brainerd city

council meetings to obtain this approval and investigated whether their MDH Mobile Food Unit license could supersede local Brainerd authority.

A Brainerd zoning official and city council members brought in other restaurants to discuss the matter. The Brainerd Planning and Zoning Commission then recommended to the City Council that the Council deny the permit.

Brainerd Council Member Chip Borkenhagen explained after the vote, "If you don't think it through and just carte blanche it, they can really put an edge over existing businesses." Borkenhagen noted a responsibility to protect the downtown businesses of Brainerd and concerns that issuing a permit without first setting some kind of parameters will ultimately hurt downtown tenants.

CASE STUDY: Continued

Yet Council Members also saw the food truck as a way to help revitalize the downtown area. Miller took to social media and met with local businesses to build support. Support was garnered from 102 businesses and 600 residents who signed a petition supporting the food truck. A Facebook posting elicited more than 75 letters of support. The Brainerd Council President got involved and worked with local businesses to identify a list of private property owners willing to offer their lots for the food truck operation. Brainerd approved the Side Dish food truck for a trial period beginning in April 2013. Brainerd allowed operation in certain zones, including the local farmers' market, within certain hour restrictions. They opted not to include city properties in the initial trial phase.

In June 2013, Prairie Bay's Miller went before Crow Wing County Commissioners to request permission to operate in the Crow Wing County office parking lot. As a major employer in Brainerd, this was an important opportunity for the Side Dish enterprise. The County gave approval after hearings were held.

During spring and summer of 2013 Miller and Annand worked with Baxter and Nisswa city councils and gained approval for trial periods while they worked on an ordinance for food trucks. The Side Dish food truck has proven popular and is requested throughout the region to a growing list of communities and farmers' markets: Long Prairie, Camp Ripley, Pierz, Pine River, Bemidji, Wadena, Staples, Cass Lake, Garrison and Aitkin. They've also served regional festivals like Lakes Jam. Miller and Annand cited good support from Cheryal Hills from Region 5 Economic Development Council and Arlene Jones of SPROUT MN, a local food hub operating out of The Farm on St. Mathias.

Recommendations for other food truck entrepreneurs might help smooth the way. Consider the following ideas to build your support and allay fears of local restaurants:

- Enlist help or support from county or regional economic development contacts
- Work closely with local zoning officials and
- Enlist support of your customers and allies to support your case.

Commercial Kitchens

When food entrepreneurs plan to grow beyond farmers' markets and direct sales to start selling into retail and grocery stores, Minnesota Food Code requires that they operate out of a licensed and inspected commercial kitchen. Since the cost of building a fully equipped and licensed commercial kitchen is prohibitive for most small food entrepreneurs, many are finding the solution in shared commercial kitchen spaces. Some communities have inventoried available commercial or community kitchen space. Minneapolis, St. Paul and some other cities have shared facilities that can be rented on an hourly or monthly basis.

Minnesota Food Code in Minnesota Rules 4626 sets forth all the requirements for physical facility and equipment, as well as employee health and cleanliness, safe food handling and cleaning procedures for the space and equipment.



Retail vs. Wholesale Food Manufacturing

Retail means a business selling directly to the **consumer**.

Wholesale means one business selling to another **business**.

A retail business **can produce** and sell (non-meat) food products to another retail business. However, if a business has sales of 50% or more to other businesses they need to be licensed solely by the Minnesota Department of Agriculture.

A retail business **cannot produce** food products and sell those food products to another retail business if the products contain more than 3% raw or 2% cooked meat. Businesses producing and **wholesaling** products that contain more than 3% raw or 2% cooked meat must be in a facility under continuous inspection and licensed either by the Minnesota Department of Agriculture, under a State meat inspection program; or by the USDA. Meat means beef, poultry and pork.

Sandwiches containing meat products are exempt from the above regulation. Wraps are not considered sandwiches and so are not exempt.

MINNEAPOLIS, MINNESOTA

Below is the standard operating procedure for the City of Minneapolis and provided to businesses for clarification of the retail and wholesale rules. Not all of these rules apply outside of the City of Minneapolis.

If a business has mainly retail sales but also has wholesale sales under 50% of total sales, they can conduct the wholesale operation under the existing retail license. Each case will be evaluated to determine appropriate licensing authority based on the products, facility and equipment. If the wholesale operation has multiple accounts then generally a City food distributor license is needed.

Fish products can be distributed wholesale under the retail license but the process needs to be reviewed and approved by an inspector certified in Seafood HACCP through the FDA.

If regulatory staff find products in the facilities that are being supplied by businesses that are not following the above regulations, the products will be considered from an “Unapproved Source”.

If you purchase any products from a retail or wholesale store, **you must have receipts** from that store. A receipt must have the following information and must come with each delivery/pickup.

The name and address of the supplier

Date of delivery/pickup

Name of product delivered/picked up and amount of each product

If you do not have receipts, the products will be considered from an “Unapproved Source.”

The products will then have to be discarded on site and citations will be issued to the owner of the establishment selling the products.

Wholesale: regulated by the MDA

Wholesale licensing requires review by MDA before start of construction; it's recommended to allow at least 30 days and preferably more for Plan Review. Plan Review is conducted on-site by an inspector from MDA, not by submitting a Plan Review application.

Wholesale food manufacturing equipment must be commercial and meet requirements in the Code of Federal Regulations (CFRs). Manufacturing requires at least a sealed concrete floor or better.

Manufacturer should contact inspector for onsite review. Onsite inspections cover facility, equipment, products and processes, labeling, employee practices, food handling, storage, distribution and more.

A shared wholesale food manufacturing operation would be called a co-pack or co-production facility. Manufacturing codes are specific:

21 CFR

Part 123 – Seafood

Part 120 – Juice (HACCP)

Part 114 – Acidified Foods

Part 113 – LACF

Part 108 – Canning

Part 110 – GMP: Good Manufacturing Processes

Labeling

The Meat and Dairy Programs do not require product labels to be submitted before production; however, MDA does perform pre-production reviews to ensure potential problems are addressed. MDA strongly recommends that firms submit their Meat and Dairy labels for review prior to production as this review process will help avoid future problems, some of which can involve removing product from the marketplace.

A good resource for food product development and labeling in Minnesota is the Agricultural Utilization Research Institute (AURI). They can assist on labeling requirements, nutrition panels and more and are a good resource for food entrepreneurs. www.auri.org

MDA has some basic food labeling information at www.mda.state.mn.us/food/safety/basic-label-req.aspx.

State contacts on food labeling are as follows.

