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 Registration

**SELLING MINNESOTA  
 LOCAL FOODS**

# Blazing Trails Through the Jungle of Food Regulations



Contact Us!



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MISA operates several e-mail discussion groups as a service to Minnesota's sustainable agriculture community. We also include links to some discussion groups administered by our colleagues. Anyone may join these groups, and there are no fees. Proper discussion group etiquette ("[Netiquette](#)") is expected and will be enforced at the discretion of the group administrator.

<https://www.misa.umn.edu/ask-misa/discussion-groups>

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## Sustag

The Sustag group consists of farmers, staff persons from government agencies, University of Minnesota faculty and staff members, members of non-profit organizations, and interested citizens. As a member of the Sustag group you will receive notices of sustainable agriculture events and field tours, links to the Sustainable Agriculture Newsletter, and notices of interesting articles and press releases. Sustag is administered by Kate Seager ([kseager@umn.edu](mailto:kseager@umn.edu)), MISA Program Associate.

## SustagMarket

SustAgMarket is a place where rural farmers, urban farmers, and sustainable agriculture-related business enterprises can exchange information about goods and services for sale or trade. SustAgMarket is administered by Jane Jewett ([jewet006@umn.edu](mailto:jewet006@umn.edu)), MISA Website Coordinator.

## Healthy Debate

Healthy Debate is primarily a discussion and opinion listserv. MISA sponsors the "Healthy Debate" listserv as a forum for people to discuss their ideas and opinions regarding sustainable agriculture and its intersection with politics, society, and advocacy. Healthy Debate is administered by Jane Jewett ([jewet006@umn.edu](mailto:jewet006@umn.edu)), MISA Website Coordinator.

## Farm Transitions

The Farm Transitions Discussion Group is designed to help farmers and farmland owners work through the issues involved in transferring farmland and farm businesses to the next generation. It is sponsored by Renewing the Countryside and administered by Teresa Opheim ([teresa@rtcinfo.org](mailto:teresa@rtcinfo.org))

## MNUrbanFarmers

MNURBANFARMERS listserv provides a way for people engaged in urban farming activities to correspond with each other, ask questions, share resources and knowledge. MNURBANFARMERS is administered by Courtney Tchida ([tchi0003@umn.edu](mailto:tchi0003@umn.edu))

## Organic Initiative

The College of Food, Agricultural and Natural Resource Sciences maintains a listserv for faculty and staff who are interested in organic food and agriculture. The listserv is used sparingly to announce funding opportunities and events that might be of interest and to request information used to compile information on activities here at the University of Minnesota related to organic food and agriculture. The list was established by Rob King, Professor, Department of Applied Economics. Organic\_Initiative-L is administered by Ellen Carlson, [ejc@umn.edu](mailto:ejc@umn.edu).

## Altswine

The Altswine group is a conversation among swine producers, Extension educators, and researchers about alternative methods of swine production, marketing, and sustainable agriculture topics. Altswine is administered by Wayne Martin ([marti067@umn.edu](mailto:marti067@umn.edu)), Associate Program Director, Alternative Livestock Production Systems.

## UM-MEAT-GOATS

The UM-MEAT-GOATS listserv is owned by University of Minnesota Extension. This listserv is a conversation among goat producers, Extension educators, meat processors, and veterinarians about meat goat production and marketing. UM-MEAT-GOATS is administered by Wayne Martin ([marti067@umn.edu](mailto:marti067@umn.edu)), Associate Program Director, Alternative Livestock Production Systems.

## UM-Poultry

The UM-Poultry group is a conversation among poultry producers, Extension educators, and researchers about alternative methods of poultry production, marketing, and sustainable agriculture topics. UM-Poultry is administered by Wayne Martin ([marti067@umn.edu](mailto:marti067@umn.edu)), Associate Program Director, Alternative Livestock Production Systems.

# Blazing Trails through the Jungle of Food Regulations – Resources List

Blazing Trails Website:

<https://www.misa.umn.edu/resources/blazing-trails>

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<https://www.mfma.org>

What is Local Food?

Tiers of the Food System

<https://www.cias.wisc.edu/wp-content/uploads/2010/09/tiers082610lowres.pdf>

Selling or Buying Produce

Selling Minnesota: Aggregation of Farmers' Produce

[http://misadocuments.info/LFAC\\_aggregation\\_produce.pdf](http://misadocuments.info/LFAC_aggregation_produce.pdf)

Selling Minnesota Produce

[http://misadocuments.info/LFAC\\_local\\_produce.pdf](http://misadocuments.info/LFAC_local_produce.pdf)

Selling or Serving Locally Grown Produce in Food Facilities

[http://misadocuments.info/Selling\\_or\\_Serving\\_Locally\\_Grown\\_Produce\\_in\\_Food\\_Facilities.pdf](http://misadocuments.info/Selling_or_Serving_Locally_Grown_Produce_in_Food_Facilities.pdf)

## Produce Safety

MDA Produce Safety Program

<https://www.mda.state.mn.us/food-feed/produce-safety-program>

FSMA Produce Safety Rule Flow Chart – Are You Covered?

<https://www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM472499.pdf>

FSMA Produce Safety Rule On-Farm Readiness Review

<https://www.mda.state.mn.us/food-feed/farm-readiness-reviews>

U of MN Extension Produce Safety

<https://extension.umn.edu/safety/growing-safe-food>

## Selling Meat & Poultry

Selling Minnesota Meat Products

[http://misadocuments.info/LFAC\\_local\\_meat.pdf](http://misadocuments.info/LFAC_local_meat.pdf)

Selling Minnesota Poultry Products

[http://misadocuments.info/LFAC\\_local\\_poultry.pdf](http://misadocuments.info/LFAC_local_poultry.pdf)

Approved Sources of Meat & Poultry for Food Facilities

[http://misadocuments.info/Approved\\_Sources\\_of\\_Meat\\_and\\_Poultry\\_for\\_Food\\_Facilities.pdf](http://misadocuments.info/Approved_Sources_of_Meat_and_Poultry_for_Food_Facilities.pdf)

Sale of Locally Home or Farm-Raised Poultry

[http://misadocuments.info/Sale\\_of\\_Locally\\_Home\\_or\\_Farm\\_Raised\\_Poultry.pdf](http://misadocuments.info/Sale_of_Locally_Home_or_Farm_Raised_Poultry.pdf)

## Selling Eggs

Selling Minnesota Shell Eggs

[http://misadocuments.info/LFAC\\_local\\_eggs.pdf](http://misadocuments.info/LFAC_local_eggs.pdf)

Sale of Locally Raised Eggs to Food Facilities

[http://misadocuments.info/Sale\\_of\\_Locally\\_Raised\\_Eggs\\_to\\_Food\\_Facilities.pdf](http://misadocuments.info/Sale_of_Locally_Raised_Eggs_to_Food_Facilities.pdf)

Registration Form for Small-Flock Egg and Poultry Producers

[https://www.mda.state.mn.us/sites/default/files/2018-05/ag02433eggx\\_0.pdf](https://www.mda.state.mn.us/sites/default/files/2018-05/ag02433eggx_0.pdf)

## Milk, Mushrooms

Raw Milk Fact Sheet

<https://www.mda.state.mn.us/food-feed/what-raw-milk>

Wild Mushroom Foraging

<https://www.mda.state.mn.us/food-feed/wild-mushroom-foraging>

Minnesota Mycological Society

<https://minnesotamycologicalsociety.org/>

## Food Sampling & Demonstration

University of Minnesota Extension

<https://extension.umn.edu/food-entrepreneurs/safe-food-sampling-farmers-markets-vendors>

## Cottage Food

Cottage Food Producer Registration

<https://www.mda.state.mn.us/food-feed/cottage-food-producer-registration>

Cottage Food Law Guidance

<https://www.mda.state.mn.us/food-feed/cottage-food-law-guidance>

Cottage Food & Food Sampling Safety

<https://extension.umn.edu/food-safety/food-entrepreneurs>

Minnesota Farmers' Market Association – Cottage Food Law  
(including *Non-Potentially Hazardous Foods List*)

<https://www.mfma.org/CFL>

Minnesota Cottage Food Law Facebook page

<https://www.facebook.com/MNCottageFoodLaw/>

Minnesota Registered Cottage Food Producers Group

<https://www.facebook.com/groups/610571982425738/>

## Donation of Food

Venison Donation Program in Minnesota

<https://www.mda.state.mn.us/food-feed/hunter-harvested-venison-donation-minnesota>

Donation of Wild Game to Charitable Organizations in Minnesota

<https://www.revisor.mn.gov/rules/4626.0160/>

## Water Source

Approved Water Supply for Rural Food Businesses

[http://misadocuments.info/LFAC\\_water\\_supply.pdf](http://misadocuments.info/LFAC_water_supply.pdf)

Minnesota Well Index

<https://www.health.state.mn.us/communities/environment/water/mwi/index.html>

Water Testing

<https://extension.umn.edu/growing-safe-food/water-testing-labs-fsma>

## Food Licensing

MDA Food Licensing

<https://www.mda.state.mn.us/food-feed/food-licenses>

MDH Food Licensing

<https://www.health.state.mn.us/communities/environment/food/license/index.html>

Special Event Food Stands

<https://www.health.state.mn.us/communities/environment/food/license/specevent.html>

Seasonal Temporary Food Stands

<https://www.health.state.mn.us/communities/environment/food/license/tempseason.html>

Seasonal Permanent Food Stands

<https://www.health.state.mn.us/communities/environment/food/license/seasperm.html>

Mobile Food Units

<https://www.health.state.mn.us/communities/environment/food/license/mfureview.html>



## Certified Food Protection Manager

Minnesota Certified Food Protection Manager

<https://www.health.state.mn.us/communities/environment/food/cfpm/index.html>

## Starting Licensed Food Businesses

Starting a Food Business Road Map

<https://www.mda.state.mn.us/business-dev-loans-grants/starting-food-business-roadmap>

