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

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

Data Privacy Warning:

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

FIT Website Notification:

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

Date of FIT Meeting: 11/13/2018

Meeting Participants:

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

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Jubilee Markets & Peacemeals
Location of business:	Mountain Lake, MN
Referred by:	☐MDA ☐MDH x FIT member ☐MDA Delegated Agency ☐MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	Retail Food Handler – Issued 10/22/2015 Also operating under the Cottage Food Law
Why was this business referred to FIT?	
Current business model:	A building on farm property that houses a farm market (farm produce as well as other local farmers' eggs, beef and sweet potatoes). Also a restaurant (Peacemeals) and a commercial kitchen located in the same space. Food is prepared in the kitchen for the restaurant and for sale in the store.
Key issues examined by FIT:	Confusion about the Better Process Control School requirement for making pickles for use in the restaurant, when Cottage Food pickles could be made in a home kitchen. Also wanted to know if Cottage Food could be made in the commercial kitchen, and if it would have to be sold outside of the store/restaurant building.
Other issues:	Selling Cottage Food in Retail Store on property/home
How was the issue resolved?	
Description of resolution:	1. Cottage Food can be made in the Jubilee Market's commercial kitchen, but must be clearly separate from other products by labeling and by physical separation. 2. Sale of Cottage Food cannot take place within the FBO's licensed retail space. Labeling, internet ordering, and dedicated shelf space are not sufficient separation when the Cottage Food Operator is also the owner/operator of the licensed retail space. 3. Cottage Food items could be on display in a dedicated area within the licensed retail space, but the FBO must exit the retail space in order to complete a sale of Cottage Food items to a customer.
Other notes:	Future issue with food cart identified, suggested to submit as a new case
Who resolved the issue (name(s) and organization(s)):	FIT members (see above)
Date of resolution:	11/13/2018

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Licensing authority representative (name and organization):	James Roettger, MDA
Recommendations / Lessons Learned	
Internal (FIT):	1. Short term - 2018 product - canned product from last year stay as Cottage Food sold "out of house". Clearer spatial separation from store. 2. Long term - 2019 product - Acidified food or approved process for everything else in jars. Look into Commercial License that would cover everything. 3. Lolly and Jane will coordinate with Judy to problem solve options 1 and 2. Market Fresh will perform pH test for $5/formulation. Judy will work with their lab to have products tested. Barbara Ingham also identified as better process authority as Judy took her class. 4. MDA will follow-up with Judy to notify of currently assigned area inspector for future business changes.
Licensing agency:	MDA
Rules / Statutes:	28A Chapter 31, Rules chapter 4626

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Date of FIT Meeting: 1/15/19

Meeting Participants:

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

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

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	America Stay Inn
Location of business:	1700 2nd Avenue NW Stewartville, MN 55976
Referred by:	☐MDA ☐MDH ☐FIT member ☐MDA Delegated Agency ☐MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	Lodging Establishment #21213 Issued in 2014
Why was this business referred to FIT?	
Current business model:	Applicant operates a small lodging (hotel) establishment and lives on site. She wants to be a cottage food producer and opportunity to sell to lodging guests and general public.
Key issues examined by FIT:	Individual cottage food producer with a related business (lodging establishment)
Other issues:	She has a lodging license (Olmsted County) with an "add on" to sell commercial food products.
How was the issue resolved?	
Description of resolution:	Sales can take place over the internet or in the home. The home is her private residence in the hotel. The notice that it is homemade and not subject to state inspection has to be given at the point of sale. Delivery or exchange of product could take place anywhere as long as she is handing it directly to the consumer. Advertising that she has cottage food can be done anywhere in the hotel lobby.
Other notes:	All advertising/display options: • Internet • Actual items for display only • Pictures/posters in hotel lobby are allowed under 28A.152 but cottage food product may not be allowed in a licensed food establishment under the Food Code/either MDA or MDH licensed food establishment.

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Who resolved the issue (name(s) and organization(s)):	FIT members (see above)
Date of resolution:	1/15/2019
Licensing authority representative (name and organization):	Lauri Clements, Olmsted County
Recommendations / Lessons Learned	
Internal (FIT):	• Diagram case right away outlining options, keep balance between answering specific case and resolving broader application. • There was lots of discussion regarding "point of sale" (what it means and when it occurs). M.S. 34A.01 does have a sell/sale definition. Referring this question to the Cottage Food Committee for further discussion.
Licensing agency:	Olmsted County
Rules / Statutes:	28A.152, 4626.0130b

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Date of FIT Meeting: 5/21/2019

Meeting Participants:

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

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

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Prairie Horizons, LLC
Location of business:	Starbuck, MN
Referred by:	☐X MDA ☐MDH ☐FIT member ☐MDA Delegated Agency ☐ MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	MDA license #
Why was this business referred to FIT?	
Current business model:	Prairie Horizons raises organic grass-fed beef and has it processed at the Belgrade Locker, a MN Equal-To inspected plant. Sales are through an on-farm store, deliveries, and sales of quarters, halves and wholes.
Key issues examined by FIT:	1. Processes of inspection and disposition of carcasses and organs at Equal-To plants 2. Reporting of disposal of condemned carcasses and organs Potential for the farmer to get a condemned liver back for diagnosis
Other issues:	
How was the issue resolved?	
Description of resolution:	Farmers who want their own organ meats back must be very proactive with their processing plant. Request that the processor keep the livers with the carcass, request that the processor make sure the inspector knows the livers are desired. The farmer can contact the inspector directly to make sure it is known that the livers are desired. The farmer can ask the processing plant for the inspector's contact information. The inspector will be present on slaughter days, so a farmer can also make contact with the inspector in person on those days. Queries about disposition of organs must be made promptly after the slaughter date. It is too late to wait until the carcass has aged; been cut, wrapped, and frozen; and returned to the farmer – that may be three to four weeks after slaughter. Records are not kept on individual livers on slaughter days. Farmers who want an answer for their own information about reasons for condemned organs need to plan to attend the slaughter of their animals. Two pathways:

	1. Take photos of the organs and send to a veterinarian 2. Request release of the condemned organ to be brought to a veterinarian or sent in for testing. Condemned organs must normally be denatured before being released. Usually this is done with a green dye that renders organs inedible, but could be done with bleach, charcoal or ash. The organ could be slashed for release to be taken to a veterinarian.
Other notes:	Organs stay with carcass through inspection of carcass until it's determined the carcass passes inspection; then organs that pass inspection typically go into a commingled bin. Very difficult to keep records on individual organs – inspectors have bloody hands, the slaughter areas are wet, and they can't reasonably take notes. Do keep records re: whole-carcass condemnation. Systems are designed for large-scale plants. Records are made of how many livers were condemned, but no tracking of individual livers. Value of organ meats is changing with a changing culture. Inspectors are willing to take extra care with organs, but need to know that's wanted. Based on testimony from Mary Jo Forbord's emails, she stated that their processor noted livers from their beef consistently had a different appearance from most livers. Mary Jo stated communication was always done with their processors to request that livers be returned. Sometimes a bin of organs will accidentally get dropped on the plant floor and rather than deal with cleaning and trimming to rescue the organs, the plant will simply discard those livers. Farmers who are marketing inspected organs with specific claims, if they aren't actually getting their own organs back, could be inadvertently doing false advertising. Custom-exempt livers have to stay with the carcass with rare exceptions. Animals are aged at the plant based on teeth. If farmers disagree, they can supply their own documentation to the plant to document the age of the animal. Could be a registration paper, or birth records + ear tags. If there are no records, MDA goes by the teeth. Liver, heart, tongue, kidneys, sweetbreads, tripe are all still allowed on 30+ month animals. Could be an issue with oxtail – would have to have the "wings" removed from the top of the tail.

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

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Farm on Wheels
Location of business:	Kenyon, MN
Referred by:	☐ MDA ☐MDH X FIT member ☐MDA Delegated Agency ☐ MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	MDA license # 20051292
Why was this business referred to FIT?	
Current business model:	Farm on Wheels
Key issues examined by FIT:	Correct licensing for vendors who sell food products at farmers' markets or other venues
Other issues:	• Consistency – other vendors @ same market as Linda were not notified to change their license. • Retail food handler license allowed for meat processors selling meat at farmers' market? Custom processing plant is licensed for operations at its location. • Cross-border sales by out-of-state retailer food handlers
How was the issue resolved?	
Description of resolution:	• Correct licensing is Retail Food Vehicle/Portable Structure or Cart; this allows sales at multiple different locations – unless the sales are happening in more than one location simultaneously. In the case of simultaneous sales at multiple locations, additional licenses would be needed. This license does not limit annual days of operation at a single location. • The Retail Food Vehicle/Portable Structure or Cart license is not tied to physical location or structure in the same way as other licenses. It's tied to the transactions that you make with delivery equipment that meets the standards of the license. (i.e. The equipment standards must be appropriate for the product being sold. Refer to the Minnesota Food Code, 4626 to determine appropriate equipment standards.) It

	allows temporary and malleable structures at the point of sale. It allows operators to sell product in multiple locations sequentially but not simultaneously. • Someone with a licensed retail brick & mortar facility who wants to do mobile sales at multiple locations is going to need a mobile type of license for the sales at multiple locations. • Cross-border sales by out-of-state retailer food handlers are subject to MN law when they are selling in MN. (This also applies to tribes. Sovereignty applies on tribal trust land only.) • Contacts with individual vendors up for license renewal are made by the inspectors who cover the territory where the vendor lives – so each inspector is doing their own checking on licensees – there hasn't been coordination of that. Different vendors at the same farmers' market may have different inspectors.
Other notes:	• Note difference between mobile sales and "Mobile Food Unit." These two terms not interchangeable. "Mobile Food Unit" is a noun. Mobile sales refer to the action of traveling from place to place. • The Retail Food Vehicle/Portable Structure or Cart license category was developed in 1998. • Hennepin County has a "Facility Change Form" that is used to change license type in between license cycles.
Who resolved the issue (name(s) and organization(s)):	FIT team; statutory & Rule information and history supplied by Jim Roettger.
Date of resolution:	7/16/19
Licensing authority representative (name and organization):	Jodie Burke
Recommendations / Lessons Learned	
Internal (FIT):	Update LFAC Selling Minnesota Meat guide and Selling Minnesota Poultry guide
Licensing agency:	• Is there a way to remove the financial burden on individual small businesses to have multiple licenses? Enterprise view rather than physical location view. Have a base license fee and then an add-on for each location, perhaps? (Note: license fees are already scaled to the volume of the sales of the

	business. Also, more services are given by agency to the small operators. This is a legislative question: what is fair?) • Take the policy development question to LFAC • Clarify language on website and application to describe the requirements and restrictions of the different license types. Add Guidance to application that includes examples. • Create Guidance documents for each license type, along the same lines as Cottage Food Guidance or the Special Event Food Stand Guidance. • MDA needs to develop a plan to get farmers' market vendor licenses switched over to the correct license.
Rules / Statutes:	M.S. 28A.05 (license types) M.S. 28A.06 (requirement for license, linked to M.S. 157.15) MN Rules 4626.0020 Subd. 73 (definition of Retail Food Vehicle/Portable Structure or Cart) MN Rules 4626 (appropriate equipment for retail product sales)