Food: Jim Roettger (james.roettger@state.mn.us)
or 651-201-6622

Meat: Teresa Chirhart (Teresa.chirhart@state.mn.us)
or 651-201-6113

Dairy: Todd Whalen (Todd.Whalen@state.mn.us)
or 651-201-6679

Retail Sales of Prepared/Processed Foods: Regulated by MDH or delegated authorities

- Requires 30-day plan review before license application, though number of days can vary
- Review menu and ingredients
- Review all floor, counter and wall materials
- Requires NSF equipment, tile floors and specific wall and counter materials.

For a guide to building a commercial or food service kitchen in Minnesota: www.health.state.mn.us/divs/eh/food/license/prconreq.pdf

Other tips on preserving foods from approved sources in a licensed commercial kitchen: www.mda.state.mn.us/food.aspx

TREND: Shared Commercial Kitchens

For many small food businesses, it's most cost-effective to work with existing restaurants or food service operations to inquire if renting their space is an option. The kitchen manager should work closely with local inspectors during all phases of planning and build out. Inspectors typically conduct inspections during business hours. Most inspections are unannounced. Plans are shown to local Zoning or Building Inspectors if they are present in the community. Sanitarian or Environmental Health Inspectors should also be consulted during planning, renovation or build-out of an existing facility or a new space.

- The inspector will compare the initial plan with each new tenant license and ensure all proper equipment and procedures are in place. The inspector discusses with each operator the license requirement for their business, including:
 - Menu plan and ingredients
 - Storage and equipment
 - Food safety rules specific to each type of food product/ingredients
 - Sanitation procedures
 - Staff and employee training and hygiene procedures

In addition, *each* operator or vendor using the commercial kitchen space must obtain her or his own business license and insurance policy. Licensed commercial kitchens usually require the following from each business using the facility:

- Rental agreement
- Individual business license from city or state
- Liability insurance
- Food safety management course, such as offered by the University of Minnesota's Extension Division
- Business Plan

Shared commercial kitchens also may offer many educational classes, from cooking classes to business training classes to help people understand licensing requirements and how to write a business plan. Kindred Kitchen offered entrepreneur classes throughout its start-up years to help turn skilled cooks into business people.

MINNESOTA CERTIFIED
FOOD MANAGER,
Minnesota Rules, parts 4626.2000
-4626.2020.

The license will require a Certified Food Manager (CFM) on staff. Training for this is approximately \$100. Check this for training programs: www.health.state.mn.us/divs/eh/food/fmc_training/index.cfm

A copy of the food safety certificate from the state should be displayed. There is ongoing food safety training, continuing education every 3 years, but initial certification is in person. More information about requirements and training for CFM is on MDH's website, www.health.state.mn.us/divs/eh/food/fmc/cfmfs.pdf

The CFM is responsible to identify potential hazards in the food preparation and to implement procedures to prevent foodborne illness. This person is also responsible for ongoing employee food safety training and to ensure that there is a knowledgeable Person In Charge (PIC) during all hours of food preparation.

CASE STUDY: Pashen Bars

Wendy and Pol Sorquist began making an innovative granola bar with raw ingredients from a family recipe when they lived in the state of Virginia. Virginia's cottage food laws allowed for home kitchen production, with home inspection to ensure food safety compliance. After moving to Minnesota, they learned Minnesota laws wouldn't allow the same kind of production for sale to businesses.

Wendy happened to drive by the West Broadway storefront of Kindred Kitchen, a new commercial kitchen/business incubator that opened in north Minneapolis in 2011. With the help of available commercial kitchen space, the Sorquists decided to pursue creating their raw wholegrain bar in Minnesota. They began renting at Kindred Kitchen in 2011.

They received invaluable product development assistance from AURI, Agriculture Utilization and Research Institute: recipe testing and nutrition analysis, ingredients, labeling and product marketing. "You have to know your product and the right price," Pol explained. AURI helped them work through their costs, pricing, packaging and more.

They began by getting their wholegrain bars into Minnesota food co-ops. They appreciated that the co-ops, with their local and healthy food ethic were willing to buy direct from the manufacturer without going through a distributor. They were later able to get into select Whole Foods stores and have found retailers eager for more local, organic and gluten-free products. Pol and Wendy do their own distribution since they believe the mark-up a distributor would charge would price their product out of the market.



In 2012, Pol Sorquist took over as manager of the Kindred Kitchen. They decreased the hourly rental to \$20, with a \$100/month minimum to maintain affordability for smaller enterprises. He instituted Google Calendar and Google Group to maintain the production schedule and communicate with the renters. He noted that Kindred Kitchen has a good mix of tenants with 40 to 50 percent caterers, 25 percent food trucks and 25 percent wholesale food manufacturers. They would like more food manufacturers to balance out the seasonality of both food trucks and catering business.

Education has been a key component for Kindred Kitchen and other shared commercial kitchen operations. "Education is key. People really need accurate information on health and safety rules and what it will take to get their product on the market," Pol explained. They offer a Business 101 class on how to incorporate, business planning, financial/legal requirements and Quickbooks primer. A second class covers food manufacturing elements: ingredients, sourcing, pricing, distribution and marketing.

COTTAGE FOOD LAWS

The FDA Food Code does not recognize cottage food production but does contain an exemption to food establishment requirements for charity bake sales and religious events as long as the consumer is notified that the food was produced in an unregulated and uninspected home kitchen. The exemption applies to non-potentially hazardous foods such as baked goods, jams and jellies, popcorn, granola, coffee and tea. This exception in the FDA Food Code demonstrates recognition that these low-risk foods can be safely prepared in a home kitchen and provides a model for applying the exemption to direct sales in other settings such as farmers' markets.

Since then, 23 states have passed cottage food laws, one of which is Minnesota's Pickle Bill (along with the non-potentially hazardous foods exemption which covers baked goods.) These laws vary widely between states and are primarily focused on allowing direct sales to consumers and local distribution. California's new Cottage Food Bill allows direct sales statewide. In a 2013 Harvard Food Law and Policy Clinic report, they identify five areas for improvement of cottage food laws nationwide:

- Removing or increasing sales limits: Minnesota has a \$5,000 sales limit, among the most restrictive in the nation
- Removing requirements for only on-farm processing; Minnesota allows off-farm
- Make these laws easy to find on state websites, with easy-to-understand requirements and restrictions ²
- Allow cottage food producers to sell indirectly via restaurants and retail food establishments. Minnesota only allows direct sales to individuals.
- Place regulations on cottage food businesses that reflect the small size and low-risk nature of these non-potentially hazardous foods. They should not carry the same regulatory burden of much larger, industrial-scale operations.