Acidified Food Processing for Licensed Operators

<https://extension.umn.edu/food-safety/food-processors>

Commercial Kitchen Guide (2014)

<https://www.misa.umn.edu/publications/commercialkitchenguide>

## Local Food Purchasing/Selling to Institutions

Food from Farms: Toolkit for Direct Purchasing of Local Food (2017)

<https://www.misa.umn.edu/publications/directpurchasingtoolkit>

Farmers' Market Aggregation Project

<https://farmersmarketaggregation.wordpress.com/>

Service of Traditional Foods in Public Facilities

<https://www.law.cornell.edu/uscode/text/25/1685>

USDA Memo: Service of Traditional Foods in Public Facilities

[https://fns-prod.azureedge.net/sites/default/files/cn/SP42\\_CACFP19\\_SFSP21-2015os.pdf](https://fns-prod.azureedge.net/sites/default/files/cn/SP42_CACFP19_SFSP21-2015os.pdf)

## On-Farm Food Service

Come & Get It! What You Need to Know to Serve Food on Your Farm (2015)

<https://www.misa.umn.edu/publications/comeandgetit>

## Farm & Food Business & Legal Information

Minnesota Secretary of State

<https://www.sos.state.mn.us/>

Farm Commons

<https://farmcommons.org/>

FLAG

<http://www.flaginc.org/>

Agricultural Law Center at Drake University

<https://www.drake.edu/law/clinics-centers/aglaw/>

Public Health Law Center/Mitchell-Hamline

<https://publichealthlawcenter.org/>

Great Lakes Indigenous Law Center

<https://law.wisc.edu/gliic/>

Indigenous Food & Agriculture Initiative - Model Food & Ag Code

<https://www.tribalfoodcode.com/>

## Minnesota Statutes and Rules (*by no means an exhaustive list*)

### ---Minnesota Constitution

Product of the Farm or Garden - Minnesota State Constitution, Article 13, Section 7

[https://www.revisor.mn.gov/constitution/#article\\_13](https://www.revisor.mn.gov/constitution/#article_13)

### ---Definitions & Legal Authority

Food Law Definitions – M.S. 34A.01

<https://www.revisor.mn.gov/statutes/cite/34A.01>

Legal Authority of MDA to Inspect - M.S. 31.04

<https://www.revisor.mn.gov/statutes/cite/31.04>

Food Law; Inspection & Enforcement – M.S. 34A

<https://www.revisor.mn.gov/statutes/cite/34A>

Legal Authority of MDH to inspect & enforce – M.S. 157.20  
<https://www.revisor.mn.gov/statutes/cite/157.20>

### ---MDA Licensing, Exclusions, & Exemptions

Licensing Food Handlers – M.S. 28A  
<https://www.revisor.mn.gov/statutes/cite/28A>

Licensing Exclusions including Product of the Farm – M.S. 28A.15  
<https://www.revisor.mn.gov/statutes/cite/28A.15>

Food Sampling & Demonstration Exemption – M.S. 28A.151  
<https://www.revisor.mn.gov/statutes/cite/28A.151>

Cottage Food Exemption - M.S. 28A.152  
<https://www.revisor.mn.gov/statutes/cite/28A.152>

### ---MDH Licensing and Exemptions

Food, Beverage, and Lodging Establishments – M.S. 157  
<https://www.revisor.mn.gov/statutes/cite/157>

Food, Beverage, and Lodging Licensing Exemptions - M.S. 157.22  
<https://www.revisor.mn.gov/statutes/cite/157.22>

Up to \$1,000 in Annual Sales Food Stand Exemption – M.S. 157.22 Item 15  
[https://www.revisor.mn.gov/laws/2019/1/9/%5E\(%3FPlaws.11.103.0%5B0-9%5C.a-zA-Z%5Cs/%5C/%5D+\)#laws.11.103.0](https://www.revisor.mn.gov/laws/2019/1/9/%5E(%3FPlaws.11.103.0%5B0-9%5C.a-zA-Z%5Cs/%5C/%5D+)#laws.11.103.0)

### --- Minnesota Rules

Food; General Rules – Rules Chapter 1550  
<https://www.revisor.mn.gov/rules/1550/>

Egg Handling Rules – Rules Chapter 1520  
<https://www.revisor.mn.gov/rules/1520/>

Minnesota Food Code – Rules Chapter 4626  
<https://www.revisor.mn.gov/rules/4626/>

Food Sampling & Demonstration requirements – Rules Chapter 4626.1855  
<https://www.revisor.mn.gov/rules/4626.1855/>

Regulations about dogs and food businesses

[http://misadocuments.info/Regulations\\_about\\_dogs\\_and\\_food\\_businesses.pdf](http://misadocuments.info/Regulations_about_dogs_and_food_businesses.pdf)

## MN State Taxes

Selling Event Exhibitors and Operators, Fact Sheet #148

<https://www.revenue.state.mn.us/businesses/sut/factsheets/FS148.pdf>

Prepared Food, Fact Sheet #102D

<https://www.revenue.state.mn.us/businesses/sut/factsheets/FS102D.pdf>

## Stay Connected!

Discussion Groups Sponsored by MISA and U of MN Extension

<https://www.misa.umn.edu/ask-misa/discussion-groups>

Food Innovation Team

<https://mn.foodprotectiontaskforce.com/food-innovation-team/>

# Tiers of the Food System

## A new way of thinking about local and regional food

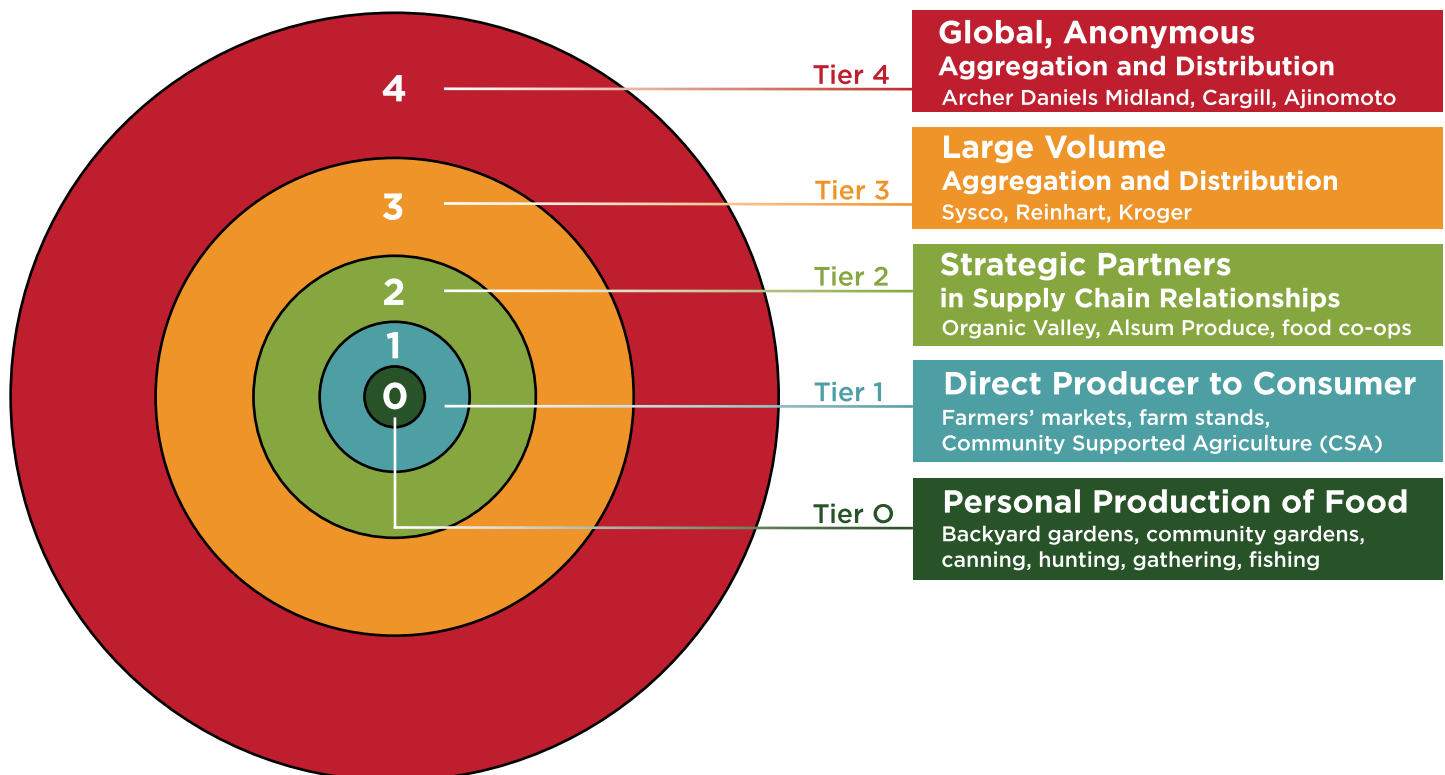
From farmers' markets to supermarkets, there is a spectrum of relationships between consumers and the businesses that grow, process, distribute and market their food. The burgeoning local food trend has caused many people to seek food from—and personal contact with—local farmers as a way to connect with the food they eat. Consequently, small-scale, local food production is often contrasted with the anonymity of global, industrial food production, resulting in a black and white portrayal of local and global food systems.

In reality, the food system is far more complex than local versus global and artisanal versus industrial. Between backyard gardening and multinational food conglomerates, there are diverse food businesses that

cultivate a variety of relationships with their customers and partners along the supply chain.

In order to better understand production and consumption relationships across the food system, researchers in Wisconsin developed the Tiers of the Food System framework identifying five different levels of relationships between food producers and consumers:

**Personal Production of Food** (Tier 0) acknowledges that many people grow, hunt or process at least some of their own food. This tier includes backyard and community gardens, home food preservation, subsistence farming, hunting, gathering and fishing.