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Date of FIT Meeting: 9/16/19

Meeting Participants:

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

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Graise Farms LLC
Location of business:	Fairbault, MN
Referred by:	☐MDA ☐MDH ☐x FIT member ☐MDA Delegated Agency ☐MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	
Why was this business referred to FIT?	
Current business model:	Farm sells eggs direct to consumer and wholesale. Sells meat chickens and pork direct to consumer.
Key issues examined by FIT:	● Farm wants to have a store retail front on the farm. In order to have a retail store front they would need an approved water supply. Farm had reps from MDH/MDA visit to review well multiple times. The Food Business Owner (FBO) hasn't heard back on the status of well review
Other issues:	Review reason for communication gaps between regulatory agencies (MDA and MDH) and FBO.
How was the issue resolved?	
Description of resolution:	● MDA will make sure well review letter gets to FBO and inspector will follow-up with information on retail food vehicle portable structure or cart license. ● FBO may decide to contact a well contractor to determine if well meets requirements.
Other notes:	
Who resolved the issue (name(s) and organization(s)):	FIT Members
Date of resolution:	9/16/2019
Licensing authority representative (name and organization):	Raymond Starin – MDA, Food and Feed Safety Division, Retail Food Inspector James R – MDA, Food and Feed Safety Division, Licensing Liaison
Recommendations / Lessons Learned	

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

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Date of FIT Meeting: 9/16/19

Meeting Participants:

- FIT Members:
  - Jane Jewett
  - James Backstrom via WebEx
  - Julia Selleys via WebEx
  - James Roettger
  - Lolly Occhino
- Other:
  - Dan Opsahl, MDA
  - Collin Kappenman, MDA
  - Alida Sorenson, MDA
  - Natasha Hedin, MDA

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Country Bumpkin Crafts
Location of business:	Hill City, MN
Referred by:	☐MDA ☐MDH ☐x FIT member ☐MDA Delegated Agency ☐MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	The current license (Retail Food Handlers and Retail Mobile) is held by her mother, who is deceased. Intends to register as a Cottage Food Producer.
Why was this business referred to FIT?	
Current business model:	Sole proprietor – continue sales over Etsy, sell wholesale to pop-up boutiques, and sell under a Cottage Food Registration at farmers' markets/community events (indoor market –seasonal).
Key issues examined by FIT:	Unsure of food types and locations and what license they fall under.
Other issues:	• Need clarification on types of products and where she plans to sell. • Where she plans to manufacture • Where she plans to store product
How was the issue resolved?	
Description of resolution:	• Wholesale Manufactures License – to cover sale at Etsy and seasonal pop-up boutiques • Cottage Food Registration – if she wants to sell pickled vegetables and salsa at farmers' markets and community events. • Emphasis importance of keeping cottage food production and sale separate from manufactured product.
Other notes:	• If she chooses to store product at a separate location from the commercial kitchen where it's manufactured she would need a Wholesale Food License. Would recommend storing product at the community center. She may be able to get licensed to store at her home in an outbuilding (if it meets requirements). • Need to determine if the fruit syrup meets requirement for licensed production as a non-acidified food product. Alternatively determine if fruit syrup meets non-potentially hazardous food standard to be allowed as a cottage food. Recommend testing product for pH and water activity.
Who resolved the issue (name(s) and organization(s)):	FIT Members

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

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Date of FIT Meeting: 11/12/2019

Meeting Participants:

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

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	WillowSedge Farm
Location of business:	Palisade, MN
Referred by:	☐MDA ☐MDH ☐xFIT member ☐MDA Delegated Agency ☐MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	Retail Mobile Food Handler – issued in 2009 Sells product of the farm (chicken, turkey, beef, lamb) also sells pork items that have off-farm ingredients added (ham, bacon, sausage).
Why was this business referred to FIT?	
Current business model:	Sells off mobile trailer and stores meat in outbuilding on property
Key issues examined by FIT:	• Does a storage space (where no processing is done) need to have water and septic? • Does a brick-and-mortar storage space for product sold under a Retail Mobile Food Handler license need to be licensed separately? • What are the parameters for a storage space that would fall under the Retail Mobile Food Handler license? • Can product of the farm and licensed product be stored together?
Other issues:	
How was the issue resolved?	
Description of resolution:	Options for Jane: 1. Quit using storage area 2. Wholesale license – could only be issued if food needing a license were stored in that area. 3. Only store product of the farm in the storage area Pending any further determination of whether an approved water source is needed and where that may come from (local agency, etc.)
Other notes:	Recommendation/Actions moving forward: • Jane's case - get clarification between 28A.07 (Issuance of License - assessment for fitness to do business) and 31.175 prohibition against

	licensing if water, sewage and plumbing are not met. When are the codes applicable? Other agencies make the determination (not MDA). • Request inter-agency discussion on these statutes (MDH, MNPCA, Dept. of Labor) in the form of written guidance. • There may be other provisions in local code (IE allowable in-home businesses)
Who resolved the issue (name(s) and organization(s)):	FIT, DMID, MDH, MDA
Date of resolution:	11/12/2019
Licensing authority representative (name and organization):	Collin Kappenman, Food and Feed Safety Division, MDA
Recommendations / Lessons Learned	
Internal (FIT):	
Licensing agency:	MDA, Food and Feed Safety Division
Rules / Statutes:	28A.07 and 31.175

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FIT Website Notification:

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

Date of FIT Meeting: May 19, 2020

Meeting Participants:

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

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

Minnesota Department of Agriculture
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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Kaw Khang
Location of business:	Grand Marais, MN
Referred by:	☐MDA ☐MDH ☒FIT member ☐MDA Delegated Agency ☐MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	20195551 (wholesale food processor/manufacturer) Date of issue: 4/26/2018
Why was this business referred to FIT?	
Current business model:	Details: Currently out of business. Prior to going out of business, the business model was that Ms. Phumipraphat used the commercial-grade kitchen in the Cook County Community Center on one morning per week, to make single-serving meals sealed in microwaveable containers and sold to the local grocery store to be purchased by grocery store customers. Ms. Phumipraphat purchased the ingredients for the meals (meat, rice, vegetables, and spices) from the local grocery store(s). Packaged meals were delivered to Johnson's Foods in approved delivery equipment in Ms. Phumipraphat's personal vehicle.
Key issues examined by FIT:	• Important to note that the system worked in this case to catch product that shouldn't have been on grocery shelves. • However, the FBO, store owner, and kitchen manager were caught by surprise when the product was removed. • This scenario highlights need for additional communication and education.
Other issues:	Current capacity of Equal-To meat inspection program doesn't permit the flexibility of scheduling to complete early morning inspections at distant locations within the state. MDA is willing to accommodate inspections at locations but scheduling is limited based on availability.
How was the issue resolved?	
Description of resolution:	• Areas of opportunity: ○ Provide more outreach/education, particularly around how licensing can change based on product.

	○ Provide more training for kitchen managers, especially resources available for operators. In this case, the kitchen manager wasn't aware that Parinda needed continuous inspection. • This is not within Blazing Trails current training content. • Molly Herrmann would be happy to work with Blazing Trails folks on creating training content if that's the path taken. ○ Potentially add language to MDA's licensing inspection report. ○ Craft message for all FBOs highlighting special processes that would require additional regulation. ○ Currently the Blazing Trails training is grant funded. Need to address continuing training once grant expires. ○ MDA will take a look at providing more routine training for delegated agencies on this topic and within the RFP/MFP for new inspectors. • In order to mitigate confusion on the part of FBOs and kitchen managers, it is going to require action on all items of opportunity listed above. Specific options available to FBO: • Would have the option to pursue vegetarian menu (no meat items). • Takeout meals (including meat) could be sold directly to consumer as a retail, rather than wholesale. Parinda plans to remain closed.
Other notes:	Intentions for FIT meeting review of case: • This particular case doesn't pose a regulatory challenge. The regulations are clear on what the FBO would need to do to legally run her business. • The FIT method will be used to document and learn/educate, rather than debate regulations and what happened in the past. • The team has agreed to focus on providing education and outreach moving forward. We acknowledge that the regulations are confusing for operators around when meat inspection is required. Important to note: • Businesses are continually evolving. When activities change over time, FBOs don't always realize that the requirements may change as well. For example, they start their business without any meat products but then add a new product that contains meat, creating a regulatory shift. • We realize this is a complicated space for operators. We need to consider where we want to focus our energy and what would be helpful for operators.

