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

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

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