According to the Harvard Food Law and Policy report, states with the broadest list of allowed cottage food products are: Alabama, Alaska, Arizona, California, Delaware, Florida, Georgia, Iowa, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Mexico, New York, N. Carolina, Pennsylvania, Rhode Island, S. Carolina, S. Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wyoming.

Minnesota is listed among the most restrictive states, along with Indiana, Kentucky, Louisiana, Maine, Maryland, Oregon, Vermont and Wisconsin.³

² Food Law and Policy Clinic, Harvard Law School, August 2013. blogs.law.harvard.edu/foodpolicyinitiative/files/2013/08/FINAL_Cottage-Food-Laws-Report_2013.pdf

³ Harvard Report

A partial listing of Commercial Kitchens available for rental:

Kindred Kitchen
1206 W. Broadway Ave.
Minneapolis, MN 55411
612-584-0728
info@kindredkitchen.org
www.kindredkitchen.org/kitchen.html

Kitchen in the Market
Midtown Global Market
920 E. Lake St.
Minneapolis, MN 55407
612-568-KITM (5486)
www.kitcheninthemarket.com/chefs.html

CSPS Hall, St. Paul
383 W. Michigan St.
St. Paul, MN 55102
651-290-0542
hallrental@sokolmn.org

GIA Kitchen
955 Mackubin St.
St. Paul, MN 55103
651-493-2315
giakitchen@gmail.com

Harmony Food Cooperative
Lisa Weiskopf, Community Kitchen Coordinator
302 Irvine Avenue NW
Bemidji, MN 56601
lweiskopf@gmail.com
218-751-2009, ext. 111

Clair Nelson Community Center
6866 Cramer Rd.
Finland, MN 55603
218-353-0300
218-353-7536
ourkaya1@gmail.com

Foodcrafters Kitchen
865A Pierce Butler Route
St. Paul, MN 55104
Martha Glass, 612-386-3111
Martha@bistrotreats.com

City Food Studio
3722 Chicago Avenue South
Minneapolis, MN 55406
612-315-3399
kitchen@cityfoodstudio.com



9. Recommendations

The complexity and layered nature of our food regulatory structure calls for several areas of improvement. While entrepreneurs complain of unresponsive local or state authorities, the volume of entrepreneurial activity can make it difficult for both local and state regulators to respond in a timely way. There is also a lack of accessible online tools and resources to allow small businesses to find answers to simple questions more readily.

Timeliness

When a business has expended money and is awaiting regulatory decisions, inaction and delay can be costly for the business. There are also times when a business can't get a final answer or may disagree strongly with the conclusions of a local regulatory authority.

Better empowering frontline inspectors can result in improved service and faster decisions. When inspectors are given the leeway to work with businesses and educate them, it can result in more timely and responsive relationships. Design changes, menu changes and dialogue back and forth can involve many delays. When clear violations occur, there should be timelines drawn up for corrective action.

Transparency

There is a tremendous amount of helpful information on both the MDA and MDH websites. Communications, fact sheets, flow charts and resource links are all contained on the state websites, as well as many county and local websites. However, this information is not easy to find. Frequently asked questions or issues could be brought to front pages of the MDA and MDH websites with easy to navigate information flow.

One simple way to improve transparency is to have a link to the directory of state inspectors on one of the front pages of MDH and MDA websites. All fact

sheets and web pages highly recommend speaking to your local zoning office, sanitarian or environmental health inspector, building inspector or meat and dairy inspector to ensure information is accurate to your specific business. This directory of officials should be accessible by a front-page web link.

As this implies, regulatory issues and questions are complex and require direct dialogue. Face-to-face information sharing is inherent in the Plan Review and Business Licensing processes. Yet more education can and should be shared in informal gatherings and forums that exist, whether Minnesota Farmers' Market Association or Food Truck association. There are business associations and chambers of commerce, Rotaries and Lions Clubs and other social and business groups and councils that can be forums for regulatory discussion and information sharing.

MDH and MDA supervisors worked closely with the Minnesota Farmers' Market Association for a year to develop new policies around hand washing and sampling at farmers' markets. This kind of cooperative working relationship can result in laws that are up-to-date and relevant to current business practices.

The City of Minneapolis has undertaken a Customer Service Improvement Project which has opened up better communications with neighborhood and business groups in the city. Zoning, environmental health and other city staff attend the business council meeting together and answer a range of questions and concerns as well as communicating new or changing policies.

Consistency

Since many farmers and food businesses operate in a broader regional market, many become aware of inconsistencies in dealing with local regulators. Local delegation agreements allow local regulators to enact more restrictive, but not less restrictive ordinances. The Food Safety Partnership is part of sharing up-to-date information out to local and delegated authorities and improving consistent interpretation of the Minnesota Food Code rules. FDA has standardization procedures designed to promote uniformity, consistency and quality inspections among federal, state, local and tribal agencies. In Minnesota, standardization of EHS/Sanitarians is performed by MDH Sanitarians who are currently certified as FDA Standardized Food Safety Inspection Officers. To encourage standard procedures and promote uniformity, MDH provides regular Food Safety Classroom Training sessions to inspection and management staff from MDH and delegated agencies.

For more information, www.health.state.mn.us/divs/eh/food/pwdu/bestpractices/bpm2rgstf.pdf. MDA also has standardized inspection staff and is enrolled in FDA'S Retail Food Regulatory Program Standards. Both MDH and MDA promote the FDA standards as critical to ensuring quality and uniformity and have a goal of all programs with a delegation agreement to have this training.

The Monthly Regulators' Breakfast meetings by MDH are video-conferenced throughout the state to regulators. In addition, there is a Partnership and Workforce Development Unit newsletter distributed to all MDH partners.

The City of Minneapolis does monthly Peer Inspections, making inspections calls together to improve teamwork and consistency. Supervisors are also part of the rotation.

Scale-Appropriate

Minnesota food safety laws currently require approved commercial equipment (i.e. NSF) for all retail food operations. This is not contained in FDA model food code nor required in Iowa and Wisconsin. If Minnesota Food Code regulations are more onerous than nearby states or national standards it can serve to drive smaller enterprises to a neighboring state, or to end them altogether. One local food entrepreneur who had sold a range of dried fruits and vegetables in farmers' markets for the past two decades was informed that she would need a \$6000 NSF food dehydrator in order to sell her products to retail stores. That expense discouraged her from expanding her business, resulting in lost potential economic development for her town and county.