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

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Date of FIT Meeting: 09/15/2020

Meeting Participants:

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

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Richfield Farmers' Market Aitkin Farmers' Market Grand Rapids Farmers' Market Wabasha Farmers' Market
Location of business:	Richfield, Aitkin, Grand Rapids, and Wabasha, MN
Referred by:	☐MDA ☐MDH ☐x FIT member ☐MDA Delegated Agency ☐MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	All businesses are currently licensed by the MDA
Why was this business referred to FIT?	
Current business model:	• Up until June 2020, these markets were licensed as Wholesale Food Handlers and were operating according to protocols laid out in the *Selling Minnesota: Aggregation of Farmers' Produce* document. • The markets have been operating with mostly temporary structures: pop-up canopies and folding tables. Two of the markets, Wabasha and Grand Rapids, also have trailers. Most product is received and distributed on the same day. The markets with trailers may have product in transit overnight. • The markets use an online sales platform to offer vendors' products for sale and receive customer orders. On market days, the markets receive product from multiple vendors, aggregate products to fill customer orders, and distribute the product to retail and wholesale customers. • Majority of the farmers are selling produce, eggs, meat, honey, and maple syrup under the product of the farm exclusion from licensing, M.S. 28A.15 Subd. 2. Farmers selling meat products with added ingredients, such as sausage or bacon, have their own food handler licensing from MDA. Any bakers selling product to the market are licensed. There are also some licensed makers of jam, jelly, syrup, or other processed food products. • Most of these markets are operating in a limited time frame, receiving products from vendors and distributing products to customers within a four-hour window. Therefore, some of these markets are using camping coolers with ice to maintain temperatures. Some of these markets are using mechanical refrigeration.
Key issues examined by FIT:	• Does Retail Food Vehicle/Portable Structure or Cart licensing mean there can be no wholesale sales?

	• Is there a difference in how licensed markets can aggregate products and how markets can be licensed for aggregation & sales depending on whether vendors are physically present during aggregation and sales? • What restrictions would there be on meat items if markets were licensed and vendors were not present during the assembly of orders?
Other issues:	• Also discussed cottage food being offered for sale on the market platform. • Determined that the cottage food producer would need to walk their product out to the customer and the customer would have to pay the cottage food producer in person.
What issues were resolved?	
Description of resolution:	• Clarification that nothing prevents a market licensed as a Retail Food Vehicle/Portable Structure or Cart from also selling at wholesale, up to 50% of total sales. The license held by the operator should reflect the predominance of sales. • Licensed farmers' markets doing aggregation and sales of products from multiple vendors do not need to have those vendors present when sales take place, no matter the type of product, so long as the product is from an approved source. • Licensed farmers' markets handling highly perishable products such as meat, dairy, or eggs must have adequate measures to maintain required temperatures of those products. • Cottage Food Producer payments and products cannot be handled by farmers' markets as part of aggregation and sales. Cottage Food Producers must sell directly to their customer, and not through any intermediaries.
Other notes:	
Licensing authority representative (name and organization):	Jeff Luedeman, Food and Feed Safety Division, Minnesota Department of Agriculture
Recommendations / Lessons Learned	
FBO:	
Internal (FIT):	
Licensing agency:	Minnesota Department of Agriculture
Rules / Statutes:	M.S. 28A.15 Subd. 2.

Exclusion of liability statement

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FBOs with complex questions as it relates to licensing, and offer suggestions based on member's experience and expertise. The FSDTF and its subcommittees do not have any enforcement or regulatory authority and are not liable for any issues or consequences arising out of the use of the FSDTF or any subcommittees thereof.

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Date of FIT Meeting: 09/15/2020

Meeting Participants:

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

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

Other issues:	The current structure of license types doesn't exactly match up with this innovative approach of outdoor cooking and food service combined with temporary licensure and bringing in different chefs or caterers in succession.
What issues were resolved?	

Description of resolution:	• This operation would be licensed and inspected by the Minnesota Department of Health.
	• Special Event Food Stand licenses are available for agritourism businesses. They allow a business to operate for up to ten days'-worth of events annually without commercial food service equipment requirements and with flexibility on MN Food Code facilities standards. A new license model may need to be explored.
	  o Generally, a license should be held by the person preparing and/or serving the food. If the farm is running an event with multiple chefs preparing the food, it might be more cost effective to have the farmer hold the license.
	• Licensed outdoor cooking is possible with some menu items and some configurations.
	  o There is potential for approval of a shield for cooking or finishing food over an open fire.
	• Seasonal Temporary Food Stand licenses are available for agritourism businesses. These licenses allow a business to operate up to 21 days per year in any one location. With local zoning approval it is possible to operate in one location for more than 21 days annually.
	• There are documents available that describe outdoor cooking options for permanent restaurants that could be adapted.
	• Generally, MDH has not objected to outdoor cooking operations by a licensed food establishment that involve food preparation in an area protected from environmental contamination, followed by brief transport of food outdoors to an outdoor cooking area.

Other notes:	It may be possible to find a pathway to this type of agritourism within existing food & beverage service license categories. If not, agricultural groups might consider pursuing legislative changes to license categories.
Licensing authority representative (name and organization):	Blake Nordin, Minnesota Department of Health
Recommendations / Lessons Learned	
FBO:	The FBO is already working with her local MDH inspector and that inspector's supervisor. This FIT discussion explored a more varied set of potential options than had previously been discussed, which can inform future discussions between FBO

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

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Date of FIT Meeting: 01/12/2021

Meeting Participants:

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

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	**Featherstone Farm**
Location of business:	**Rushford, MN**
Referred by:	☐MDA ☐MDH **X <u>FIT member</u>** ☐MDA Delegated Agency ☐MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	No current license – operates under "product of the farm or garden" exemption (MN Statute 28A.15 EXCLUSIONS – Subd. 2) https://www.revisor.mn.gov/statutes/cite/28A.15
Why was this business referred to FIT?	
Current business model:	Featherstone Farm is a 250-acre, certified organic farm located in the bluff country in and around Rushford, MN. The farm produces around 70 varieties of fresh market fruits and vegetables for distribution to local co-ops, restaurants, grocers, wholesalers, and Community Supported Agriculture (CSA) members throughout the region.
Key issues examined by FIT:	Todd Bram, General Manager of Featherstone Farm, was looking for options for on-farm or local processing of products to use up surplus produce and generate products the farm could include in their CSA share boxes. By July it was clear the farm was going to have bumper crop of watermelons and they needed to find a way to process them or have to discard some of the crop. Featherstone Farm would use its own watermelons and have its own employees do the work to make watermelon juice and freeze it for distribution to CSA customers (800 to 900 CSA customers in MN and WI.) The juicing would take place in a local restaurant's kitchen that was closed due to COVID-19. Todd pursued information about CGMPs for juice production. Todd Bram reached out to Annalisa Hultberg for assistance on finding information about legality of juice production and sales, and Annalisa referred him to Jane Jewett. During the same time frame, Todd used the Food Licensing Wizard on the MDA website and received a reply from the Licensing Liaison that the farm would need to complete Plan Review and obtain a retail food license in order to do this. This was an incorrect response because the juice was product of the farm. In a series of emails on July 21 – 23, 2020, Todd asked for clarification based on these three points: • The juice will be product of the farm • The juice will be frozen, not canned or bottled • The juice will be sold at retail to CSA customers, not sold at wholesale

	After this request for clarification, Todd received a reply that because the juice was product of the farm, he would not need a license but would be subject to a retail HACCP plan and inspection at the discretion of MDA. Todd was provided contact information for Jodie Burke, who was the regional inspector at the time, and he reached out to her to request clarification on the HACCP plan requirement. Jodie replied in early August that he would not need either licensing or HACCP plan if the juice did not have added ingredients and was going to the farm's own CSA customers.
Other issues:	
What issues were resolved?	
Description of resolution:	This case was explored as an After-Action Review (AAR) – all issues had been resolved, including new staff in the Licensing Liaison position with training and background on licensing exemptions and an update to the MDA Website's Food Licensing Wizard to improve output.
Other notes:	See below for additional recommendations and lessons learned.
Licensing authority representative (name and organization):	This operation is currently exempt from licensing by MDA under MN Statute 28A.15 Subd. 2.
Recommendations / Lessons Learned	
FBO:	• Time is critical for producers - peak harvest and bumper crops can mean no time to plan/research options, so this should be considered by MDA when working with this type of product or business.
Internal (FIT):	• Highlights importance of partners working together (MISA, AURI, Extension, MDA, MFMA, etc.)
Licensing agency:	• MDA will make additional edits to the Food Licensing Wizard to add more information on wholesaling juice (fermenting/HACCP) and other special regulatory cases/process that might apply to product of the farm – if a food business owner is exploring one of these special cases, they should call the Licensing Liaison to work through the details. • It is critical to bring more awareness of the Licensing Liaison position to new business owners and utilizing the Licensing Liaison request form on the MDA website. • MDA is working on internal factsheet about juice for inspectors and can adjust slightly for an external audience. MDA will work with partners on the fact sheet and ensure the Licensing Liaison and other MDA staff have access and know about the document.
Rules / Statutes:	**MN Statute 28A.15 EXCLUSIONS – Subd. 2**

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Date of FIT Meeting: 01/12/2021

Meeting Participants:

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

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

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

	more information. Other options that could be considered for Cottage Foods include jam, freezer jam or frozen treats created with the berries. **Selling to another CSA:** This type of sale would be considered wholesaling, and HACCP requirements would come into play.
Licensing authority representative (name and organization):	This operation is currently exempt from licensing by MDA under MN Statute 28A.15 Subd. 2.
Recommendations / Lessons Learned	

FBO:	• **Resources**
	  ○ Perennial Fruit Book
	  ○ Aronia PDF
	  ○ Cottage Food Exemption
	  ○ Cottage Food FAQs and Registration
	  ○ MFMA Cottage Foods List (see Section 3: Beverages)
	  ○ FDA CFR Title 21: Food and Drugs – Part 117 (GMPs)
	• If selling to a winery or brewery, be sure to ask whether they will be adding the Aronia berry juice before or after fermentation.
	• A HACCP plan is required for wholesaling juice to locations other than fermenters who will be adding before fermentation.
	• Note that other considerations come in if the Aronia berry is sold as an ingredient for a dietary supplement (versus food or alcohol). The intent of use should be considered prior to sale.
	• The FBO may explore doing a mix of different types of sales, though all sales under Cottage Food Law must be kept separate.