**Direct Producer to Consumer** (Tier 1) is characterized by direct marketing, or distribution methods where farmers sell food directly to their customers. Many Tier 1 businesses embrace values about environmental stewardship, fair trade and family farming. They often personally communicate these values to their customers. Examples of this tier include producer-only farmers' markets, farm stands and Community Supported Agriculture (CSA).

**Strategic Partners in Supply Chain Relationships** (Tier 2) includes distributors and retailers that move locally and regionally grown food from farms to consumers. A commitment to fairly sharing risks and profits across the supply chain sets Tier 2 businesses apart from larger counterparts. Tier 2 businesses typically embrace Tier 1 values—and their customers may be willing to pay more for adherence to these values. Products can often be traced back to the farms where they were grown, and farm identity and values are communicated to consumers through labeling and point-of-sale merchandising. Organic Valley, Alsum Produce, Wescott Agri Products and natural food cooperatives are examples of Tier 2 businesses.

**Large Volume Aggregation and Distribution** (Tier 3) involves highly efficient transactions by companies whose brands have widespread recognition. Efficiencies and lower prices are typically more important at this level than the values embraced in Tiers 1 and 2. While relationships with farms are usually lost at this level, Tier 3 businesses often work to cultivate positive relationships with their customers. National distributors such as Sysco and Reinhart and national grocery chains such as Kroger are examples of Tier 3 businesses.

At the level of **Global, Anonymous Aggregation and Distribution** (Tier 4), products are moved at an international scale and relationships with consumers are superficial. Legislation requiring Country of Origin Labeling (COOL) has given Tier 4 products a geographic identity. Companies representing this tier include Archer Daniels Midland (ADM), Cargill and Ajinomoto.

In the real world, most food businesses do not fit neatly into one tier. A farmers' market vendor may sell produce to a supermarket. A regional food distributor

may also sell products nationally. Even a Tier 0 home canner may use sugar distributed by a Tier 4 company and purchased at a Tier 3 grocery store to transform homegrown fruit into jam.

Transparency, along with relationships and scale, changes at each tier. At Tiers 0 and 1, information about food production methods is readily available. At Tier 2, communicating this information depends on creative marketing and may include third-party certification. By Tiers 3 and 4, production information is typically obscured and usually not available.

Efforts to increase the production, distribution and purchasing of local and regional food are increasingly focused on Tier 2. This tier can potentially provide the connections to family farms, transparency about production systems and values found at Tier 1 while accommodating higher product volumes and, in some cases, greater production and processing efficiencies. While these efforts are often referred to as “scaling up” local food systems, both Tier 1 and Tier 3 businesses are emerging as leaders in the development of Tier 2 strategic partnerships.

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*The Tiers of the Food System framework was developed by Jim Bower, Blue Planet Partners; Ron Doetch, Michael Fields Agricultural Institute; and Steve Stevenson, UW-Madison Center for Integrated Agricultural Systems. For more information, please contact Steve Stevenson at 608-262-5202 or gwstevenson@wisc.edu.*

*Published by the UW-Madison Center for Integrated Agricultural Systems, August, 2010. [www.cias.wisc.edu](http://www.cias.wisc.edu)*

*To see case studies of businesses building strategic food system partnerships, go to [www.cias.wisc.edu/economics/case-studies-profile-mid-scale-food-enterprises/](http://www.cias.wisc.edu/economics/case-studies-profile-mid-scale-food-enterprises/) and [www.cias.wisc.edu/farm-to-fork/scaling-up-meeting-the-demand-for-local-food/](http://www.cias.wisc.edu/farm-to-fork/scaling-up-meeting-the-demand-for-local-food/)*

# SELLING MINNESOTA

# AGGREGATION OF FARMERS' PRODUCE



This fact sheet is for Minnesota farmers or others who want to collect products from farmers and distribute those products to buyers. The fact sheet covers regulations for aggregation and distribution of multiple farmers' products to individual consumers or to food facilities in Minnesota.

## Definitions

**Aggregator.** An aggregator is an individual or business entity that collects and distributes product from multiple sources. Some examples of aggregators of farmers' produce: a farmers' market, a food hub, a distributor, or an individual farmer who does the product marketing for several other farmers.

**Food facilities.** *Minnesota Rules 4626.0020 Subparts 35 and 36, <https://www.revisor.leg.state.mn.us/rules/?id=4626.0020>* Restaurants, caterers, school food service, institutions, day cares, community centers, churches, hospitals, health care facilities, food shelves/banks, grocery stores, food markets, cooperatives, bakeries, convenience stores, temporary food stands, warehouses and wholesale food processors and manufacturers.

**Sell or Sale.** *Minnesota Statute 34A.01 Subd. 12 (<https://www.revisor.mn.gov/statutes/?id=34A.01>).* "Sell" and "sale" mean keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchanging food; having in possession with intent to sell, use, transport, negotiate, solicit, or exchange food; storing, manufacturing, producing,

processing, packing, and holding of food for sale; dispensing or giving food; or supplying or applying food in the conduct of any food operation or carrying food in aid of traffic in food whether done or permitted in person or through others.

**Product of the farm.** *Constitution of the State of Minnesota, Article 13, Section 7. ([https://www.revisor.mn.gov/constitution/#article\\_13](https://www.revisor.mn.gov/constitution/#article_13)) and Minnesota Statute 28A.15 Subd. 2 (<https://www.revisor.leg.state.mn.us/statutes/?id=28A.15>).* Products that you grow or raise on land that you "occupy and cultivate." Product of the farm is excluded from licensing requirements.

## Food Safety Modernization Act (FSMA) Produce Rule

- If an aggregator purchases > \$25,000/year in produce from a single farmer, that farmer is going to be subject to the Produce Rule.
- The individual farmer could come under a different FMSA Produce Rule exemption category that allows up to \$500,000 in food sales to

"qualified end-users," if sales are done directly by the farmer to the buyer.

- HOWEVER, sales to an aggregator would not meet that qualified exemption because the aggregator would be a wholesaler, which is not a qualified end-user.

Therefore, discussion of aggregators in this fact sheet will be under these assumptions:

1. The aggregator is acquiring produce from individual farmers who each sell <\$25,000/year of produce.
2. Farmers at a larger sales volume will pursue their own sales to institutional, restaurant, or grocery store buyers.

Further, this fact sheet assumes that:

3. The aggregator is dealing with produce only, not any other products that may be for sale by the individual farmers.

### Reference for FSMA Produce Rule

FMSA Final Rule on Produce Safety: Standards for the Growing, Harvesting, Packing, and Handling of Produce for Human Consumption. <http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm334114.htm>

# Licensing for Aggregation & Distribution

Farmers can sell their own product of the farm without a license. If a farmer sells produce s/he has aggregated from other farmers, the farmer who aggregates & sells needs a license. Farmers licensed for re-sale of produce from other farmers could bring the produce of others to an aggregator, unless that aggregator has rules against re-selling. [e.g. A farmers' market acting as an aggregator may prohibit re-selling of produce by vendors. Every farmers' market sets its own rules that market vendors must follow.]

For an aggregator to take possession of produce and sell or distribute it:

- The aggregator needs a license.
- There must be a legal entity that holds the license.
  - o An individual could hold the license.
  - o The license holder could be a 501(c) entity, a local government, an LLC, or other business entity.

The entity holding the license must have:

1. A physical address tied to a location and mode of business, OR a mobile unit that serves as the sole location of business activities. "Mode of business" = where and how business activities are conducted.
2. A business address where mail can be received.

For a licensed produce aggregation & distribution business:

- The physical address is the location where the aggregation takes place.

- A permanent physical structure is not required to be present at the physical address.
- The business address is a mailing address where the aggregator can receive correspondence from regulatory agencies.

## Examples of legal produce aggregation businesses

- An aggregator with a licensed mobile unit picks up produce from various farms and delivers it to area restaurants that have placed orders with the aggregator.
- Farmers bring produce to a licensed farmers' market where it is commingled, sorted, and packed for delivery to area schools.

## References for licensing regulations that apply to produce aggregators

*License Required. Minnesota Statute 28A.04. <https://www.revisor.leg.state.mn.us/statutes/?id=28A.04>.*

*Classification. Minnesota Statute 28A.05 <https://www.revisor.leg.state.mn.us/statutes/?id=28A.05>.*

*Extent of License. Minnesota Statute 28A.06. <https://www.revisor.leg.state.mn.us/statutes/?id=28A.06>.*

## Some Produce Aggregator Scenarios:

### There are three different broad scenarios for how produce comes into an aggregator and is then purchased by buyers:

1. Buyers "pick" their own produce from individual vendor booths at a farmers' market. The market

handles billing of the buyer and distribution of payments to farmers.

2. Aggregator receives pre-boxed produce from farmers. Aggregator handles ordering & billing.
3. Aggregator receives produce from farmers and commingles, sorts and packs it. Aggregator handles ordering & billing.

### There are two different broad scenarios for transport of produce from the aggregator to the buyer:

1. The aggregator is responsible for delivery of produce.
2. Entities other than the aggregator are responsible for delivery of produce.

## Scenarios for how produce comes to an aggregator and is purchased by buyers:

Buyer Scenario #1: Buyers come to a farmers' market with clean containers and do their own "picking" from individual vendor booths, documenting picks with a receipt to each vendor and duplicate to market manager. The market does a single billing to buyers and distributes payments to farmers.

License needed by market: **Broker**

Operational Requirements and Practices:

Acceptably clean transport of produce from the farm to the farmers' market aggregation site. See sidebar: "Acceptably clean transport of produce."



# Acceptably clean transport of produce

Specific requirements are in Minnesota Rules 1550.0930 – 1550.1020:  
<https://www.revisor.leg.state.mn.us/rules/?id=1550.0930>

1. Delivery equipment is clean, sanitary and in good repair; and designed to prohibit contamination of the produce by dust, etc. during transport.