10. Resources and Links

Commercial Kitchen Guide, Minnesota Institute for Sustainable Agriculture
www.misa.umn.edu/Publications/CommercialKitchenGuide/index.htm

Food Product Basic Label Requirements from the Minnesota Department of Agriculture
www.mda.state.mn.us/food/safety/basic-label-req.aspx

Food Safety Plan for School Gardens
www.co.olmsted.mn.us/OCPHS/reports/Pages/MNSchoolGardenandFarmToCafeteriaSafety.aspx

Food Safety Resources
www.health.state.mn.us/divs/eh/food/pwdu/fsp/meetings/2011/oct18_resources.pdf

Guide to Starting a Food Business in Minneapolis
Minneapolis Planning and Economic Development 2011
www.minneapolismn.gov/www/groups/public/@cped/documents/webcontent/convert_269947.pdf

Listing of Food Business Fact Sheets
www.health.state.mn.us/divs/eh/food/fs/index.html

Marketing Local Food, Minnesota Institute for Sustainable Agriculture
www.misa.umn.edu/Publications/MarketingLocalFood/index.htm

Starting a Food Business in Minnesota
Minnesota Department of Agriculture, 2008
www.mda.state.mn.us/about/divisions/~media/Files/food/business/startingfoodbiz.ashx

Wholesale Success, A Farmer's Guide to Food Safety, Selling, Postharvest Handling and Packing Produce, Third Edition, edited by Jim Slama and Atina Diffley, www.FamilyFarmed.org



Food, Pools, and Lodging Services Section
P.O. Box 64975
St. Paul, MN 55164-0975
651-201-4500
www.health.state.mn.us/divs/eh/fpls/

Minnesota Certified Food Manager (CFM)

The Minnesota certified food manager (CFM) is a leader for the food establishment's food safety team. The CFM is recognized by the Minnesota Department of Health (MDH) as meeting specific training requirements, and helps reduce the risk of foodborne illness by demonstrating safe food handling practices and sharing food safety knowledge with the food establishment's employees.

This fact sheet provides information about the duties of the CFM, how to obtain certification and CFM requirements for food establishments as described in Minnesota Rules, parts 4626.2000 through 4626.2020.

Duties

The CFM must have the knowledge, skills and abilities to complete the following duties:

- Identify any hazards in the daily operation of the food establishment.
- Develop and implement policies and procedures to prevent foodborne illness.
- Coordinate employee food safety training to ensure at least one person in charge (PIC) is present whenever food is being prepared.
- Direct food preparation activities and take corrective action as needed, to protect the health of the consumer.
- Conduct periodic in-house self-inspections of daily operations to ensure that food safety policies and procedures are followed.

Required Training

Approved CFM training courses for both initial and renewal certification are offered by many private companies, community and technical colleges, some local agencies and the University of Minnesota Extension. MDH does not offer training, but does approve trainers and courses.

A list of approved trainers and a schedule of courses is available at www.health.state.mn.us/divs/eh/food/fmc/courses.html.



Initial Certification

If you have never been a Minnesota CFM:

1. Attend a training course and pass an approved exam.
2. Mail initial application, exam certificate and \$35 fee to MDH, P.O Box 64495, St. Paul, MN 55164-0495.

Apply for initial Minnesota CFM no more than 36 months after passing the exam.

Certification Renewal

Minnesota CFM expires three years from the effective date printed on the MDH certificate.

To renew certification:

1. Complete four (4) or more hours of approved training.
2. Mail renewal application, approved training certificate(s) and \$35 fee to MDH, P.O Box 64495, St. Paul, MN 55164-0495.

Take renewal training after the effective date and no more than one year after the expiration date printed on the MDH certificate.

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Approved Exams

Applicants for initial certification must provide proof they have passed one of the following exams:

- ServSafe® (National Restaurant Association)
- Certified Food Safety Manager (National Registry of Food Safety Professionals®)
- Certified Professional Food Manager (Prometric)
- Learn2Serve Food Protection Manager® (360training)

Frequently Asked Questions

Answers to frequently asked questions are below. Contact the agency that issues the license for the establishment for more information about local ordinances and how the Minnesota food code applies to your establishment.

As the restaurant owner, do I have to be the CFM?

No. While many restaurant owners decide to be the CFM for their establishment, it is not required. An effective CFM has a good working knowledge of your business and has the authority to conduct the CFM duties in your establishment.

How many CFMs are required for a food establishment?

Minnesota food code requires a food establishment to employ one full-time CFM. Local jurisdictions may have stricter requirements.

Can I be the CFM for more than one location?

No, except for at a satellite or catered feeding location.

How long do I have to hire or train a new CFM?

When the CFM leaves employment, the establishment must hire another Minnesota CFM or enroll a current or new employee in an approved food manager certification training course within 45 days. Minnesota food code requires new food establishments to have a CFM on staff within 45 days of opening. Local jurisdictions may have stricter requirements.

Are there exemptions from CFM requirements?

Yes, certain food establishments—based on license type or food preparation activities—are exempt from Minnesota CFM requirements. A list of exemptions to CFM requirements is found in Minnesota Rules, part 4626.2010, subpart 4 and on the Food Manager Certification Web page.

Application Forms

Download and print initial (English/Spanish), renewal (English/Spanish), or duplicate (English) application forms at <http://www.health.state.mn.us/divs/eh/food/fmc/applications.html>.

For More Information...

MDH Food, Pools, and Lodging Services Section

District Phone Numbers:

Bemidji – 218-308-2100
Duluth – 218-302-6166
Fergus Falls – 218-332-5150
Mankato – 507-344-2700
Marshall – 507-537-7151
Metro – 651-201-4500
Rochester – 507-206-2700
St. Cloud – 320-223-7300

Email:

health.fmc@state.mn.us

Contact Us:

www.health.state.mn.us/divs/eh/food/fmc/contactus.html

Web Resources:

MDH Food Manager Certification:

www.health.state.mn.us/divs/eh/food/fmc/index.html

MDH Food Business Safety:

www.health.state.mn.us/divs/eh/food/

MDH Food Business Fact Sheets:

www.health.state.mn.us/divs/eh/food/fs/index.html

To request this document in another format, call 651-201-4500.

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Hazard Analysis Critical Control Point

What is HACCP?

Hazard analysis critical control point is a seven step process a food producer or establishment operator can use to develop a food process based, food safety plan. The HACCP process identifies critical control points and aids in the development of food process safety control measures.

What are the seven steps in HACCP?

1. Conduct food safety hazard analysis.
2. Identify critical control points (CCPs).
3. Establish critical limits for preventative measures.
4. Establish monitoring procedures for control points.
5. Establish corrective actions.
6. Establish effective record keeping systems.
7. Establish procedures for verification that HACCP is working.

HACCP Planning Information is in the FDA Food Code

Annex 5: Contains HACCP guidelines.
Annex 6: Contains food processing criteria.