Internal (FIT):	• Highlights importance of partners working together (MISA, AURI, Extension, MDA, MFMA, etc.)
Licensing agency:	• MDA will make additional edits to the Food Licensing Wizard to add more information on wholesaling juice (fermenting/HACCP) and other special regulatory cases/process that might apply to product of the farm – if a food business owner is exploring one of these special cases, they should call the Licensing Liaison to work through the details. • It is critical to bring more awareness of the Licensing Liaison position to new business owners and utilizing the Licensing Liaison request form on the MDA website. • MDA is working on internal factsheet about juice for inspectors and can adjust slightly for an external audience. MDA will work with partners on the fact sheet and ensure the Licensing Liaison and other MDA staff have access and know about the document.
Rules / Statutes:	**MN Statute 28A.15 EXCLUSIONS – Subd. 2 Sales by farmers; others not in food business** **MN Statute 28A.152 COTTAGE FOODS EXEMPTION**

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Exclusion of liability statement

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Food Innovation Team Subcommittee

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FIT Website Notification:

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

Date of FIT Meeting: 05/18/2021

Meeting Participants:

- FIT Members:
  - Jane Jewett
  - Lolly Occhino
  - Blake Nordin
  - Joe Jurusik
  - Shelley Erickson
- Business Members:
  - Kerri Meyer
- Other:
  - Jeff Luedeman
  - Natasha Hedin

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Good Courage Farm, LLC
Location of business:	Hutchinson, MN (McLeod County)
Referred by:	☐MDA ☐MDH ☐x FIT member ☐MDA Delegated Agency ☐MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	MN Grown license, organic certification through Midwest Organic Services Association (MOSA)
Why was this business referred to FIT?	
Current business model:	Farm with sales of fruit and other perennials (product of farm) to farmers' markets, restaurants, bakers, and makers. Farm business pivoted to online sales to consumers with direct delivery in 2020. No value-added food at present.
Key issues examined by FIT:	The FIT team discussed the following activities: • MDH – cabin rental – if renting by night, would fall under hotel/motel definition and would require a conditional use permit from the county and a license from MDH. If renting by the week a MDH license is not required • MDH – campsites – if they have five or more campsites, they will need to be licensed. • MDA – farm winery would require a food handler license (either retail or wholesale). • MDA – food handler license needed for sale of products other than product of the farm. They could have an on-farm retail store; if there were also wholesale sales of products, the license type would go by predominance of the business, either retail or wholesale. • MDH – licensing for on-farm food service. Outdoor wood-fired pizza oven: if not too far from the kitchen, it would be fine to assemble pizzas in the kitchen and take them out to the oven for cooking as long as no food prep takes place outside. The site of the wood-fired pizza oven would need to be evaluated to determine if overhead protection or some type of floor surface is needed. If food preparation is taking place outdoors, that would require canopy, handwashing, ground covering. • Special Event Food Stand License – limited to ten days of operation. • Private party use of the kitchen (campers, youth groups).
Other issues:	• Water source, septic system, and county zoning permit are foundational considerations for any licensing. • Determine if water usage pattern would require a public water supply. Well construction and water testing would need to conform to standards.

	• Determine if septic meets requirements. • Conditional use permit from county and license from licensing authority are both needed, and each may be contingent on the other. Communication is needed between these entities about which item, license, or conditional use permit, gets issued first. FBO should work with both entities simultaneously. • Jams/jellies – could be produced under a license, or by FBO operating as a registered cottage food producer, or by a registered cottage food producer coming to site. If donating cottage food products to a fundraiser sale for charitable purposes, the registrant doesn't need to be present at the sale. If doing sales at a community event, the registrant or their employee needs to be present. New law coming out of 2021 MN Legislature would allow cottage food producers to register individually and operate their cottage food business as an LLC. This passed floor vote of the conference committee (5/17) needs to go through complete process to be enacted into law (signed by Gov. Walz). Both LLCs and sole proprietorships can have employees who could assist with production and sale of cottage food. • Product of the farm sales do not require licensing. Having an LLC does not affect farm's ability to sell product of the farm under the exclusion from licensing in M.S. 28A.15 Subd. 2. • Educational or instructional exemption from licensing for food cooking classes – MDH typically wouldn't license this activity, Hennepin County would. Licensing requirement for cooking classes depends on jurisdiction. Operator should communicate with the MDH to determine if license is needed based on how they are operating. • Potlucks – If the operation decided to go with an MDA food license, the MDA would work with the MDH regarding potluck guidelines. The kitchen for a licensed food business wouldn't be allowed to be used for food preparation for a potluck. Potluck definition is in M.S. 157.22 Subd. 8. Link to the potluck factsheet: https://www.health.state.mn.us/communities/environment/food/docs/fs/potluckfs.pdf. • If going the route of a licensed kitchen, private use would not be allowed (i.e. campers' self-service). • If the kitchen is used under a Special Event Food Stand license, private use of the kitchen could be allowed during times it is not being used as a Special Event Food Stand. There would have to be a complete clean-out of the facility in between its use as a Special Event Food Stand and private use. Food items could not be left in stock in the kitchen for the use of the private parties. • As the farm operation evolves, activities could move into different categories of license requirements or exemptions. The FBOs need to be aware of this.
What issues were resolved?	

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Description of resolution:	Important for business to determine what activities they want to pursue, and work with regulators to determine jurisdiction and requirements.
Other notes:	• Important for business to determine if they plan to become a farm winery; that would require licensing from MDA but MDA would then work with them on covering a range of food-related activities under that license. • MN statutes 340A – with respect to sacramental wine – Start with Department of Public Safety (DPS) Alcohol, Gambling and Enforcement Unit. • Religious exemption – church would likely need to own the property. Leasing arrangement with a religious body likely would not qualify for the exemptions in M.S. 157.22, Subdivisions 2 and 12. An event must be on church property to qualify for the exemptions. Food prepared and sold onsite would fall under the exemption.
Licensing authority representative (name and organization):	N/A – depends on business model pursued by FBO.
Recommendations / Lessons Learned	
FBO:	
Internal (FIT):	Verify that FBO has initiated contact with local inspector or MDA Licensing Liaison prior to referring to FIT.
Licensing agency:	
Rules / Statutes:	MN Statute 157.22 Subd. 8 – Potlucks allowed at licensed facility if kitchen is not used for food preparation or service. MN Statute 157.22, Subd. 2 and Subd. 12 – Exemptions for faith-based organizations. MN Statute 340A.316 – Sacramental wine M.S. 28A.15 Subd. 2. – Exclusion from licensing for product of the farm

Exclusion of liability statement

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Version #: **1.0**	Effective Date: 09/20/2022
Title: **Attachment 6: FIT After Action Review Report Template**	

Data Privacy Tennessen Warning:

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FIT Website Notification:

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Date of FIT Meeting: 07/20/2021

Meeting Participants:

- FIT Members:
  - Jane Jewett
  - Lolly Occhino
  - Joe Jurusik
  - Noelle Harden
  - Jane Knott
  - Jodie Burke
- Other:
  - Jeff Luedeman
  - Alida Sorenson
  - Wendy Spanier
  - Natasha Hedin

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Step One Foods
Location of business:	Eden Prairie (formerly St. Louis Park)
Referred by:	☐MDA ☐MDH X☐FIT member ☐MDA Delegated Agency ☐MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	Prior license at the St. Louis Park facility was with the MDA (Wholesale Food Handler). With the move to Eden Prairie, they came under Hennepin County jurisdiction with licensing under Hennepin County's Food Retail Program.
Why was this business referred to FIT?	
Current business model:	The facility manufactures shelf stable, packaged food products sold to consumers via e-commerce. No product is sold or consumed at the site of manufacture. Site also has a warehouse.
Key issues examined by FIT:	The business relocated to Eden Prairie with the intent to continue the same business model: producing and packaging shelf stable products to be sold via e-commerce to consumers. No food is consumed on site. However, Hennepin County categorized them as retail sales since they sell product directly to consumers. The Retail Sales license would mean their facility would need to meet the requirements of a restaurant. Step One Foods was already in the process of building out the new facility for food manufacture and warehousing. Switching over to retail requirements would be costly and seemed unnecessary since they produce packaged food that is not consumed immediately/onsite.
Other issues:	The business contacted AURI and discussed the situation with Jeff Luedeman, Food & Feed Safety Division, MDA. The MDA worked with Hennepin County to determine if this facility was a manufacturer, warehouse, or retail facility. Retail firms follow the Minnesota Food Code which is more restrictive in the finishes of the floors, walls, and ceilings. Manufacturer and warehouse firms follow the less restrictive Good Manufacturing Practices (GMPs). Through discussions, the MDA and Hennepin County determined that manufacturing and warehousing were the primary operations, therefore GMPs would be allowed. However, the case was brought to the FIT team since there is a broader question about a licensing structure that would allow similar styles of business (manufacturer with exclusively e-commerce sales direct to the customer) to operate as a Wholesale Food business (or another category that would accommodate their business model) rather than a Retail Food business. It is likely that we will see more and more businesses selling their products via e-commerce, where sales are retail to end consumers, but no onsite retail shopping or food consumption occurs.
What issues were discussed?	