Examples of acceptable “Delivery equipment:”

- The smooth, cleanable, non-porous interior of a transport vehicle. This would allow transport of produce in open boxes or crates within that vehicle.
  - A clean container with smooth, cleanable, non-porous interior that is sufficiently sealed to prevent contamination of the produce. This would allow use of a transport vehicle that does not meet standards for transport of open crates or boxes of produce.
2. The manager or other individual responsible for the aggregation & distribution business is not a trained inspector to be tasked with “inspection” of transport vehicles. However, any buyer who receives produce from any source is expected to look and verify that the transport vehicle is generally clean and not contaminating the produce being transported.
  3. Clean transport could be facilitated by a document that describes acceptable transport of produce and is signed by the person transporting to verify that they understand their responsibility for safe transport.

Buyer Scenario #2: Aggregator orders, collects and distributes boxed produce from farmers: no sorting, commingling or packing takes place at the aggregator. Aggregator does the billing to buyers and distributes payments to farmers.

*Example: School orders carrots, aggregator sends order to farmers, 3 boxes of carrots come in, all 3 boxes are delivered as-is to the school.*

License needed by aggregator:  
**Wholesale Food Handler**

Operational Requirements and Practices:

- Recordkeeping of who supplied which box, and a tracking number for each box recorded by the aggregator and supplied to the buyer.

- Acceptably clean transport of produce from the farm to the aggregation site. See sidebar: “Acceptably clean transport of produce.”
- Temporary storage of packed produce in a way that prevents contamination of produce. (e.g. boxes, etc. must not sit on the ground.)
- Acceptably clean transport of produce from the aggregation site to the buyer. See sidebar: “Acceptably clean transport of produce.”

Buyer Scenario #3: Commingling, sorting, packing of produce by aggregator. Aggregator does the billing to buyers and distributes payments to farmers.

*Example: School orders carrots, aggregator sends order to farmers, 3 boxes of carrots come in, they are repackaged into 1 box for delivery to the school.*

*Example: Multiple flats of multiple varieties of tomatoes come in; they are sorted into uniform lots and packed for delivery to restaurants.*

License needed by aggregator:  
**Wholesale Food Handler**

Operational Requirements and Practices:

- Recordkeeping of who supplied product for the commingled box and tracking number for the commingled box, which is to be recorded by the aggregator and provided to the school.
- Acceptably clean transport of produce from the farm to the aggregation site. See sidebar: “Acceptably clean transport of produce.”
- Define the physical boundaries of the packing operation and restrict it to people working in that operation.
  - o Dogs are strictly forbidden in the packing area!
  - o Prevent contamination from overhead sources (birds). Potential way to accomplish this: have a pop-up canopy over the packing area.
- Maintain sanitary conditions during sorting and commingling of produce.

Potential way to accomplish this: Follow the FSMA Produce Rule requirements for on-farm packing houses. These are in the “FDA at a Glance” Produce Rule fact sheet items #5 and #6:

<http://www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM472887.pdf>

Excerpts from those Produce Rule standards:

- o Have a handwashing station and train people who sort, commingle & pack on handwashing.
- o Set a policy that no one sorts, commingles etc. when they are ill.
- o Make sure that food-contact surfaces (for example, the sorting table) are cleanable and non-porous, and are sanitized before use.
- Pack produce into containers that are clean and in good condition.

Potential ways to accomplish this:

- o Plastic totes & tote-cleaning policy that buyers sign
- o Cardboard boxes that are inspected for cleanliness and condition before use
- o Disposable plastic box liners
- Holding area for packed produce that prevents contamination after sort/commingle/pack activities. (Boxes, etc. must not sit on the ground.)
- Acceptably clean transport of produce from the aggregator to the buyer. See sidebar: “Acceptably clean transport of produce.”

## Scenarios for Transport of Produce from Aggregator to Buyers

*Specific regulations on transport of food can be found in Minnesota Rules 1550.0930 – 1550.1020:*

<https://www.revisor.leg.state.mn.us/rules/?id=1550.0930>. Also see sidebar: “Acceptably clean transport of produce.”

Transport Scenario #1: The aggregator is responsible for transport to buyers.

- The aggregator bears the liability to ensure that produce is transported without contamination and according to Minnesota Rules.
- The aggregator can make use of volunteer drivers and multiple delivery vehicles.
- The aggregator can have its own delivery vehicle.
- Each delivery vehicle, whether the aggregator’s own or a volunteer’s vehicle, must follow requirements for acceptably clean transport of produce.
- Each delivery vehicle is subject to inspection by the MDA.
- If the aggregator has a dedicated delivery vehicle, this will be inspected as part of the aggregator’s licensing inspection.

Transport Scenario #2: Another entity is responsible for transport to buyers.

- This entity could be a buyer, a non-profit organization, an agency, a business, or an individual.
- An entity other than the buyer or the seller who transports food, and doesn’t qualify as a common carrier, will need to be licensed as a wholesale food handler.
- The transporting entity bears the liability to ensure that produce is transported without contamination and according to Minnesota Rules (above).
- The entity can make use of volunteer drivers and multiple delivery vehicles.

- Each delivery vehicle must follow requirements for acceptably clean transport of produce.
- Each delivery vehicle is subject to inspection by the MDA.

## Produce in transport

Produce that has been loaded into a delivery vehicle is considered to be “in transport.” Being in transport is a condition that can last for several days.

- There is no specific number of days that produce can be “in transport.”
- This allows marketing flexibility. Days when produce is coming in may not be the same days that buyers want the product delivered. Produce that is in transport can remain in the delivery vehicle until that desired day of delivery.
- There are limits. “Transport” is not intended to mean the same thing as “storage.” If produce remains in the transport vehicle for longer than the day or few days between produce packing and delivery, then it’s really “storage” rather than “transport,” and needs to be inspected and licensed as a storage facility.
- There may be a temperature requirement for the delivery vehicle if a potentially hazardous type of produce, such as cantaloupe, is being transported.
- Even if there isn’t a temperature requirement, produce quality will suffer if kept too long in a delivery vehicle that isn’t cooled.

# Resources for More Information and Help

**Minnesota Department of Agriculture; Food & Feed Inspection.** Call this number to request an inspection, obtain contact information for the inspector who serves your area, or begin a conversation about on-farm processing: 651-201-6027.

**Minnesota Department of Agriculture Website.** <http://www.mda.state.mn.us>. All fact sheets and other documents are searchable using titles; see sidebar on page 6 for instructions on searching the site.

**Minnesota Farmers Market Association.** <http://www.mfma.org>, (320) 250-5087. Contact MFMA for help with any questions relating to sale of fruits and vegetables at farmers' markets.

**Minnesota Institute for Sustainable Agriculture.** <http://www.misa.umn.edu>, 612-625-8235, misamail@umn.edu. Contact MISA for help with finding information and resources relating to local or regional fruit and vegetable production, processing, marketing and sales.

**Renewing the Countryside,** <http://www.renewingthecountryside.org>. Contact Renewing the Countryside for the latest information on aggregation strategies.

## Minnesota Local Foods Advisory Committee

This fact sheet was created with input and oversight from the Local Food Advisory Committee (LFAC). LFAC is a forum where issues relating to local food are raised and discussed, information is shared and problem-solving between Minnesota Department of Agriculture, Minnesota Department of Health, and the local food community takes place. Contact: misamail@umn.edu, 612-625-8235. <https://www.misa.umn.edu/resources/local-food-advisory-committee>

# Wholesale Produce Dealer License

The Wholesale Produce Dealer license is handled by the Minnesota Department of Agriculture, but is a separate license from the food handler licenses. Wholesale Produce Dealer licenses provide protection to farmers in the event they go unpaid for their produce.

M.S. 27. Wholesale Produce Dealers. <https://www.revisor.leg.state.mn.us/statutes/?id=27.01>

“Produce” in the context of a Wholesale Produce Dealer license means fresh fruits and vegetables, milk, cream, perishable products made with milk or cream, poultry, and poultry products including eggs.

Certain businesses dealing with local food may need **both** a food handler license and a Wholesale Produce Dealer license.

- Generally, wholesale businesses that buy produce directly from farmers and re-sell it, or that distribute farmers’ produce for a fee or commission, need a Wholesale Produce Dealer license if they handle more than \$1,000 per month of farmers’ produce.
- Retail grocery stores that buy produce directly from farmers and re-sell it need a Wholesale Produce Dealer license if they purchase more than \$500 per month of farmers’ produce.

Multi-farm CSAs, farmers’ collaborative marketing arrangements, and farmers’ markets that distribute produce are generally not required to have a Wholesale Produce Dealer license if no commission or handling fees are charged for the distribution services. These types of arrangements are viewed by the Wholesale Produce Dealer licensing unit as partnership agreements rather than sales.

However, the MDA’s Food & Feed licensing unit defines a “sale” more broadly as any time a food item changes hands, or is stored or transported as part of the process of it changing hands, whether money is exchanged or not. This means a multi-farm collaborative marketing arrangement may still need a food handler license, even if it does not need a Wholesale Produce Dealer license.