Who is required to have a HACCP plan?

1. Food establishments that:
 - Cure or smoke food, except for smoking done for the purpose of imparting flavor only and not as a part of the cooking process.
 - Use food additives as a method to preserve food or change food into a non-potentially hazardous food.
 - Use a reduced oxygen method for packaging food.
2. Food establishments that apply for a variance to:
 - Use more than one tagged shellstock container at a time.
 - Deviate from required cooking times and temperatures for raw animal foods.
 - Use molluscan shellfish life-support system display tanks to store and display shellfish that are offered for human consumption.

For Further Information Contact the Following MDH District Offices

Bemidji	◆	(218) 308-2100
Duluth	◆	(218) 302-6166
Fergus Falls	◆	(218) 332-5150
Mankato	◆	(507) 344-2700
Marshall	◆	(507) 537-7151
Metro	◆	(651) 201-4500
Rochester	◆	(507) 206-2700
St. Cloud	◆	(320) 223-7300

To request this document in another format, call 651-201-4500 or TTY 651-201-5797.



Food, Pools, and Lodging Services Section
625 North Robert Street, P.O. Box 64975
St. Paul, MN 55164-0975
651-201-4500
<http://www.health.state.mn.us>

MINNESOTA DEPARTMENT OF HEALTH

FOOD, POOLS AND LODGING SERVICES SECTION

BEMIDJI DISTRICT OFFICE NORTHWESTERN DISTRICT (NW)	705 Fifth Street NW, Suite A Bemidji, MN 56601-2933 Blake Nordin, Supervisor 218/308-2145 Adam Bommersbach, Sanitarian 218/308-2147 Stephanie Hanks, Support 218/308-2111 Paul Herr, San Supervisor 218/308-2132 Lisa Gubrud, Support 218/308-2120 Zach Johnson, Sanitarian 218/308-2108 Collin Kappenman, Sanitarian 218/308-2142 David Kaufman, Sanitarian 218/308-2113 Jeff Peterson, Sanitarian 218/308-2124 Tom Sobolik, Sanitarian 218/308-2128 Ryan Trenberth, Sanitarian 218/308-2133	Phone: 218/308-2100 Fax: 218/308-2122 blake.nordin@state.mn.us adam.bommersbach@state.mn.us stephanie.hanks@state.mn.us paul.herr@state.mn.us lisa.gubrud@state.mn.us zach.johnson@state.mn.us collin.kappenman@state.mn.us david.kaufman@state.mn.us jeffrey.peterson@state.mn.us tom.sobolik@state.mn.us ryan.trenberth@state.mn.us
DULUTH DISTRICT OFFICE NORTHEASTERN DISTRICT (NE)	Duluth Technology Village 11 East Superior Street, Suite 290 Duluth, Minnesota 55802-2007 James Backstrom, San Supervisor 218/302-6144 Gary Collyard, Sanitarian 218/940-9306 Ian Erickson, Sanitarian 218/766-4928 Richard Hyrkas, Sanitarian 218/302-6173 Shelly Kettelhut, Support 218/302-6140 Deb Kosiak, Sanitarian 218/302-6176 Cara Pederson, Sanitarian 218/302-6181 Jason Saloum, Sanitarian 218/302-6183 Sara Schaffer, Sanitarian 218/302-6184 Jim Topie, PWDU 218/302-6154	Phone: 218/302-6166 Fax: 218/723-2359 james.backstrom@state.mn.us gary.collyard@state.mn.us ian.erickson@state.mn.us richard.hyrkas@state.mn.us shelly.kettelhut@state.mn.us deb.kosiak@state.mn.us cara.pederson@state.mn.us jason.saloum@state.mn.us sara.schaffer@state.mn.us james.topie@state.mn.us
FERGUS FALLS DISTRICT OFFICE WEST CENTRAL DISTRICT (WC)	1505 Pebble Lake Road, Suite 300 Fergus Falls, Minnesota 56537 Rick Toms, San Supervisor 218/332-5154 Kris Christianson, Support 218/332-5143 Pam Jacklitch, Support 218/332-5144 Natalie Oslund, Sanitarian 218/332-5188 Emily Stawarski, Sanitarian 218/332-5152 Rebecca Tonneson, Sanitarian 218/332-5142 David Wroblewski, Sanitarian 218/332-5155	Phone: 218/332-5150 Fax: 218/332-5196 rick.toms@state.mn.us kris.christianson@state.mn.us pam.jacklitch@state.mn.us natalie.oslund@state.mn.us emily.stawarski@state.mn.us rebecca.tonneson@state.mn.us david.wroblewski@state.mn.us
MANKATO DISTRICT OFFICE SOUTH CENTRAL DISTRICT (SC)	Mankato District Office 12 Civic Center Plaza, Suite 2105 Mankato, Minnesota 56001-3752 Tom Wilfahrt, San Supervisor 507/344-2711 Keri Armendariz, Support Staff 507/344-2701 Matt Finkenbinder, Plan Review 507/344-2724 Ben Ische, Sanitarian 507/344-2710 Dave Reimann, Sanitarian 507/344-2727 Greg Stevens, Sanitarian 507/344-2735 Donna Zeidler, Support Staff 507/344-2702	Phone: 507/344-2700 Fax: 507/344-2723 thomas.wilfahrt@state.mn.us keri.armendariz@state.mn.us matthew.finkenbinder@state.mn.us ben.ische@state.mn.us david.reimann@state.mn.us greg.stevens@state.mn.us donna.zeidler@state.mn.us
MARSHALL DISTRICT OFFICE SOUTHWESTERN DISTRICT (SW)	Marshall District Office 1400 East Lyon Street Marshall, Minnesota 56258-2529 Julie Isenberg, Sanitarian 507/537-7192 Michelle Murphy, Support Staff 507/537-7152 Denise Schumacher, PWDU 507/537-7162	Phone: 507/537-7151 Fax: 507/537-7194 julie.isenberg@state.mn.us michelle.murphy@state.mn.us denise.schumacher@state.mn.us
METRO OFFICE – FREEMAN METRO DISTRICT OFFICE (M)	Food, Pools and Lodging Services Section 625 North Robert Street, P.O. Box 64975 St. Paul, Minnesota 55164-0975 Colleen Paulus, Manager 651/201-4507 April Bogard, Supervisor 651/201-5076 Pamela Anderson, Support Staff 651/201-4497 Aida Barttelt, Support Staff 651/201-5160 Kim Carlton, PWDU 651/201-4511 Sarah Conboy, Sanitarian 651/201-3984 Angie Cyr, Supervisor 651/201-4843 Steven Diaz, Supervisor 651/201-3983	Phone: 651/201-4500 Fax: 651/201-4514 colleen.paulus@state.mn.us april.bogard@state.mn.us pamela.anderson@state.mn.us aida.barttelt@state.mn.us kim.carlton@state.mn.us sarah.conboy@state.mn.us angie.cyr@state.mn.us steven.diaz@state.mn.us