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Summary of discussion:	This situation was reviewed and discussed by the FIT team as an After Action Review since the resolution for the FBO was already established by Hennepin County. The MDA suggested that their licensing structure is due for an update. They realize that we will likely see the e-commerce model more frequently. This case can serve as an example in discussions about license category updates.
Other notes:	
Licensing authority representative (name and organization):	Joe Jurusik, Hennepin County. Advising: Jeff Luedeman, MDA
Recommendations / Lessons Learned	
FBO:	The Food Business Owner is already proceeding with business licensed by Hennepin County with modifications to equipment requirements based on the MDA's input.
Internal (FIT):	Discuss and develop a process for hearing After Action Reviews of cases where there are broader implications for other food businesses and the FBO agrees to have their case made public via FIT.
Licensing agency:	Hennepin County
Rules / Statutes:	MN Rules 4626, Retail Food Code

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Title: **Attachment 5: FIT Case Report Template**	

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FIT Website Notification:

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Date of FIT Meeting: 09/14/2021

Meeting Participants:

- FIT Members:
  - Jane Jewett
  - Lolly Occhino
  - Blake Nordin
  - Shelley Erickson
  - Joe Jurusik
  - Noelle Harden
  - Jane Knott
  - Jodie Burke
- Business Members:
  - Nayan Shukla
  - Jason Robinson
- Other:
  - Jeff Luedeman

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Title: **Attachment 5: FIT Case Report Template**	

- Alida Sorenson
- Wendy Spanier
- Natasha Hedin
- Kathy Zeman

General Business Information (Do not include this section in public-facing online database)	
Name of business:	Dwala Services, LLC purposed
Location of business:	Minneapolis
Referred by:	☐MDA ☐MDH X☐FIT member ☐MDA Delegated Agency ☐MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	Currently not licensed. This is a proposed business.
Why was this business referred to FIT?	
Current business model:	Dwala's proposed business is to provide a logistics and warewashing service to restaurants and consumers for reusable restaurant takeout containers (wares). Dwala will not own or supply the wares; the wares will be furnished by a third-party company. The scope of Dwala's service will include: • Pick up of used wares from consumers • Washing/sanitizing/drying/packaging of wares in a central warewashing facility • Transport of cleaned wares to restaurants for reuse/refill
Key issues examined by FIT:	The FBO can conduct Phase 1 of Dwala's services without licensing. Phase 1 involves collection of used food containers from customers and return of those containers to the restaurant for washing and re-use by the restaurant. The FBO desires support and buy-in from a local Twin Cities restaurant to pilot Phase 2 of Dwala's services: washing/sanitizing/drying/packaging of wares and transport of clean wares to the restaurant. Prior to this FIT meeting, the FBO had communicated with City of Minneapolis and encountered a roadblock to licensing their operation. Dwala was stated to be ineligible for licensing because it is not itself a food business. Per information from the MDA and the MDH, the only path forward was for the restaurants that want to use the service to get a variance approved through the relevant regulating agency. Dwala would need to provide sufficient

	evidence to a restaurant's inspector of safe dishwashing and handling procedures to make it possible for a restaurant to get a variance to use their services. A variance would be at the discretion of the regulatory agency.
Other issues:	Potential for a change in the MN Food Code (or another permanent approach) that would allow a third party to perform a warewashing service for a restaurant without the need for a variance.
What issues were discussed?	
Summary of discussion:	The warewashing business could be licensed by the MDH under M.S. 157.16 Subd. 3(d)(1)(iv): provides cleaning for eating, drinking, or cooking utensils, when the only food served is prepared off site. If Dwala were to be licensed under M.S. 157.16, the restaurants it serves would have to apply for a variance to use their service because: • Dwala would not meet the definition of a "regulated food processing plant" in MN Rules 4626.0295 Part A • The provisions for refillable containers in MN Rules 4626.0295 Part B(3) are assumed by the MDH to refer to the warewashing activities taking place within the food establishment where the containers are filled with food.
Other notes:	If Dwala can be licensed under M.S. 157.16 Subd. 3(d)(1)(iv), this may increase the likelihood of approval of variance requests submitted by restaurants because Dwala would be subject to Retail Food Code requirements for warewashing.
Licensing authority representative (name and organization):	Ryan Krick, City of Minneapolis
Recommendations / Lessons Learned	
FBO:	Proceed with effort to find a suitable facility for warewashing. Pursue retail food establishment licensing under M.S. 157.16 Subd. 3(d)(1)(iv). Develop a template that explains how Dwala complies with warewashing requirements of the MN Food Code to assist restaurants in applying for a variance to use Dwala's services. The restaurants must follow all provisions of MN Rules 4626.1695 in their variance request.
Internal (FIT):	Note cases that reveal potential revisions to the MN Food Code
Licensing agency:	City of Minneapolis
Rules / Statutes:	M.S. 157.16 Subd. 3(d)(1)(iv)

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	MN Rules chapter 4626.0295 Part A or Part B MN Rules chapter 4626.0020 Sub 35 & 36 MN Rules chapter 4626.1695

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FIT Website Notification:

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Date of FIT Meeting: **09/14/2021**

Meeting Participants:

- FIT Members:
  - Jane Jewett
  - Lolly Occhino
  - Blake Nordin
  - Shelley Erickson
  - Joe Jurusik
  - Noelle Hardin
  - Jane Knott
  - Jodie Burke
- Ad-Hoc Experts:
  - Brian Jorata
  - Kathy Zeman
- Business Members:
  - Sara George
- Other:
  - Alida Sorenson
  - Jeff Luedeman
  - Natasha Hedin

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Red Wing Farmers' Market
Location of business:	Red Wing
Referred by:	☐MDA ☐MDH ☒ **FIT member** ☐MDA Delegated Agency ☐MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	The Red Wing Farmers' Market is currently working on obtaining a license. They received a waiver last year due to the COVID-19 pandemic.
Why was this business referred to FIT?	
Current business model:	The Red Wing Farmers' Market is located on the border of Minnesota and Wisconsin. The market meets weekly on Saturdays and has an in-person and online presence.
Key issues examined by FIT:	The group held an item-by-item discussion for some of the specific products of concern at the Red Wing Farmers' Market. The majority of concern involved cross-border sales between Minnesota and Wisconsin.
Other issues:	
What issues were resolved?	
Description of resolution:	The following scenarios were discussed: 1. Salsa made in Wisconsin by a co-packer, sold in Minnesota by the farmer who hires the co-packer. Co-packer license from Wisconsin is provided; farmer had no license at all. **<u>Resolution</u>: The farmer would need a license in Minnesota to sell this product, since it could not be a cottage food (they are using a co-packer) – this would likely be a retail food vehicle license.** 2. Honey farm in Wisconsin: creamed honey, flavored honey sticks under a Minnesota Cottage Food registration. **<u>Resolution:</u> Raw honey would fall under the product of the farm or garden exemption and would not require a license. However, if they are adding off-farm ingredients (depending on the process of making the creamed honey or what flavoring is added to the flavored honey sticks), the farmer would need a license or cottage food registration in Minnesota to sell this product. Whipped or flavored honey needs a license in Wisconsin; this could be done under Cottage Food registration in Minnesota. Creamed honey does not need a license in**

Wisconsin or Minnesota. Kathy Zeman pointed out that many people are buying their honey sticks and so they are no longer product of the farm or garden.

3. Maple syrup made in Wisconsin, sold in Minnesota. Cinnamon maple sugar.

   <u>Resolution</u>: Maple syrup with no other added ingredients is product of the farm or garden and would not require a license in Minnesota. If adding off-farm ingredients (e.g., cinnamon), the farmer would need a license in Minnesota to sell this product. In Wisconsin, a maple syrup processor requires a license, where a maple syrup retailer is exempt. Wisconsin sellers are held to "approved source" requirements (even with maple syrup as product of the farm in Minnesota).

4. Apple orchard: previous owner had restaurant at the orchard, with commercial kitchen. Restaurant closed; orchard sold to new owners. New owners want to make pies, apple cider, and caramel apples in the closed restaurant kitchen in Wisconsin and sell it in Minnesota.

   <u>Resolution</u>: For products that apply, they could register as a cottage food producer in Minnesota. Otherwise, the orchard owners would need a license in Minnesota to sell their products. Any product of the farm or garden without added ingredients (pure cider or just apples) would be exempt and would not require a license. If a product meets cottage food license exemption in Minnesota, the fact that they are required to have a license in Wisconsin does not affect their ability to be a cottage food producer. With cottage food, it needs to be clear about where product is made – certain canned/jarred products can only be made in Minnesota. Caramel apples are currently on the list of approved cottage foods in Minnesota. MDA would like to revisit this product. Caramel apples being coated at another facility would be like the copacker situation in #1. Apple cider is exempt retail in Wisconsin. Cider with no added ingredients is product of the farm in Minnesota.

5. Jam and jelly and fruit syrup coming across the border from WI to MN
   - fruit + sugar + pectin
   - fruit + sugar + pectin + acidifying agent like lemon juice
   - fruit + sugar + pectin + other ingredients like cocoa power or vanilla bean
   - non-local fruit like banana, pineapple, mango
   - non-fruit things like beer or wine

   <u>Resolution</u>: Jam, jelly, and syrup can cross state lines under cottage food (subpart 1 – as a non-potentially hazardous food); jams and jellies are not acidified foods under the Food and Drug Administration (FDA). Beer and wine would require a license to sell alcohol from the Department of Public

Safety (DPS). Canned foods produced under Minnesota Cottage Food are prohibited in Wisconsin. Non-fruit jelly can be made in Wisconsin, but the non-fruit jams ("mountain dew jam") would likely need a license – but would need to have an internal discussion first with the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP). Jam or jelly makers do not need to register with FDA as part of the Bioterrorism Act because they are primarily retail sales.