If you might need a Wholesale Produce Dealer license, contact MDA Wholesale Produce Dealers Licensing: 651-201-6620

<https://www.mda.state.mn.us/licensing/licensetypes/wholproddealer.aspx>

Summary of differences between food handler licenses and Wholesale Produce Dealer licenses:

<b>Type of license</b>	<b>Purpose of license</b>	<b>Meaning of "Produce"</b>	<b>Meaning of "Sale"</b>
Wholesale Produce Dealer	Protect commerce: Ensure that farmers are protected in the event of non-payment for their produce.	"Produce" is defined in M.S. 27.01 Subdivision 2* as:  (1) perishable fresh fruits and vegetables; (2) milk and cream and products manufactured from milk and cream; and (3) poultry and poultry products.	A sale is when money is exchanged. A Wholesale Produce Dealer license is not required for collaborative marketing agreements in which distribution of products is done by an entity that doesn't charge a fee for the service.
Food handler	Protect food safety: Ensure that persons selling food are operating with approved facilities and according to safe food handling practices.	"Produce" refers to fruits, vegetables, edible mushrooms, herbs, and nuts.§	A "sale," according to the definition in M.S. 34.01 Subdivision 12‡: "... keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchanging food; having in possession with intent to sell, use, transport, negotiate, solicit, or exchange food; storing, manufacturing, producing, processing, packing, and holding of food for sale; dispensing or giving food; or supplying or applying food in the conduct of any food operation or carrying food in aid of traffic in food whether done or permitted in person or through others."
<p>* Minnesota Statute 27.01 Subd. 2. <a href="https://www.revisor.leg.state.mn.us/statutes/?id=27.01">https://www.revisor.leg.state.mn.us/statutes/?id=27.01</a>                  ‡ Minnesota Statute 34A.01 Subd. 12 <a href="https://www.revisor.mn.gov/statutes/?id=34A.01">https://www.revisor.mn.gov/statutes/?id=34A.01</a>                  § Food Safety Modernization Act – Produce Safety Rule, 21 Code of Federal Regulations 112. <a href="https://www.federalregister.gov/documents/2015/11/27/2015-28159/standards-for-the-growing-harvesting-packing-and-holding-of-produce-for-human-consumption#p-2070">https://www.federalregister.gov/documents/2015/11/27/2015-28159/standards-for-the-growing-harvesting-packing-and-holding-of-produce-for-human-consumption#p-2070</a></p>			

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# SELLING MINNESOTA PRODUCE



This fact sheet is for Minnesota farmers who want to sell produce they raise. The fact sheet covers regulations for ways for farmers to sell their produce to individual consumers or to food facilities in Minnesota.

## Definitions

**cGMPs:** Current Good Manufacturing Practices, described in the Food Safety Modernization Act (FSMA).

<http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/ucm525201.htm>

**Food facilities:** restaurants, caterers, school food service, institutions, day cares, community centers, churches, hospitals, health care facilities, food shelves and food banks, grocery stores, food markets, cooperatives, bakeries, convenience stores, food stands, mobile food units, warehouses, and wholesale food processors and manufacturers.

*Minnesota Rules 4626.0020 Subparts 35 and 36, <https://www.revisor.leg.state.mn.us/rules/?id=4626.0020>*

**FSMA:** Food Safety Modernization Act. <http://www.fda.gov/Food/GuidanceRegulation/FSMA/>

**MDA:** Minnesota Department of Agriculture, <http://www.mda.state.mn.us>

**Produce:** Fruits, vegetables, edible mushrooms, herbs, and nuts.

*Food Safety Modernization Act – Produce Safety Rule, 21 Code of Federal Regulations 112.3 <https://www.federalregister.gov/>*

*documents/2015/11/27/2015-28159/standards-for-the-growing-harvesting-packing-and-holding-of-produce-for-human-consumption#p-2070*

**Product of the farm:** Farm products that you grow or raise on land that you “occupy and cultivate.” Land that you “occupy and cultivate” includes land that you rent or lease, so long as you have control over the production on that land.

*Constitution of the State of Minnesota, Article 13, Section 7, [https://www.revisor.mn.gov/constitution/#article\\_13](https://www.revisor.mn.gov/constitution/#article_13)*

*Minnesota Statute 28A.15 Subd. 2, <https://www.revisor.leg.state.mn.us/statutes/?id=28A.15>*

**Sell; sale:** “Sell” and “sale” mean keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchanging food; having in possession with intent to sell, use, transport, negotiate, solicit, or exchange food; storing, manufacturing, producing, processing, packing, and holding of food for sale; dispensing or giving food; or supplying or applying food in the conduct of any food operation or carrying food in aid of traffic in food whether done or permitted in person or through others.

*Minnesota Statute 34A.01 Subd. 12 (<https://www.revisor.mn.gov/statutes/?id=34A.01>)*

## Approved Source

You are an approved source for produce that is product of your farm, and you are excluded from requirements to have an MDA food handlers license to sell that produce to either individuals or food facilities.

*Minnesota Statute 28A.15 Subd. 2, <https://www.revisor.mn.gov/statutes/?id=28A.15>*

**The exclusion from licensing** applies *only* to the product of *your own* farm. If you acquire and use off-farm ingredients in your products, or if you acquire and distribute products from other farmers, you are **not excluded** and must be **licensed** for those activities.

See the fact sheet “Aggregation of Farmers’ Produce” for more information about distributing the products of other farms.

[http://misadocuments.info/LFAC\\_aggregation\\_produce.pdf](http://misadocuments.info/LFAC_aggregation_produce.pdf)

### Two types of customers

1. **Individuals:** Consumers who will serve the product to members of their household and/or non-paying guests.
2. **Food Facilities:** Any entity receiving your product that is not an individual consumer buying food to serve to their household, is a food facility.

## What You Can Do with Your Produce

You can sell produce that is product of your farm to any buyer, either food facility or individual. You can sell at farmers' markets or through CSAs. You can set up a farm stand at the end of your driveway or on a city street, provided local zoning ordinances allow it. You can put ads on social media and take orders via the Internet. You can sell your produce across state lines.

- You can sell fresh, raw, whole produce.
- You can trim roots, cut off tops, wash, husk, sort, package, or otherwise make whole, raw produce presentable for sale. You do not need a license or special facilities to do this, but your facilities must be sanitary and the water you use must be potable (drinkable).
- Sanitizers used in wash water do not count as off-farm ingredients.
- You can process your own produce for sale. You are not required to have an MDA food handlers license to process your own produce for sale unless you are: 1) adding off-farm ingredients; or 2) using produce that you acquired from other farmers.
- Processing of produce may include peeling, slicing, shredding, bagging or wrapping of cut pieces, dehydrating, freezing, or canning.

## Licenses

- If you acquire products from other farmers to distribute or to use as ingredients in a product that you sell, you must have an MDA food handlers license.

If you want to distribute products from other farmers, see the fact sheet, "Aggregation of Farmers' Produce." [http://misadocuments.info/LFAC\\_aggregation\\_produce.pdf](http://misadocuments.info/LFAC_aggregation_produce.pdf)

- If you add any ingredients that you acquire from off-farm; even minor ingredients like salt, pepper, or vinegar; you must have an MDA food manufacturer's license in order to make and sell the products.\*

\* Unless you make and sell products under the Cottage Food exemption. See "Cottage Food Exemption" sidebar.

### Cottage Food Exemption

This exemption allows you to make non-potentially hazardous foods in your home kitchen and sell to individual customers in face-to-face transactions, up to \$18,000 per year in gross sales. You can use off-farm ingredients to produce products under the Cottage Food exemption. You cannot sell products to food facilities under the Cottage Food exemption.

More information:  
*Cottage Food Exemption, Minnesota Statute 28A.152,*  
<https://www.revisor.mn.gov/statutes/?id=28A.152>

*Cottage Food Law Resources, Minnesota Farmers' Market Association:*  
<http://mfma.org/pages/MNCottageFoodsLawResources/>

*Cottage Food Producer Registration, MDA:* <http://www.mda.state.mn.us/licensing/licensetypes/cottagefood.aspx>

*Cottage Food Producer Training and Frequently Asked Questions, University of Minnesota Extension:*  
<http://www.extension.umn.edu/food/food-safety/courses/cottage-foods/index.html>

### Sales Tax

Food isn't taxed, right? Actually, sometimes it is. If a person **both makes and sells** a multi-ingredient product, other than baked goods, that product is subject to Minnesota sales tax. This affects Cottage Food operators or licensed food manufacturers who both make and sell products like jam, jelly, salsa, and pickles.

Prepared Food – Taxable Subcategory of Food. Minnesota Department of Revenue.  
<http://www.revenue.state.mn.us/businesses/sut/factsheets/FS102D.pdf>

If you want to do processing of your own produce for sale, and add no off-farm ingredients, you are **excluded** from MDA food handlers licensing – BUT – you are still obligated to ensure food safety and to follow requirements that relate to food safety. You must follow Current Good Manufacturing Practices (cGMPs), and in most cases you must have an inspection of your processing facilities by a Minnesota Department of Agriculture (MDA) inspector.

Get in touch with your local MDA inspector by contacting the Minnesota Department of Agriculture, Food and Feed Inspection Division. 651-201-6027

## Inspection

Usually licensing and inspection go together. In the case of *product of the farm*, you are not required to have a license -- BUT you may still need an inspection of your facilities. Contact the MDA to ask about inspection of your facilities if you want to:

- Process produce for sale



- Store and/or transport processed produce for sale

Be aware that it may take longer to get a voluntary inspection than it would for a mandatory licensing inspection, due to inspector workloads.

Contact the MDA Food and Feed Safety Division: 651-201-6027

## Processing of Produce

### Peeling, Cutting, Slicing, Shredding, Wrapping, Bagging

These processes must be done in a clean and adequately equipped facility and according to Current Good Manufacturing Practices (cGMPs). Contact your local MDA inspector to get inspection and approval of your facilities for the processing of produce, and for the holding of product prior to delivery to a buyer. If you do the transport and delivery of the product, your delivery equipment must be inspected as well.

### Freezing or Drying

Washing, cutting, blanching and freezing, or dehydrating processes must be done in a clean and adequately equipped facility and according to Current Good Manufacturing Practices (cGMPs). Contact your local MDA inspector to get inspection and approval of your facilities both for preparation of the produce for freezing or drying, and for storage of frozen or dried product.

- Freezing of fresh berries is a low-risk activity that requires only cleaning and bagging of the berries.
- Freezing of certain other fruits

### Current Good Manufacturing

**Practices** are described in the Food Safety Modernization Act (FSMA) Preventive Controls Rule. On-farm food processing may be exempt from other provisions of FSMA, but the cGMPs are food safety practices that are applicable to any food processing or manufacturing. Find the cGMPs on pages 27-38 of:

Guidance for Industry: What You Need to Know About the FDA Regulation: Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food; Small Entity Compliance Guide.  
<http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/ucm525201.htm>

such as apples or rhubarb requires cutting and/or peeling of the fruit before bagging and freezing.