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See Lee, Sanitarian	651/201-4807	see.lee@state.mn.us
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Lindsey Mittendorf, Sanitarian	651/201-3978	lindsey.mittendorf@state.mn.us
Charlotte Morgan, Plan Review	651/201-3988	charlotte.morgan@state.mn.us
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Linda Prail, Rule Revision	651/201-5792	linda.prail@state.mn.us
Lee Renneke, Sanitarian	651/201-4498	lee.renneke@state.mn.us
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Peggy Spadafore, Sanitarian	651/201-3979	peggy.spadafore@state.mn.us
Pam Steinbach, Supervisor	651/201-5634	pam.steinbach@state.mn.us
Crystal Theis, San Supervisor	651/201-3981	matthew.theis@state.mn.us
George Wahl, Sanitarian	651/201-4188	george.wahl@state.mn.us
Tracie Zerwas, Support Staff	651/201-4502	tracie.zerwas@state.mn.us

**ROCHESTER DISTRICT OFFICE
SOUTHEASTERN DISTRICT (SE)**

Rochester District Office		Phone: 507/206-2700
18 Wood Lake Drive SE		Fax: 507/206-2711
Rochester, Minnesota 55904-4744		
Michael Nordos, San Supervisor	651/775-6234	michael.nordos@state.mn.us
Rebecca Albrecht, Sanitarian	507/206-2721	becky.albrecht@state.mn.us
Samuel Boysen, Sanitarian	507/206-2719	samuel.boysen@state.mn.us
Michael DeMars, Sanitarian	507/206-2715	michael.demars@state.mn.us
Heather Flueger, Sanitarian	507/206-2723	heather.flueger@state.mn.us
Bonnie Ramsey, Support Staff	507/206-2702	bonnie.ramsey@state.mn.us
Kari Siemers, Support Staff	507/206-2701	kari.siemers@state.mn.us

**ST. CLOUD DISTRICT OFFICE
CENTRAL DISTRICT OFFICE (C)**

Midtown Square		Phone: 320/223-7300
3333 West Division Street Ste 212		Fax: 320/223-7350
St. Cloud MN 56301-4557		
Wendy Spanier, Supervisor	320/223-7331	wendy.spanier@state.mn.us
Peter Lindell, San Supervisor	320/223-7345	peter.lindell@state.mn.us
Lee Ann Austin, Sanitarian	320/223-7341	leeann.austin@state.mn.us
Jennifer Goslin, Plan Review	320/223-7308	jennifer.goslin@state.mn.us
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Kelly Siegel, Support	320/223-7371	kelly.siegel@state.mn.us
Jolene Ziegler, Sanitarian	320/223-7335	jolene.ziegler@state.mn.us

County Listings for FBL, MHP/RCA, Youth Camps Inspections

CO #	Sanitarian/Supervisor	DO	CO #	Sanitarian/Supervisor	DO	CO #	Sanitarian/Supervisor	DO
1	AITKIN Delegated	DP	2	ANOKA (MHP/RCA) Lea Jacobsen Dan Disrud or Crystal Theis	M	3	BECKER* Natalie Oslund, Rebecca Tonneson, David Wroblewski Rick Toms	WC
4	BELTRAMI* Dave Kaufman Adam Bommersbach Paul Herr	NW	5	BENTON* Erin Hodgins Jolene Ziegler Peter Lindell	C	6	BIGSTONE All Contract	DP
7	BLUE EARTH* David Reimann Tom Wilfahrt Tom Wilfahrt	SC	8	BROWN All Contract	DP	9	CARLTON* Deb Kosiak Jason Saloum James Backstrom	NE
10	CARVER* Charles Dierker Lea Jacobsen Dan Disrud or Crystal Theis	M	11	CASS* Zach Johnson Jeff Peterson Paul Herr	NW	12	CHIPPEWA All Contract	DP
13	CHISAGO* Nicole Kuktavy Josh Schaack Dan Disrud or Crystal Theis	M	14	CLAY All Contract	DP	15	CLEARWATER Adam Bommersbach Paul Herr	NW
16	COOK* Jason Saloum Sara Schaffer James Backstrom	NE	17	COTTONWOOD All Contract	DP	18	CROW WING* Lee Ann Austin Greg Koshiol Peter Lindell	C
19	DAKOTA* Jesse H., Lindsey M., Lee R., Sarah C., Peggy S., George W Dan Disrud or Crystal Theis	M	20	DODGE Becky Albrecht Michael Nordos	SE	21	DOUGLAS All Contract	DP
22	FARIBAULT (MHP/RCA) Tom Wilfahrt Wendy Spanier	SC	23	FILLMORE Samuel Boysen Michael Nordos	SE	24	FREEBORN* Becky Albrecht Michael DeMars Michael Nordos	SE
25	GOODHUE Heather Flueger Michael Nordos	SE	26	GRANT Rick Toms Blake Nordin	WC	27	HENNEPIN (MHP/RCA) Lea Jacobsen Dan Disrud or Crystal Theis	M
28	HOUSTON Samuel Boysen Michael Nordos	SE	29	HUBBARD Zach Johnson Paul Herr	NW	30	ISANTI Josh Schaack Dan Disrud or Crystal Theis	C
31	ITASCA* Tom Sobolik Ryan Trenberth Paul Herr	NW	32	JACKSON Greg Stevens Tom Wilfahrt	SC	33	KANABEC Erin Hodgins Peter Lindell	C
34	KANDIYOHI All Contract	DP	35	KITTSOON Dave Kaufman Paul Herr	NW	36	KOOCHICHING Ryan Trenberth Paul Herr	NW
37	LAC QUI PARLE All Contract	DP	38	LAKE (MHP/RCA) Rich Hyrkas James Backstrom	NE	39	LAKE OF THE WOODS Zach Johnson Paul Herr	NW
40	LESUEUR All Contract	DP	41	LINCOLN All Contract	DP	42	LYON Julie Isenberg Tom Wilfahrt	SW
43	MCLEOD Ben Ische Tom Wilfahrt	SC	44	MAHNOMEN Natalie Oslund Rick Toms	WC	45	MARSHALL AdamBommersbach Paul Herr	NW
46	MARTIN (MHP/RCA) Tom Wilfahrt Wendy Spanier	SC	47	MEEKER* Jolene Ziegler Tina Remmele Peter Lindell	C	48	MILLE LACS Erin Hodgins Peter Lindell	C
49	MORRISON All Contract	DP	50	MOWER Michael DeMars Michael Nordos	SE	51	MURRAY All Contract	DP
52	NICOLLET All Contract	DP	53	NOBLES Julie Isenberg Tom Wilfahrt	SC	54	NORMAN Natalie Oslund Rick Toms	WC
55	OLMSTED All Contract	DP	56	OTTER TAIL* Natalie Oslund, Emily Stawarski, Rebecca Tonneson, Dave Wroblewski Rick Toms	WC	57	PENNINGTON Jeff Peterson Paul Herr	NW
58	PINE Cara Pederson James Backstrom	M	59	PIPESTONE All Contract	DP	60	POLK Emily Stawarski Rick Toms	WC
61	POPE All Contract	DP	62	ST PAUL SEE PAGE 18 Remainder RAMSEY All Contract	DP	63	RED LAKE Adam Bommersbach Paul Herr	NW
64	REDWOOD* Julie Isenberg Tom Wilfahrt Tom Wilfahrt	SC	65	RENVILLE All Contract	DP	66	RICE* Greg Stevens – Tom W. Mike Nordos – Wendy S.	SC
67	ROCK All Contract	DP	68	ROSEAU Adam Bommersbach Paul Herr	NW	69	ST. LOUIS* Gary C., Ian E., Rich H., Cara P., Sara S. Deb K. James Backstrom	NE
70	SCOTT* Charles D., Lindsey M., Lee R., Marijke S. Dan Disrud or Crystal Theis	M	71	*SHERBURNE Erin Hodgins Tyffani Maresh Peter Lindell	C	72	SIBLEY Ben Ische Tom Wilfahrt	SC