6. Muffins, bread, pies, granola – made in Wisconsin, sold in Minnesota.
   Resolution: If the food products are non-potentially hazardous according to the Minnesota Cottage Food Law, they need to register as a producer in Minnesota and would be able to sell their products under that exemption. FDA registration is not necessary – same logic as the jarred foods.

7. Pickles, salsa
   Resolution: Pickles and salsa fall under subpart II – no crossing state lines – acidified jarred/canned foods cannot cross state lines as a cottage food and would require a license. Retail sales direct to consumer are exempt from a license in Wisconsin if it is coming from a licensed source and they are selling retail.

8. Pesto
   Resolution: This product would be considered potentially hazardous and would require a license in Minnesota. This would also require the product coming from an approved source in Wisconsin. This would not be considered product of the farm if it includes non-farm ingredients (olives/olive oil). If made and sold in Wisconsin, they would need a Wisconsin Retail Food license. The product could not be made in the home kitchen.

9. Garlic-infused olive oil
   Resolution: Same as above: potentially-hazardous and needs a license in Minnesota – this would require the product coming from an approved source in Wisconsin. This would not be considered product of the farm if it includes non-farm ingredients (olives/olive oil).

10. Garlic paste – canned OR garlic paste – refrigerated, not canned
    Resolution: If this is pure garlic paste with no added ingredients and the garlic is coming from the producer's own farm, this could fall under "product of the farm/garden" exemption. But if there are added

	ingredients (and since it requires refrigeration), this would be considered potentially-hazardous and would need a license for sale in Minnesota – this would require the product coming from an approved source in Wisconsin. Also noted that even if something is sold under the product of the farm or garden exemption, the producer must produce the product safely and is responsible for selling unadulterated product. This would have to be produced under a license in Wisconsin. 11. Shell eggs from WI farmer, brought into MN for sale **Resolution: Shell eggs are product of the farm/garden – does not require a license; however, the WI farmer can register with the MDA and get a certificate for labeling of shell eggs. Additional resources provided by MDA. In Wisconsin, a Minnesota egg producer could get a transient non-processing license from DATCP or Local Public Health to harvest in Minnesota and sell in Wisconsin.** 12. Raw milk, unpasteurized milk products like yogurt and butter, sold on the WI farm – could they promote it at the farmers' market for people to come to the farm? **Resolution: First, Minnesota does not prohibit the advertising of raw milk for sale. However, Wisconsin prohibits advertising of raw milk for sale – it's mentioned on the DATCP website. MDA's understanding is that if the farm is in Wisconsin, Wisconsin could enforce this against them, even if they advertise in Minnesota. An important point -- neither Minnesota nor Wisconsin allows the sale of raw milk butter or raw milk yogurt (or raw ice cream, though this was not one of the listed products in the case submission form). These products are illegal in both states, so the farmers' market would not want to allow the advertisement of any products that are illegal. Finally, interstate sales of raw milk are prohibited by the FDA. For example, the farm could not bring raw milk into Minnesota to sell or to fill orders for customers. That would be illegal.**
Other notes:	
Licensing authority representative (name and organization):	Jeff Luedeman, Minnesota Department of Agriculture
Recommendations / Lessons Learned	
FBO:	
Internal (FIT):	

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Licensing agency:	Minnesota Department of Agriculture
Rules / Statutes:	Minnesota Cottage Foods Exemption - Minnesota Statutes (MS) Section 28A.151 Produce Safety Rule and Exemptions - 21 CFR Parts 11, 16, and 112 Minnesota Food Code – Minnesota Rules Chapter 4626 Contact Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) for relevant rules, statutes, and exemptions in the State of Wisconsin.

Exclusion of liability statement

The report generated is a *recommendation* by the FIT Subcommittee; it is the role of the jurisdictional regulatory body to determine next steps for the FBO. Neither the FIT Subcommittee nor the FSDTF are the final decision maker regarding the future of a case. FSDTF and its subcommittees are advisory bodies only. The job of the FIT Subcommittee is to aid FBOs with complex questions as it relates to licensing, and offer suggestions based on member's experience and expertise. The FSDTF and its subcommittees do not have any enforcement or regulatory authority and are not liable for any issues or consequences arising out of the use of the FSDTF or any subcommittees thereof.

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Food Innovation Team Subcommittee

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Title: **Attachment 6: FIT After Action Review Report Template**	

Data Privacy Tennessen Warning:

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Exclusion of liability statement

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Date of FIT Meeting: 11/09/2021

Meeting Participants:

- FIT Members:
  - Jane Jewett
  - Lolly Occhino
  - Joe Jurusik
  - Shelley Erickson
  - Blake Nordin
  - Jane Knott
  - Noelle Hardin
- Other:
  - Jeff Luedeman
  - Dan Opsahl
  - Natasha Hedin
  - Brett Olson

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	The Basic Place
Location of business:	Hammond, MN
Referred by:	☐MDA ☐MDH ☐X FIT member ☐MDA Delegated Agency ☐MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	License Number: 20222970 Jurisdiction: MDA Date of Issue: 2/03/21
Why was this business referred to FIT?	
Current business model:	Wholesale bakery, using rented commercial kitchen in the Hammond Public House and looking to add a retail counter in their wholesale bakery space.
Key issues examined by FIT:	The FBO asked for a variance to use the handwashing sink location and received a response that variances are not allowed for handwashing sink locations.
Other issues:	There was additional confusion around the terminology used (“bar” and “doorway”) by the FBO and the interpretation of the plan reviewer.
What issues were discussed?	
Summary of discussion:	There was confusion between the Plan Review Officer (PRO) and the FBO as the terminology used by the FBO gave the impression that the hand sink was not conveniently located near where the taps would be. In this case, the hand sink was located on a half-wall, which looked like a full wall when looking at the diagram. From a risk-based level, a hand sink is of utmost importance. Variances may be utilized as a tool on a case-by-case basis, but one was not needed in this case as the hand sink location did meet requirements.
Other notes:	The terminology issues were not resolved until after the fact when photos were submitted. It was noted that two MDA inspectors and a local delegated authority inspector had visited the site within recent months and could have been called upon to help clarify the layout.
Licensing authority representative (name and organization):	Dan Opsahl, Plan Review Supervisor, MDA
Recommendations / Lessons Learned	
FBO:	• Terminology and initial information presented is important. Small business owners may not understand terms used by regulators.

	• Photos/videos may help the plan review process go more efficiently by helping the PRO visualize the space layout.
Internal (FIT):	
Licensing agency:	• Photos could be requested by PRO in similar situations. • PROs should be mindful of terminology used as not all FBOs are familiar with certain terms (e.g., "bar" and "doorway").
Rules / Statutes:	

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Date of FIT Meeting: 03/15/2022

Meeting Participants:

- FIT Members:
  - Jane Jewett
  - Shelley Erickson
  - Joe Jurusik
  - Lolly Occhino
  - Noelle Hardin
  - Jodie Burke
  - Jane Knott
- Ad-Hoc Experts:
  - Amy Illg, North Dakota Department of Health
  - Julie Wagendorf, North Dakota Department of Health
- Business Members:
  - Bjorn Solberg
- Other:
  - Alida Sorenson
  - Natasha Hedin

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Red River Harvest Cooperative
Location of business:	212 8th St S Suite C Moorhead, MN 56560
Referred by:	☐MDA ☐MDH ☐x FIT member ☐MDA Delegated Agency ☐MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	In progress
Why was this business referred to FIT?	
Current business model:	The Red River Harvest Cooperative (RRHC) is a local food producer-member owned cooperative utilizing an online order/payment platform that consolidates orders from multiple vendors and distributes them to customers. They would like to use an online platform to offer cross-border sales of products between North Dakota and Minnesota.
Key issues examined by FIT:	The group held an item-by-item discussion for specific products of concern. Most of the concerns involved cross-border sales between Minnesota and North Dakota.
Other issues:	
What issues were discussed?	
Summary of discussion:	The following scenarios were discussed: **Cottage Foods** The RRHC is seeking more details regarding cross-border sales of cottage food. Cottage foods are not currently sold as a part of the cooperative. **Discussion:** Regulatory representatives from both states specified that cottage food must be sold from producer directly to the consumer. Additionally, cottage food operators in ND cannot cross state lines (in accordance with NDCC 23-09.5-02-03). The only way they can sell products in MN would be under a MN Cottage Food Registration with a production location in MN. **Honey** Honey may be considered a cottage food product in ND. However, it is also considered a raw agriculture commodity (i.e., remove the wax seal and spin the honey out of the honeycomb, then bottle the honey on the farm). Honey is under