- Freezing of most vegetables requires blanching and cooling before bagging and freezing. Depending on the vegetable, peeling and cutting may be needed before blanching.
- Dehydrating of any produce requires equipment and a process that prevents microbial or mold growth on the produce being dehydrated.

### Canning

Canning is a process that is complex, requires specialized equipment, and can result in serious or fatal food-borne illness if not done properly. If you want to can produce for sale to food facilities, you will need:

- Equipment and facilities approved by your MDA inspector.
- Registration of your facility and filing of your canning process information with the federal Food

and Drug Administration (FDA). Your MDA inspector can provide more information about this requirement.

- You must work with a Process Authority who will review your ingredients and canning procedures, analyze critical control points in your process, thoroughly explain how to maintain food safety throughout your process, and recommend a testing procedure to verify product safety.
- The Process Authority will write a letter describing your process in detail. This Process Authority letter is what you must file with the FDA.
- A certificate of passing a Better Process Control School appropriate for the kind of canned product you want to produce.
  - Online Better Process Control School: [http://ucfoodsafety.ucdavis.edu/Better\\_Process\\_Control\\_School\\_Online/](http://ucfoodsafety.ucdavis.edu/Better_Process_Control_School_Online/)
  - In-person Better Process Control School programs: [http://www.gmaonline.org/file-manager/Events/Bro\\_BPCS-011411.pdf](http://www.gmaonline.org/file-manager/Events/Bro_BPCS-011411.pdf)

## Customers: Individuals or Food Facilities?

### Sales to Individual Consumers

Sales of fresh, whole, raw, or processed produce that is product of your farm can be made to individual customers from your farm, a farm stand, at farmers' markets, by delivery, in a CSA box, by online order, or in any other venue where you can make a transaction with an individual.

If you are selling processed produce that are potentially hazardous (for instance, cut cantaloupe or shredded bagged lettuce), you must have refrigeration equipment that is inspected and approved by the MDA.

## Sales to Food Facilities

Sales to food facilities may require some extra work on your part to document:

- you have safe on-farm food production and handling practices
- you have approved facilities for any processing
- you follow Current Good Manufacturing Practices if you process produce
- your storage of product is in approved facilities
- your transport of the product is done in a sanitary manner

Buyers might not be aware that you as a farmer are not legally required to have a license to sell produce grown on your farm. You can copy and use this fact sheet to educate potential buyers. You can also download and copy this MDA fact sheet to show to buyers:

Selling or Serving Locally-Grown Produce in Food Facilities. 2016. Minnesota Department of Agriculture.

<http://www.mda.state.mn.us/food/safety/~media/Files/food/foodsafety/fs-produce.ashx>

Some buyers may be uncomfortable with purchasing produce, especially processed items, from an unlicensed individual. If you are selling produce that is product of your farm, you are **excluded** from licensing. You can undergo a voluntary inspection by the MDA and request a copy of the inspection report. You can show the inspection report to a buyer to verify

that you are operating in a manner approved by the MDA.

## Food Safety Modernization Act (FSMA)

The federal Food Safety Modernization Act has two segments that may apply to produce farmers in Minnesota:

- 1) FSMA Produce Rule applies to raw produce.
- 2) FSMA Preventive Controls Rule applies to processing of produce or making food products containing produce.

The FSMA requirements and exemptions for farmers are very complex. Resources from the federal Food and Drug Administration (FDA) are available to explain FSMA rules:

FSMA Final Rule on Produce Safety.

<http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm334114.htm>

FSMA Final Rule for Preventive Controls for Human Food.

<http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm334115.htm>

The categories that determine whether a farm is subject to FSMA are different from Minnesota categories for licensing. A farm or enterprise could be excluded or exempt from licensing in Minnesota, but yet be subject to FSMA.

Four possible regulatory configurations for Minnesota produce farms or enterprises:

- No Minnesota food license required: Not subject to FSMA

- No Minnesota food license required: Subject to FSMA
- Minnesota food license required: Not subject to FSMA
- Minnesota food license required: Subject to FSMA

The Minnesota Department of Agriculture administers FSMA in Minnesota. If you have a food license from the MDA, your inspector will determine whether you are subject to FSMA requirements. If you are exempt or excluded from an MDA food license, you can contact MDA to find out if you are subject to FSMA.

### Search the MDA website for fact sheets:

- Go to <http://www.mda.state.mn.us>
- Find the "Search" button in the upper left corner of the web page, right underneath the MDA logo.
- Type a few words of the fact sheet title into the box to the left of the "Search" button.
- Click on the "Search" button.
- The fact sheet you want should be near the top of the list of items that comes up on the web page.

# Resources for More Information and Help

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# Summary Table of Produce Sale Scenarios

	<b>Whole, raw produce grown on your own farm</b>	<b>Processed produce grown on your own farm; no off-farm ingredients</b>	<b>Processed produce grown on your own farm; off-farm ingredients added</b>	<b>Purchase and re-sale of whole, raw produce from other farms</b>	<b>Processed produce from other farms</b>
Food Handlers License	NO	NO	YES Unless Cottage Food	YES	YES Unless Cottage Food
MDA Inspection	NO Unless subject to FSMA	YES Unless Cottage Food	YES Unless Cottage Food	YES	YES Unless Cottage Food
Sell at farmers' market or community event	YES	YES	YES	YES (if farmers' market rules allow)	YES (if farmers' market rules allow)
Sell via Internet	Orders may be taken over the Internet but delivery or customer pick-up must be in accordance with the regulations for the type of product.				
Sell from farm premises	YES	YES	YES	YES	YES
Sell to food businesses	YES	YES Unless Cottage Food	YES Unless Cottage Food	YES	YES Unless Cottage Food
Donate	YES	YES Unless Cottage Food	YES Unless Cottage Food	YES	YES Unless Cottage Food
Sell across state lines	YES	YES Unless Cottage Food	YES FDA registration required	YES	YES FDA registration required
Label required	MAYBE (if subject to FSMA)	YES	YES	MAYBE (if subject to FSMA)	YES
	Note: Buyers may require labeling of raw produce to meet their traceability requirements.				
Package	MAY	YES	YES	MAY	YES
Charge sales tax	NO	MAYBE	MAYBE	NO	MAYBE
Sampling & demo	YES. See the sampling exemption, M.S. 28A.151. <a href="https://www.revisor.leg.state.mn.us/statutes/?id=28A.151">https://www.revisor.leg.state.mn.us/statutes/?id=28A.151</a> You must have an adequate system for cooking and sanitation in order to protect public health.				
MDA jurisdiction	YES	YES	YES	YES	YES
FSMA Produce Rule	MAYBE	NO	NO	MAYBE	NO
FSMA Preventive Controls Rule	NO	MAYBE	MAYBE	NO	MAYBE
Wholesale Produce Dealer license	NO	NO	NO	MAYBE	MAYBE

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Certain businesses dealing with local food may need **both** a food handler license and a Wholesale Produce Dealer license.

- Generally, wholesale businesses that buy produce directly from farmers and re-sell it, or that distribute farmers’ produce for a fee or commission, need a Wholesale Produce Dealer license if they handle more than \$1,000 per month of farmers’ produce.
- Retail grocery stores that buy produce directly from farmers and re-sell it need a Wholesale Produce Dealer license if they purchase more than \$500 per month of farmers’ produce.

Multi-farm CSAs, farmers’ collaborative marketing arrangements, and farmers’ markets that distribute produce are generally not required to have a Wholesale Produce Dealer license if no commission or handling fees are charged for the distribution services. These types of arrangements are viewed by the Wholesale Produce Dealer licensing unit as partnership agreements rather than sales.

However, the MDA’s Food & Feed licensing unit defines a “sale” more broadly as any time a food item changes hands, or is stored or transported as part of the process of it changing hands, whether money is exchanged or not. This means a multi-farm collaborative marketing arrangement may still need a food handler license, even if it does not need a Wholesale Produce Dealer license.

If you might need a Wholesale Produce Dealer license, contact MDA Wholesale Produce Dealers Licensing: 651-201-6620

<https://www.mda.state.mn.us/licensing/licensetypes/wholproddealer.aspx>

Summary of differences between food handler licenses and Wholesale Produce Dealer licenses:

<b>Type of license</b>	<b>Purpose of license</b>	<b>Meaning of "Produce"</b>	<b>Meaning of "Sale"</b>
Wholesale Produce Dealer	Protect commerce: Ensure that farmers are protected in the event of non-payment for their produce.	"Produce" is defined in M.S. 27.01 Subdivision 2* as:  (1) perishable fresh fruits and vegetables; (2) milk and cream and products manufactured from milk and cream; and (3) poultry and poultry products.	A sale is when money is exchanged. A Wholesale Produce Dealer license is not required for collaborative marketing agreements in which distribution of products is done by an entity that doesn't charge a fee for the service.
Food handler	Protect food safety: Ensure that persons selling food are operating with approved facilities and according to safe food handling practices.	"Produce" refers to fruits, vegetables, edible mushrooms, herbs, and nuts. §	A "sale," according to the definition in M.S. 34.01 Subdivision 12 ‡: "... keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchanging food; having in possession with intent to sell, use, transport, negotiate, solicit, or exchange food; storing, manufacturing, producing, processing, packing, and holding of food for sale; dispensing or giving food; or supplying or applying food in the conduct of any food operation or carrying food in aid of traffic in food whether done or permitted in person or through others."
<p>* Minnesota Statute 27.01 Subd. 2. <a href="https://www.revisor.leg.state.mn.us/statutes/?id=27.01">https://www.revisor.leg.state.mn.us/statutes/?id=27.01</a>                  ‡ Minnesota Statute 34A.01 Subd. 12 <a href="https://www.revisor.mn.gov/statutes/?id=34A.01">https://www.revisor.mn.gov/statutes/?id=34A.01</a>                  § Food Safety Modernization Act – Produce Safety Rule, 21 Code of Federal Regulations 112. <a href="https://www.federalregister.gov/documents/2015/11/27/2015-28159/standards-for-the-growing-harvesting-packing-and-holding-of-produce-for-human-consumption#p-2070">https://www.federalregister.gov/documents/2015/11/27/2015-28159/standards-for-the-growing-harvesting-packing-and-holding-of-produce-for-human-consumption#p-2070</a></p>			

# Selling or Serving Locally Grown Produce in Food Facilities

Food facilities such as restaurants, grocery stores, food shelves and school lunch programs can legally buy or accept donated produce from a farmers' market or directly from a grower and offer it to their clients, students, or customers. This fact sheet defines some common terms and provides answers to some frequently asked questions about how food facilities can use locally grown produce safely and legally.