CO #	Sanitarian/Supervisor	DO	CO #	Sanitarian/Supervisor	DO	CO #	Sanitarian/Supervisor	DO
73	STEARNS All Contract	DP	74	STEELE Becky Albrecht Michael Nordos	SE	75	STEVENS Rick Toms Blake Nordin	WC
76	SWIFT All Contract	DP	77	TODD All Contract	DP	78	TRAVERSE Rick Toms Blake Nordin	WC
79	WABASHA All Contract	DP	80	WADENA All Contract	DP	81	WASECA All Contract	DP
82	WASHINGTON All Contract	DP	83	WATONWAN All Contract	SC	84	WILKIN All Contract	DP
85	WINONA All Contract	DP	86	WRIGHT* Jolene Z., Tyffani M., Tina R., Peter Lindell	C	87	YELLOW MEDICINE All Contract	DP

BECKER:

Natalie Oslund: Audubon, Callaway, Lake Park, Ogema, Pelican Rapids
Rebecca Tonneson: Detroit Lakes
Dave Wroblewski: Frazee, Menahga, Osage, Park Rapids, Ponsford, Richwood, Rochert, Waubun, Wolf Lake

BELTRAMI

Adam Bommersbach: Blackduck, Debs, Kelliher, Solway, Tenstrike, Wilton
Dave Kaufman: Bemidji, Cass Lake, Pennington, Puposky

BENTON:

Erin Hodgins: Foley, Foreston, Gilman, Rice, Royalton
Jolene Ziegler: Sartell, Sauk Rapids, St. Cloud

BLUE EARTH:

Dave Reimann: Eagle Lake, Janesville, Lake Crystal, Madison Lake, Mankato, Mapleton, Pemberton, St. Clair
Tom Wilfahrt: Amboy, Garden City, Good Thunder, Vernon Center

CARLTON:

Deb Kosiak: Carlton, Cromwell, Kettle River, Mahtowa, Wright
Jason Saloum: Barnum, Cloquet, Esko, Moose Lake, Wrenshall

CARVER:

Charles Dierker: Carver, Chanhassen, Chaska, Cologne, Excelsior, St. Bonifacius
Lea Jacobsen: Hamburg, Mayer, New Germany, Norwood/Young America, Victoria, Waconia, Watertown

CASS:

Zach Johnson: Bena, Boy River, Cass Lake, Deer River, Federal Dam, Remer, Walker
Jeff Peterson: Remainder of County

CHISAGO:

Nicole Koktavy: Harris, North Branch, Rush City, Stacy, Wyoming
Josh Schaack: Almelund, Center City, Chisago City, Forest Lake, Lindstrom, Shafer, Sunrise, Taylors Falls

COOK:

Jason Saloum: Grand Marais, Grand Portage, Hovland
Sara Schaffer: Lutsen, Schroeder, Tofte

CROW WING:

Lee Ann Austin: Baxter, Brainerd, Fort Ripley, Lake Hubert, Nisswa
Greg Koshiol: Aitkin, Breezy Point, Crosby, Crosslake, Deerwood, Emily, Fifty Lakes, Garrison, Ironton, Jenkins, Manhattan Beach, Merrifield, Pequot Lakes, Pine River

DAKOTA:

Sarah Conboy: Burnsville
Jesse Hennes: Coates, Farmington, Hastings, Rosemount, Vermillion, Welch
Lea Jacobsen: Lilydale, Mendota, Mendota Heights
Lindsey Mittendorf: Apple Valley
Lee Renneke: Cannon Falls, Hampton, Lakeville, New Trier, Northfield, Randolph
Peggy Spadafore: Eagan
George Wahl: Inver Grove Heights, South St. Paul, West St. Paul

FREEBORN:

Michael DeMars: Albert Lea
Becky Albrecht: Remainder of County

ITASCA:

Tom Sobolik: Cohasset, Deer River, Grand Rapids
Ryan Trenberth: Remainder of County

MEEKER:

Tina Remmele: Eden Valley, Paynesville, Watkins
Jolene Ziegler: Cosmos, Darwin, Dassel, Grove City, Hutchinson, Kingston, Litchfield

OTTERTAIL:

Natalie Oslund: Fergus Falls
Emily Stawarski: Dalton, Elizabeth, Erhard, Pelican Rapids, Rothsay
Rick Toms: Ashby, Parkers Prairie
Rebecca Tonneson: Battle Lake, Clitheral, Detroit Lakes, Ottertail, Underwood
Dave Wroblewski: Bluffton, Deer Creek, Dent, Frazee, Henning, New York Mills, Perham, Richville, Sebeke, Vergas, Vining, Wadena

REDWOOD:

Julie Isenberg: Belview, Lamberton, Redwood Falls (N thru Z names), Vesta, Walnut Grove
Tom Wilfahrt: Remainder of County