	"product of the farm/garden" licensing exclusion in MN. The "transaction" taking place in ND is handing off the product, not the payment. **Discussion:** ND will further research honey and whether honey producers need a license to sell through the RRHC. ND follows similar guidelines as the FDA for food processing of honey whereas licensing is not required if extracted and bottled on the farm. If further processed, such as through pasteurization, adding ingredients, whipping, etc., then a food processing license would be required for products that are wholesaled. If further processing occurred and the product was sold at retail, direct to the end consumer, then it would be viewed as a cottage food and no license would be required. However, cottage foods cannot be sold over state lines or wholesaled. Operators should call the North Dakota Department of Health (NDDoH) Food and Lodging for license requirements 701.328.1291 or email foodandlodging@nd.gov. **Eggs** Currently the RRHC is not repackaging eggs for farmers. They are maintaining each farmer's ownership and integrity of the packages of eggs. The co-op facilitates the order, payment, aggregation, and delivery of the product. **Discussion:** In ND, eggs may be sold directly from the consumer, either off the farm or at a farmers' market. Eggs sold to consumer through institutions or via retail must be licensed by the ND Dept. of Agriculture. Candling, grading, and packaging of eggs in MN requires a license if done by an entity other than the farmer. ND will check with their Dept. of Agriculture on more details around an egg license. If not regulated by the FDA, egg dealers can contact the North Dakota Department of Agriculture (NDDA) with any questions about what sales are allowed under the license. Call 701.328.2231 or 1.800.242.7535 or email ndda@nd.gov. In general, ND will accept a MN egg dealer license for point of sale and deliveries into ND. It would be up to MN to decide whether they would accept an ND egg dealer license. **Produce** Question: Does ND state law accept processed fruit and vegetables grown and processed in MN to be received in ND and then sold as cottage food in ND? Answer: No, this is prohibited by law. Question: Can a ND licensed retail food store or food service establishment accept processed produce from MN for use or sale to the end consumer? Answer: The wholesaled product must come from a licensed food processor; either state or federal. **Discussion:** In ND, whole, unprocessed fruits or vegetables that are harvested at the stalk are not regulated if exempt from federal FSMA Produce Safety Rule and provided produce is not adulterated or misbranded. In MN, produce would fall under the "products of the farm/garden" licensing exclusion. If there are not any added

	"off-farm" ingredients, produce would meet this definition. Produce in MN can be processed (frozen, sliced, etc.) and still fall under this licensing exclusion. **Dairy** RRHC is looking into milk and cheese cross-border sales. What needs to happen for these items to be sold in Minnesota? **Discussion:** For these items to be sold in MN, they need to meet dairy requirements and be considered an approved source. These would not be "product of farm/garden" exempt because they contain other ingredients sourced off the farm. The operator located in ND should contact NDDA with questions about milk and other dairy products and ensure proper licensing. RRHC can reach out to the MDA Dairy Program at https://www.mda.state.mn.us/food-feed/dairy-plants to inquire about requirements for dairy products. **Raw Milk** In ND, there are no restrictions on advertisements. Sales of raw milk can only take place under cow shares. In MN, raw milk sales can only happen on-farm. **Meat** What are the requirements for cross-border sales of meat? **Discussion:** • In ND, to sell meat by the package, it must come from a USDA or state-inspected facility. In MN, if off-farm ingredients are added, the producer would need to have a MN license (typically a Retail Food Handler license) to sell to the co-op or at a farmers' market. • ND will reach out to the Meat Program within ND Dept. of Agriculture to discuss the difference between retail vs. wholesale and what is required for licensing. All meat producers should call NDDA to determine what laws apply to them or if any exemptions apply. In general, only USDA-stamped meat products can cross into ND for point of sale or deliveries. • If a meat producer is selling to the co-op rather than directly to the customer, what type of meat licensing would they need? The meat producer should call NDDA to determine what laws apply for wholesaling and what, if any, exemptions apply. In general, producers located in ND and processing meat in ND, either state- or USDA-marked and inspected products, can be sold at retail in ND. Retail is limited to the site for which it is processed. The co-op would need to be licensed for retail meat to process inspected meat further. Otherwise, meat products must be pass-through only, i.e., not removed from marked and labeled packages. • In ND if meat is sold, the animal must be slaughtered under federal or state inspection. The co-op must receive fully inspected meat, at which point the co-op can sell as it is packaged, or they can further process it.

	• A producer cannot sell/donate meat (direct to the consumer or to a co-op) unless it was slaughtered AND processed under inspection. • Custom exempt – live animals are sold, and the resulting meat must go to the owner of the animal. The co-op cannot receive, with intent to sell, anything that is not previously inspected. • In ND, a facility that sells meat directly to the end consumer may process meat and sell it without inspection, if they are licensed by the NDDoH and the meat came in as fully inspected. **Liquor** An off-sale liquor license would be required from the Department of Public Safety in MN. **Licensing** The co-op was working under regulatory discretion for aggregation during the COVID-19 pandemic and was told that they did not need a license. They were not aware that this exemption for aggregation was no longer in effect. **Discussion:** RRHC will work with the MDA regarding acquiring a Retail Food Handler License for operations taking place in MN at the Moorhead facility (mda.foodlicensingliaison@state.mn.us). They should work with the City of Fargo if looking to get a license for a location or vehicle in Fargo or West Fargo
Other notes:	
Licensing authority representative (name and organization):	Amy Illg, ND Dept. of Health Julie Wagendorf, ND Dept. of Health Jodie Burke, MDA
Recommendations / Lessons Learned	
FBO:	Each scenario is different and can vary greatly depending on the product.
Internal (FIT):	Cross-border sale discussions continue to be beneficial.
Licensing agency:	Multiple
Rules / Statutes:	Multiple, see specific sections reference in topic areas above.

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FIT Website Notification:

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Date of FIT Meeting: 07/16/2024

Meeting Participants:

- FIT Members:
  - Kathy Zeman
  - Jane Knott
  - Shelly Erickson
  - Blake Nordin
- Ad-Hoc Experts:
  - Nicole Droher
  - Matthew Finkenbiner
  - Jane Jewett
- Business Members:
  - Aaron Brand
- Other:
  - Amy Zagar – Senior Environmentalist (Hennepin County)
  - Journey Gosselin – Food Business Navigator (MDA)
  - Stephanie Anderson – Compliance Officer (MDA)
  - Collin Kappenman – Plan Review and HACCP Supervisor (MDA)
  - Vonda Canaan – Retail Food Supervisor (MDA)
  - Alida Sorenson – Response and Outreach Supervisor / Cottage Food Program (MDA)
  - Nicole Baysal – Produce Safety Program Manager (MDA)
  - Jeff Luedeman – Assistant Division Director (MDA)
  - Natasha Hedin – Outreach Coordinator / FIT Administrator (MDA)

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Brand Farms
Location of business:	Farmington, MN
Referred by:	☐MDA ☐MDH **☒FIT member** ☐MDA Delegated Agency ☐MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	- MDA – Retail Mobile/Seasonal Temporary Food Stand, Lic. # 20240966 - MDA – Retail Mobile/Food Vehicle, Portable Structure or Cart, Lic. # 20242423 - MDH – Mobile Food Unit 42389, Special Event Food Stand License 43377 - MDA – Registered Cottage Food Producer, Reg. # 20175959
Why was this business referred to FIT?	
Current business model:	Brand Farms includes an apple orchard and a laying hen flock. There is an on-farm store that sells: - Dried apple chips (product of the farm) - Eggs (product of the farm) - Apple cider (product of the farm) - Fresh apples (product of the farm) - Apple cider doughnuts and cottage food law compliant pies (Non-Potentially Hazardous Foods List – Cottage Foods) Brand Farms works with a cannery as a co-packer that makes **custom-labeled jarred apple products**. They have a Retail Mobile/Food Vehicle, Portable Structure or Cart license for sale of those products at farmers' markets. Brand Farms works with a butcher to get **apple bratwurst and apple breakfast links**. They have a Retail Mobile/Seasonal Temporary Food Stand license to sell those products out of a booth in a building at their county fair each year. Brand Farms serves **apple cider (unpasteurized) slush** and **soft-serve ice cream** out of a trailer that is licensed by MDH.
Key issues examined by FIT:	• Product of the Farm or Garden Licensing Exclusion • Cottage Food Licensing Exemption • Specific Food Products
Other issues:	

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What issues were discussed?	
Summary of discussion:	**Product of the Farm or Garden Licensing Exclusion (POTF):** • Includes foods you grow or raise on land that you own or occupy. • May be processed (e.g., sliced, dried, etc.), but cannot include off-farm added ingredients. • The grower is responsible for providing a safe and wholesome product, that is not adulterated, mislabeled, or misbranded. • Many items can be sold from retail outlets, except for a few specific products (certain meats, pre-packaged unpasteurized juice, cottage foods). **Cottage Food Licensing Exemption (CF)** • Cottage foods can be sold direct to the end consumer from a home, farmers' market, or a community event. • Cottage foods cannot be wholesaled or sold at retail stores. • Cottage foods cannot be added to licensed food products for sale. **Food Product Discussion:** **Apple Chips** – The apple chips contain no added ingredients and therefore can be sold under the POTF exclusion in a licensed establishment because they are being grown and cultivated by the food business owner. They also qualify to be sold under the Cottage Food Exemption. In this situation, the FBO can decide how to market the product. Keep in mind that cottage foods cannot be sold from a licensed establishment. If they are sold from a licensed establishment, they cannot be displayed/marketed as cottage food. These are currently sold as a packaged, labeled product. **Apple Cider** (POTF Exclusion) – Any POTF processing facility must meet applicable food safety standards (e.g., cGMP, MR1550). In this case, the cider is not pasteurized and is made for retail sales only. The unpasteurized cider may be dispensed in bulk containers and used as an ingredient in other products made in the licensed retail food establishment (same legal entity) provided the cider is produced in a facility that meets applicable food safety standards. If selling under the POTF exclusion, the raw, unpasteurized cider needs to comply with Minnesota Food Law (i.e., not adulterated and properly labeled, informing the consumer through labeling according to 21CFR that it is an unpasteurized product). None of the cider in this case is processed for