## Terms

The following terms are commonly used when describing the relationships between businesses who grow or raise food and those who provide food to the public.

### Food facility

Food facilities include food establishments, businesses and non-profit organizations such as:

- Restaurants or caterers
- School food service or day cares
- Hospitals, health care facilities or institutions
- Community centers, churches or food shelves/banks
- Grocery stores, convenience stores or cooperatives
- Food markets or temporary food stands

- Warehouses, bakeries or wholesale food processors and manufacturers

### Grower

Growers may include:

- Farmers and gardeners
- School or community gardens
- Gardens at food facilities

### Sell

*Sell and Sale mean keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchanging food; having in possession with intent to sell, use, transport, negotiate, solicit, or exchange food; storing, manufacturing, producing, processing, packing, and holding of food for sale; dispensing or giving food; or supplying or applying food in the conduct of any food operation or carrying food in aid of traffic in food whether done or permitted in person or through others.*

Minnesota Statutes, chapter 34A.01, subd. 12

## Approved space

Wholesale and retail businesses have different requirements for approved spaces. Here are some examples of requirements:

- An approved kitchen or processing facility must have a certificate of occupancy with documented approval from local building, plumbing, fire, electrical, and zoning inspectors.
- Retail equipment must meet NSF standards or the commercial equivalent.
- The facility must have adequate storage space for ingredients, equipment, packaging materials, and finished goods.
- The facility must have an approved safe water supply and an approved wastewater disposal and treatment system.
- Plan submittal is required at least 30 days before beginning construction, extensive remodeling, or conversion of a retail food facility.
- If you are wholesaling or exempt from licensing, an approved space must meet the requirements in the Good Manufacturing Practices (GMPs).

## Frequently asked questions

Can a grower be an approved source?

Yes, food facilities can buy or accept produce directly from a produce grower if the food is grown on a farm or garden occupied or cultivated by the grower.

Growers must ensure that all food they sell or donate complies with applicable regulations. These may include:

- Handling and processing practices to ensure the food is safe, wholesome, and unadulterated.
- Using potable water.
- Following applicable GMPs, Good Agricultural Practices (GAPs), the Food Safety Modernization Act (FSMA) Produce Safety Rule.

For more information on these regulations, please contact the MDA at 651-201-6027.

Is a grower required to have a food handler license to sell or donate their produce?

It depends on the situation.

People who sell or donate produce from a farm or garden they rent or own are exempt from licensing. This includes whole or processed produce with no added off-farm ingredients. (Minnesota Statutes, chapter 28A.15, subd. 2 and MN Constitution Article 13, Section 7)

These situations require a food handler license:

- People who add off-farm ingredients (including salt) during processing of produce need a license.
- People who wish to sell or donate produce they have not grown themselves need a license.
- In some circumstances a Wholesale Produce Dealer license may also be required (e.g., if a person buys produce from a farmer for resale).



Anyone who produces, processes, handles, or vends food, whether or not they need a license, must comply with other food safety rules and requirements. Additional information on licensing, food safety, and specific product or processing requirements is available from the MDA.

### When do I need to use an approved space for processing?

An approved space is not required for processing done in the field or packing shed, such as:

- Sorting or trimming, such as topping carrots or husking corn as part of the harvesting process.
- Washing to start the cooling process or to remove soil and debris.

An approved space is required for further processing, such as:

- Slicing, mixing or coating.
- Heating, canning or bottling.
- Freezing or drying.

An approved space AND food handler license are required for:

- Adding off-farm ingredients (including salt) prior to use or sale.

### What is the role of the person in charge (PIC) or supervisor?

Everyone working with food shares the responsibility to use safe food handling practices that reduce the potential for foodborne illness.

In retail food establishments, the PIC must:

- Demonstrate specific knowledge and fulfill certain duties to reduce the potential for foodborne illness.
- Supervise community volunteers who may help process produce in an approved space (e.g., parents working in the school kitchen to help wash and cut carrots grown in the school garden).

In food processing plants, competent supervisors must:

- Ensure compliance with safe food handling practices.

### What are other purchasing and receiving guidelines for local produce?

- Check with the state or local regulatory authority that licenses and inspects your facility before changing your menu or expanding your business to include new foods or methods. They can help you identify additional training, certification, licensing or permit requirements.
- Review the farmer's on-farm food safety plan, provided either in a written or verbal form, for production, harvest, handling, storage, and transportation steps.
- Inspect the transportation vehicle to see if it is clean. Look for evidence of chemicals, odors and obvious debris.
- Inspect the produce for signs of insects, disease, bruising, damage, over-ripeness and immaturity.
- Ask for documentation that references the USDA Certifying Agent if the produce is advertised as "Organic."

- Properly wash produce to remove soil and surface contamination before use.
- Ask for a receipt of purchase and keep good records. Good record-keeping is particularly important if illness or injury prompts the need to trace product back to the supplier.
- Farmers who process their own produce for sale can request inspection by the MDA. Buyers can request a copy of the inspection report.

### What kind of documentation should food facilities get from the grower?

Food facilities should obtain a receipt that includes the following information:

- Date of delivery
- Received by name
- Donated or purchased
- Description and amount of produce
  - Date harvested
  - Harvest location
- Name of grower
  - Address
  - Phone
  - Email address

## Resources

### [Minnesota Department of Health Food Business Safety](http://www.health.state.mn.us/divs/eh/food/index.html)

(<http://www.health.state.mn.us/divs/eh/food/index.html>)

### [Minnesota Department of Agriculture Food Safety](http://www.mda.state.mn.us/food/safety.aspx)

(<http://www.mda.state.mn.us/food/safety.aspx>)

### [Food Safety Modernization Act, Preventive Controls for Human Food](http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm334115.htm)

(<http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm334115.htm>)

Minnesota Department of Health  
Food, Pools, and Lodging Services  
PO Box 64975  
St. Paul, MN 55164-0975  
651-201-4500

[health.foodlodging@state.mn.us](mailto:health.foodlodging@state.mn.us)  
[Food, Pools, and Lodging Services](http://www.health.state.mn.us/divs/eh/fpls/)

(<http://www.health.state.mn.us/divs/eh/fpls/>)

[Minnesota Department of Health District Offices](http://www.health.state.mn.us/about/dist.html)  
(<http://www.health.state.mn.us/about/dist.html>)

Minnesota Department of Agriculture  
Food and Feed Safety Division  
625 Robert Street N  
St. Paul, MN 55155-2538  
651-201-6027 or 1-800-697-AGRI  
[mda.info@state.mn.us](mailto:mda.info@state.mn.us)  
[Minnesota Department of Agriculture](http://www.mda.state.mn.us/food)  
(<http://www.mda.state.mn.us/food>)

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651-201-4500 or 651-201-6000.  
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# STANDARDS FOR PRODUCE SAFETY

## Coverage and Exemptions/Exclusions for 21 PART 112

The Preventive Controls for Human Food rule clarified the definition of a farm to cover two types of farm operations, primary production farms and secondary activities farms. The same definition is used in the Produce Safety rule (section 112.3(c)). Below are basic criteria that determine whether an operation that meets the definition of “farm” is subject to the produce rule.

**Does your farm grow, harvest, pack or hold produce?**

Sections 112.1 and 112.3(c)  
We define “produce” in section 112.3(c).

NO



Your farm is NOT covered by this rule.

YES

**Does your farm on average (in the previous three years) have \$25k or less in annual produce sales?**

Section 112.4(a)

YES



Your farm is NOT covered by this rule.

NO

**Is your produce one of the commodities that FDA has identified as rarely consumed raw?**

Section 112.2(a)(1)

If you grow, harvest, pack or hold more than one produce commodity, you must ask this question separately for each one to determine whether that particular produce commodity is covered by this rule.

YES



This product is NOT covered by this rule.

NO

**Is your produce for personal/on-farm consumption?**

Section 112.2(a)(2)

YES



This produce is NOT covered by this rule.

NO

**Is your produce intended for commercial processing that adequately reduces pathogens (for example, commercial processing with a “kill step”)?**

Section 112.2(b)

YES



This produce is eligible for exemption from the rule, provided you make certain statements in documents accompanying the produce, obtain certain written assurances, and keep certain documentation, as per Sections 112.2(b)(2) through (b)(6).

NO

**Does your farm on average (in the previous three years) as per Section 112.5: have < \$500k annual food sales, AND a majority of the food (by value) sold directly to “qualified end-users”?**

Section 112.5(a)

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# ON-FARM READINESS REVIEWS



## What is an On-Farm Readiness Review?

An On-Farm Readiness Review (OFRR) is a free, voluntary, in-person assessment of a farm personnel's understanding of the Food Safety Modernization Act (FSMA) Produce Safety Rule. This is a chance for you to have a one-on-one conversation and farm walk-around with staff from the Minnesota Department of Agriculture (MDA) Produce Safety Program and educators from the University of Minnesota (UMN) Extension to discuss how the Rule applies to your operation. Together, we'll evaluate pre-harvest, harvest, and post-harvest conditions and practices, assess what you are doing well, and identify areas for improvement in food safety practices on your farm.