RICE:

Michael Nordos: Northfield
Greg Stevens: Remainder of County

SCOTT:

Charles Dierker: Jordan
Lee Renneke: Belle Plaine, Elko New Market, Lakeville, New Prague
George Wahl: Renaissance Festival
Marijke Schwarz Smith: Prior Lake, Shakopee
Lindsey Mittendorf: Savage

SHERBURNE:

Erin Hodgins: Princeton
Tyffani Maresh: Remainder of County

ST. LOUIS:

Gary Collyard: Angora, Babbitt, Britt, Brookston, Buhl, Buyck, Cherry, Chisholm, Cook, Embarrass, Iron, Floodwood, Forbes, ½ Hibbing, Kinny, Meadowlands, Side Lake, Soudan, Saginaw, Tower
Ian Erickson: Britt, Crane Lake, Hermantown, ½ Hibbing, Kab, Lake Kab, Mt Iron, Nett Lake, Orr, Ray, Virginia
Deb Kosiak: Duluth 55804, 55806, 55807, 55808, 55810, 55812; Biwabik
Rich Hyrkas: Duluth 55803, Alborn, Aurora, Brimson, Cotton, Culver, Ely, Eveleth, Gilbert, Hoyt Lakes, Lake City, Melrude, Proctor, MHP/RCA's
Cara Pederson: Duluth 55811
Sara Schaffer: Duluth 55802, 55805

WRIGHT:

Jolene Ziegler: Cokato, Delano, Hanover, Howard Lake, Montrose, Rockford, Waverly
Tyffani Maresh: Albertville, Otsego, St. Michael
Tina Remmele: Annandale, Buffalo, Clearwater, Maple Lake, Monticello South Haven, Wright Co. Fair

Potluck Events

Applying Minnesota Statutes, section 157.22, on “potluck”

What is a potluck? A meal at which attendees bring food that is donated and shared by the attendees. Also known as a potluck supper. Any fundraising efforts must be separate from the potluck event. Events sponsored by a licensed food establishment or for which food is prepared or held in the kitchen of a licensed food establishment is not a potluck event.

Situation

Organization ABC publicly advertises a potluck event. The ad states that everyone bring a chicken (cooked at home or bought ready-to-eat from a store) and a side dish to share. The organizers of the event will provide desserts, beverages, and paper supplies.

Application

This is a potluck event because food and/or supplies are donated and shared by attendees.

Situation

A religious group would like to sell frozen pizzas to the community to raise funds for a new addition.

Application

This is a special food event, not a potluck, and the governmental agency may require a license.

Situation

A school PTA publicly advertises a potluck event for the parents of third grade students. Each parent brings some food to share; the school provides paper supplies and beverages. The food is served in the school’s cafeteria, but it is not brought into the kitchen.

Application

This is a potluck event. The food is donated and shared, and it is not brought into the licensed kitchen. (MN Statutes, chapter 157, requires school kitchens to be licensed.)

Situation

Organization ABC publicly advertises a lutefisk dinner. All of the food will be prepared at a local social club.

Application

This is not a potluck event. This event requires a license. The attendees are not donating or sharing food.

Situation

Organization ABC publicly advertises a food event that will be held at a licensed food establishment. All of the hot food will be held hot in the ovens in the kitchen of the licensed food establishment.

Application

A food event does not qualify as a potluck event if it uses the kitchen of a licensed food establishment.

Situation

Organization ABC publicly advertises a food event. Someone is willing to roast a pig for the event, but will not be reimbursed by the organization for the cost. All food is donated and shared among attendees. The food is not brought into a licensed kitchen.

Application

This is a potluck event. If the person is roasting and donating the pig as their contribution to the event, no license is required.

For Further Information Contact the Following MDH District Offices

Bemidji	◆	(218) 308-2100
Duluth	◆	(218) 302-6166
Fergus Falls	◆	(218) 332-5150
Mankato	◆	(507) 344-2700
Marshall	◆	(507) 537-7151
Metro	◆	(651) 201-4500
Rochester	◆	(507) 206-2700
St. Cloud	◆	(320) 223-7300

To request this document in another format, call 651-201-4500 or TTY 651-201-5797.



Food, Pools, and Lodging Services Section
625 North Robert Street, P.O. Box 64975
St. Paul, MN 55164-0975
651-201-4500
<http://www.health.state.mn.us>

Figure 5. Limits on Total Sales

States with Sales Limits				
State	\$500 to \$15,000	\$15,000 to \$25,000	\$25,000 and above	Other
Alaska			█	
California			█	
Colorado				█
Delaware			█	
Florida	█			
Illinois			█	
Indiana		█		
Iowa				█
Kentucky			█	
Louisiana	█			
Maryland				█
Michigan		█		
Minnesota	█			
Mississippi		█		
Nevada			█	
New Hampshire	█			
Oregon		█		
South Carolina				█
Tennessee				█
Texas			█	
Vermont	█			
Washington	█			
Wisconsin	█			
States with No Sales Limit				
Alabama	Missouri	Pennsylvania		
Arizona	Montana	Rhode Island		
Arkansas	Nebraska	South Dakota		
Georgia	New Mexico	Utah		
Indiana	New York	Virginia		
Maine	North Carolina	Wyoming		
Massachusetts	Ohio			

Minnesota Department of Health
Environmental Health Services

Goal: Deliver a statewide, efficient system providing consistent public health protection with service delivery based on national standards, continual improvement, fiscal responsibility, accountability and voluntary accreditation.



Environmental Health Services Programs



Protecting the public's health when they...



EAT SLEEP SWIM

Food, beverage, lodging, manufactured home parks, recreational camping areas, youth camps, pools

- FDA Voluntary National Retail Food Regulatory Program Standards**
1. Regulatory foundation
 2. Trained regulatory staff
 3. Inspection program based on HACCP principles
 4. Uniform inspection program
 5. Foodborne illness and food defense preparedness and response
 6. Compliance and enforcement
 7. Industry and community relations
 8. Program support and resources
 9. Program assessment
- Public Health Accreditation Board Standards and Measures (PHAB)**

Other MDH Programs



Non-MDH Programs

Local Government

- Noise
- Housing
- Feedlots
- Wastewater
- Solid Waste
- Public Nuisance
- Building and Zoning
- More...

Minnesota Department of Agriculture

- Eggs
- Dairy
- Meat
- Pest Management
- Food Processing
- Retail Food

Minnesota Pollution Control Agency

- Feedlots
- Wastewater
- Stormwater
- Solid Waste
- Outdoor Air

Minnesota Department of Labor and Industry

- Building
- Plumbing
- Electrical
- Elevator