	wholesale distribution. Wholesale processing is subject to juice HACCP under 21CFR. Raw, unpasteurized juice does not qualify for the cottage food exemption. **Meats** – Meat and meat products sold at retail must be processed under inspection (USDA or Minnesota's "Equal To" inspection) and bear the mark of inspection. • A license is required to sell meat and meat products with added ingredients. • Meat and meat products that are considered product of the farm, without added ingredients may be sold without a license. Custom exempt processed meat and poultry products must be returned to the owner of the animal (purchased the animal before slaughter). **Poultry** – all poultry needs to have a mark of inspection. PL exempt (raised and slaughtered by the owner can be sold from the farm) would not be an approved source in a retail location. Birds can be slaughtered and processed at a custom exempt facility if sold live and returned to the owners of the birds for their personal use. MDH approved a Mobile Food Unit License (licensed food establishment) with the menu of soft serve ice cream and apple chips. Cottage food items cannot be sold from the Mobile Food Unit that is licensed by the MDH or the MDA. A Retail Mobile Food Handler License can be classified in different ways. It's important to know what is happening at the point of sale. The FBO currently has two Retail Mobile Food Handler Licenses from the MDA: one Seasonal Temporary, and one Retail Food Vehicle/Portable Structure/Cart for a storage trailer and sales at an additional location. This allows the business to sell licensable food at two sites at once (e.g., at a farmers' market and onsite at the farm at the same time). It also allows the business to store licensable products on the trailer at the farm. If not planning on being at two sites at once, only one license would be needed. • Portable Structure or Cart (Trailer) – can be used to store products. • Question: Do you have to take the trailer with you to an off-site location? Answer: Yes, if you are going to use the provision of "Time

	as a Public Health Control". The operator is responsible for following the guidelines. • Only pre-packaged products are being sold from these locations/unit (no food preparation can take place under these licenses) • If the food business owner wanted to add open food preparation or sales to the Seasonal Temporary Food License, a retail plan review would be required first. • Seasonal Temporary licenses are for food establishments that are disassembled and moved from location to location and operates for no more than 21 days annually at any one location unless approved to do so by the regulatory authority. If the food business owner decides to keep the products in the shed (fixed building), a retail license needs to be pursued. However, no license is needed if only POTF items are stored in this location. • More discussion is needed as there is confusion with co-mingling products (cottage foods & POTF). Any POTF product (that does not have a restriction on where it is sold at retail), can be co-mingled. Some products (e.g., poultry that can only be sold from the farm) are not allowed to be co-mingled and have additional restrictions. • Meat and meat products with no added ingredients must be processed under inspection (USDA or Minnesota's "Equal To" inspection) and bear the mark of inspection. Water source and waste water standards need to be met regardless of license type (retail or wholesale). This business is principally retail sales and would be allowed to wholesale under a retail license. The food business owner expressed concerns with farm set-up for the upcoming season. The MDA and MDH have offered a pre-opening walk-through to ensure all questions are answered and there are no remaining questions or issues with the licensing or exempted/excluded products. The proposed group for additional discussions: - Aaron Brand - Jane Jewett - Collin Kappenman - Matt Finkenbiner - Keri Plude

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Other notes:	• There is confusion around products that can be sold under multiple exemptions (POTF or cottage food).
	• Complaints can be filed with MDA compliance anonymously.
	• Time as a Public Health Control (TPHC) was discussed in reference to certain products and the requirement for providing a safe, wholesome product.
	  ○ TPHC requirements apply to licensed food establishments.
	  ○ The trailer is licensed as a Retail Mobile Food Handler – Cart and therefore MR4626.0395D applies.
	  ▪ For a special event food stand, delivery vehicle, retail food vehicle, portable structure, or cart, dry ice or cold packs may be substituted for mechanical refrigeration required in this part and part 4626.0375 if the temperatures in parts 4626.0370 to 4626.0420 are maintained. Mechanical refrigeration must be provided for Time/Temperature Control for Safety (TCS) foods held for 4 hours or longer.
	  ○ The seasonal temporary license is not included in the exemption to using mechanical refrigeration for less than four hours (4626.0395D).

Licensing authority representative (name and organization):	MDA and MDH
Recommendations / Lessons Learned	
FBO:	
Internal (FIT):	
Licensing agency:	MDA, MDH
Rules / Statutes:	MS 28A.02, MS 28A.15, MS 31.02, MS 31.175, MR 1550, MR 4626, and parts of 21 CFR.

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Data Privacy Tennessen Warning:

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

Exclusion of liability statement

The report generated is a *non-binding review* by the FIT Subcommittee; it is the role of the jurisdictional regulatory body to determine next steps for the FBO. Neither the FIT Subcommittee nor the FSDTF are the final decision maker regarding the future of a case. FSDTF and its subcommittees are advisory bodies only. The job of the FIT Subcommittee is to aid FBOs with complex questions as they relate to licensing, and offer suggestions based on member's experience and expertise. The FSDTF and its subcommittees do not have any enforcement or regulatory authority and are not liable for any issues or consequences arising out of the use of the FSDTF or any subcommittees thereof.

FIT Website Notification:

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

Date of FIT Meeting: July 15, 2026

Meeting Participants:

- FIT Members:
  - Jane Jewett, UMN Extension
  - Kathy Zeman, Minnesota Farmers' Market Association
  - DeeAnn Lufkin, CannonBelles Cheese
  - Charlie Lucas, Agricultural Utilization Research Institute
  - Blake Nordin, MN Department of Health
  - Ryan Lee, Washington County, MDH Delegated Authority
  - Jodie Burke, MN Department of Agriculture
  - Natasha Hedin, MN Department of Agriculture
- Ad-Hoc Experts:
  - Charles Dierker, MN Department of Agriculture
  - Kim Carlton, MN Department of Agriculture
- Business Members:
  - Theresa George, Emerald Acres
- Other: [none]

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General Business Information (Do not include this section in public-facing online database)	
Name of business:	Emerald Acres
Location of business:	550 190th Ave SE Princeton, MN 55371
Referred by:	☐MDA ☐MDH X☐FIT member ☐MDA Delegated Agency ☐MDH Delegated Agency
Current license(s), registration(s), and/or exemption(s): (Please include date of issuance.)	Cottage Food registration, # 20255094 Initial date: 9/07/2023 Most recent issuance: 4/09/2026 Also Product of the Farm apple cider
Why was this business referred to FIT?	
Current business model:	Ms. George wanted to make and sell apple cider slushies at fairs and festivals. She had multiple email communications with MDA, MDH, and MDH's county delegated authorities in September through early December 2025. She was told that she would need a food processing/manufacturing license from MDA to make the cider and either a Special Event Food Stand or Seasonal Temporary license from MDH or a delegated authority to sell it at fairs, etc. She stated in an email on 12/01/25 that she didn't understand why it would not be Product of the Farm (POTF.) She reached out to Kathy Zeman and Jane Jewett in January 2026 to ask about selling it as POTF.
Key issues examined by FIT:	• Whether the product qualifies as POTF • Whether the POTF provision in the Minnesota Constitution applies to food and beverage service of items that are made solely from the farmer's own products • Agency jurisdiction over POTF food & beverage service • MDA's and MDH's desired level of involvement with a POTF operation manufacturing apple cider and serving apple cider slushies
Other issues:	
What issues were discussed?	
Summary of discussion:	• Ms. George confirmed that the apple cider was made from her own apples. She further confirmed that the slushie product was made from her own apple cider from her own apples, and did not contain any off-farm ingredients such as cinnamon. • The POTF provision in the Minnesota Constitution applies whether or not there is statutory language affirming it in a regulatory body's statutes. • MDH and MDA agreed the POTF apple cider and slushie service should fall under MDA's jurisdiction. MDA has statutory language under M.S. 31.04 allowing them to regulate the activity in the absence of a license.

	• Current Good Manufacturing Practices (CGMPs) must be followed by anyone processing their own POTF. MDA will work with Ms. George to ensure facilities and processes meet CGMPs.
Other notes:	MDA and MDH recognize this is unlikely to be a one-time issue. They will use this as an opportunity to update their Memorandum of Agreement re: jurisdiction over food items, and develop guidance for future POTF cases. In the interim, similar situations will be reviewed on a case-by-case basis. Epilogue: Theresa George had three MDA inspectors visit her operation on 8/12/26 and they issued a Notice of Inspection. The consultation inspection report stated that because Ms. George acquired her apples through a crop-share agreement with two orchards and was not the owner of the trees or the land where they grew, that her apples were not POTF and she would need to get licenses for the cider manufacturing and for serving cider slushies. Ms. George reached back out to Kathy Zeman and Jane Jewett, who sent the matter to Jodie Burke at MDA. It escalated to Jeff Luedeman and MDA legal counsel, who determined that Ms. George's crop-share arrangement qualified the apples as POTF. Ms. George's arrangement with the orchards had been a verbal agreement. She was asked to obtain written agreements with both orchards and submit those to MDA. A summary email of this decision was sent by Jodie Burke to Ms. George on 9/29/26, which also included information about finding an approved space to produce the cider in, ensuring the space and mobile food unit meet cGMP's, and advised on requirements if she planned to upgrade her garage space for production in the future. A draft agreement between Ms. George and the Zimmerman orchard was submitted to Jodie Burke as an example of what it would look like. On 10/12/26, Ms. George indicated in an email that agreements to both orchards had been delivered for signatures.
Licensing authority representative (name and organization):	Blake Nordin, MDH Jodie Burke, MDA Kim Carlton, MDA
Recommendations / Lessons Learned	
FBO:	CGMPs are always required for POTF processed product. Work with MDA on meeting CGMPs for facility and processes. While the food business operator had originally intended to rent a commercial kitchen space to process the apple cider (as the current garage did not meet cGMPs), they have instead decided to pursue upgrading the garage space to meet cGMPs. They also indicated a desire to rent out the space to other food businesses. It is

	important to consider cGMPs versus the Minnesota Food Code requirements and plan review in this process, as the requirements will be determined by the type of food businesses that want to be licensed at the space. This was communicated to the food business owner by Jodie Burke.
Internal (FIT):	
Licensing agency:	• The constitutional exclusion about POTF applies to food & beverage service. MDA and MDH will work on revisions to their MOA to include POTF situations. • POTF applies to leasing and crop-share situations. MDA will develop internal guidance on this for inspectors.
Rules / Statutes:	Minnesota Constitution, Article 13, Section 7 Minnesota Statute. 31.04 Inspection Authority Minnesota Statute 28A.02 Declaration of Policy