## How is an On-Farm Readiness Review different from an audit or regulatory inspection?

An On-Farm Readiness Review is not a regulatory visit. The OFRR is for your benefit and will consist of on-farm observation to identify areas for produce safety improvements, to help you prepare for a FSMA Produce Safety Rule inspection (if applicable), and to help you enhance produce safety practices on your farm. Reviewers are not there to conduct an audit, inspection, or any type of regulatory evaluation. All notes taken by the reviewers will be left with the farm at the end of the visit.

## What should I do to prepare for an On-Farm Readiness Review?

At least one person from your farm needs to have attended a Produce Safety Rule Grower Training course before scheduling an OFRR. The Grower Training will provide you with essential background knowledge about the FSMA Produce Safety Rule and recommended produce safety practices that will help you to get the most

out of the OFRR. In addition, for farms that are covered by the Rule, this training satisfies the FSMA Produce Safety Rule requirement that “at least one supervisor or responsible party” completes “food safety training ... recognized as adequate” by FDA (21 C.F.R. §112.22(c)).

Before the OFRR, review the Grower Training Manual from the Grower Training course and your farm's food safety plan, if you have one. Write down any questions you have ahead of time.



## What happens during an On-Farm Readiness Review?

It is important to schedule the OFRR during a time that routine farm processes and operations (such as washing, packing, and harvesting activities) are happening so reviewers can make accurate recommendations for produce safety improvements specific to your farm.

1. Reviewers will begin by asking a series of questions to better understand your farm's produce safety practices and farm procedures.
2. Reviewers will ask to view different areas of the farm to view harvesting, washing, and packing processes as well as storage or holding areas.
3. At the end of the visit, reviewers will provide feedback on observations and identify priority areas for improvement in produce safety practices on your farm.
4. UMN Extension staff can provide additional technical assistance based on the feedback from your On-Farm Readiness Review, which may involve follow up information sharing or additional farm visits.

## What if a public health hazard is found during my On-Farm Readiness Review?

In the rare instance that we observe a serious condition that could be considered “egregious” (an imminent public health hazard is posed if a corrective action is not taken immediately), the condition will be immediately addressed on-site. If the product has not entered commerce and the issue can be immediately corrected, reviewers will not notify state or federal agencies, nor will a written record be made.

## If my farm is not covered under the FSMA Produce Safety Rule can I still request an On-Farm Readiness Review?

Farms may request an On-Farm Readiness Review regardless of whether they are covered, qualified exempt, or excluded under the Rule, however, priority will be given

to those farms covered under the Rule since they are subject to inspection. Farms that are excluded or qualified exempt from the Rule are welcome to request an OFRR and we will fill these requests as scheduling permits.

## How do I sign-up for an On-Farm Readiness Review?

If you've completed a Produce Safety Rule Grower Training course and are interested in an OFRR, contact the Produce Safety Program at (651) 539-3648 or email [producesafety.mda@state.mn.us](mailto:producesafety.mda@state.mn.us) to sign-up. Staff will follow up with you to schedule your OFRR.

## Where should I go for more information?

The resources listed below are great starting points for learning more about produce safety as well as what the Produce Safety Rule means for your operation. Feel free also to get in touch directly with the MDA Produce Safety Program with any questions you might have.

### Minnesota Department of Agriculture – Produce Safety Program

[www.mda.state.mn.us/food-feed/produce-safety-program](http://www.mda.state.mn.us/food-feed/produce-safety-program)

### UMN Extension GAPs Education Program

[extension.umn.edu/safety/growing-safe-food](http://extension.umn.edu/safety/growing-safe-food)

### Produce Safety Alliance

[producesafetyalliance.cornell.edu/](http://producesafetyalliance.cornell.edu/)

### FSMA Produce Safety Rule

[www.fda.gov/food/guidanceregulation/fsma/ucm334114](http://www.fda.gov/food/guidanceregulation/fsma/ucm334114)

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**One-Page Summary of Written On-Farm Food Safety Plan for Fruit & Vegetable Production: Briefly describe how you address each of the following food safety practices on your farm.**

- 1. Handwashing station(s) in the field and/or packing area.**
- 2. Clean and stocked restroom facilities available to workers.**
- 3. Hygiene, illness, injury and safety training for workers.**
- 4. Regular cleaning/sanitizing for equipment, tools, storage, and transport containers.**
- 5. Manure and/or compost management plan.**
- 6. Measures to keep wild and domestic animals out of fields and packing areas.**
- 7. Annual well water testing for generic E. coli and nitrites/nitrates.**

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# SELLING MINNESOTA MEAT PRODUCTS



This fact sheet is for Minnesota farmers who want to sell meat they raise on their own farm. The fact sheet covers regulations for all of the ways for farmers to sell their meat to individual consumers or to food facilities in Minnesota.

## Definitions

**Food facilities:** restaurants, caterers, school food service, institutions, day cares, community centers, churches, hospitals, health care facilities, food shelves and food banks, grocery stores, food markets, cooperatives, bakeries, convenience stores, food stands, mobile food units, warehouses, and wholesale food processors and manufacturers.

*Minnesota Rules 4626.0020 Subparts 35 and 36, <https://www.revisor.leg.state.mn.us/rules/?id=4626.0020>*

MDA: Minnesota Department of Agriculture, <http://www.mda.state.mn.us>

**Meat:** Tissue from animals other than poultry, fish or wild game. In Minnesota, this includes domesticated livestock such as cattle, sheep, swine, goat, ostrich, emu, and rhea; and also farm-raised game species such as bison, elk, deer, water buffalo, antelope, and rabbit.

*Minnesota Rules 4626.0020 Subpart 50, <https://www.revisor.leg.state.mn.us/rules/?id=4626.0020>*

**Product of the farm:** Farm products that you grow or raise on land that you “occupy and cultivate.” Land that you “occupy and cultivate” includes land that you rent or lease, so long as you have control over the production on that land.

*Constitution of the State of Minnesota, Article 13, Section 7, [https://www.revisor.mn.gov/constitution/#article\\_13](https://www.revisor.mn.gov/constitution/#article_13).*

*Minnesota Statute 28A.15 Subd. 2, <https://www.revisor.leg.state.mn.us/statutes/?id=28A.15>*

**Sell; sale:** “Sell” and “sale” mean keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchanging food; having in possession with intent to sell, use, transport, negotiate, solicit, or exchange food; storing, manufacturing, producing, processing, packing, and holding of food for sale; dispensing or giving food; or supplying or applying food in the conduct of any food operation or carrying food in aid of traffic in food whether done or permitted in person or through others.

*Minnesota Statute 34A.01 Subd. 12 (<https://www.revisor.mn.gov/statutes/?id=34A.01>)*

**Wild game:** Animals shot or trapped in the wild; not farm-raised. These animals or parts from them cannot legally be sold as food in Minnesota.

*Minnesota Rules 4626.0020 Subpart 37, <https://www.revisor.leg.state.mn.us/rules/?id=4626.0020>*

## Two Types of Customers

1. Individuals. These are consumers who will serve the product to members of their household and/or non-paying guests.
2. Food Facilities. (see definition, above)

Regulations for sale of your own farm-raised meats depend mainly on who your customers are.

## Three Types of Meat Processing Plants

### Custom-Exempt

These plants may be routinely inspected by an MDA inspector up to four times per year, but there is no routine inspection of animals at the point of slaughter.

- Some Custom-Exempt plants have a kill floor, so that animals may be brought in live to the plant. Some Custom-Exempt plants do not have a kill floor, and receive only carcasses of animals killed on the farm.
- Animals can be killed, skinned, and eviscerated on-farm and brought in to Custom-Exempt plants for processing – whether or not the

plant has a kill floor. Carcasses must be clean and free of hide, dirt, manure, hair, etc., for acceptance at a custom plant.

- Packages of meat processed at Custom-Exempt plants will be marked “Not for Sale.”

Find custom-exempt processing plants in Minnesota: <http://www.mda.state.mn.us/en/licensing/inspections/meatpoultryegg/custom-meat-processing/customplants.aspx>

## Minnesota Equal-To

These plants are under “continuous” (meaning “daily”) inspection by an MDA inspector.



- Animals must be brought in live to these plants. The only exception is for dangerous, untransportable animals such as some bison or beef bulls. In that case, an MDA inspector may conduct a pre-slaughter inspection on the farm. Then the animal must be killed and bled out on the farm and immediately transported whole to the Equal-To plant.
- Animals brought in for inspected processing are inspected both before slaughter (ante-mortem inspection) and after slaughter (post-mortem inspection).
- Animals that pass inspection can be processed for wholesale and retail sale only within Minnesota, and the packages will be marked with an inspection symbol indicating State of Minnesota inspection.
- Many Equal-To plants also offer custom-exempt processing. In that case, the animal need not be inspected by the MDA inspector assigned to that plant. Packages of meat will be marked “Not for Sale.”

Find Minnesota Equal-To processing plants: <http://www.mda.state.mn.us/licensing/inspections/meatpoultryegg/state-inspection/equal2plants.aspx>

## USDA

These plants are under continuous inspection by a USDA inspector. Other procedures are the same as for Equal-To plants, except that meat packages will be marked with a USDA inspection symbol and can be sold either within the state or across state lines.



- USDA defines farm-raised game species as “non-amenable” to inspection. USDA plants will offer inspected slaughter and processing of these animals, but it is a voluntary inspection that the farmer must pay for. The USDA mark of inspection for “non-amenable” species is a triangle rather than a circle.
- Some USDA plants also offer custom-exempt processing. In that case, the animal need not be inspected by the USDA inspector assigned to that plant. Packages of meat will be marked “Not for Sale.”



## Licensing

Usually licensing and inspection go together. In the case of product of the farm, you are excluded from the requirement to have a license -- BUT you may still need an inspection of your facilities.

- Product of the farm is excluded from licensing. If you raise the animals yourself on land that you control (through ownership or rental or lease agreement), and no off-farm ingredients are added

to the meat, you are not required to have an MDA food handlers license in order to sell it. However, inspection may be required in some cases—see Inspection section.

- If off-farm ingredients (salt, cure, spice blends, sauces, etc.) are added to the meat products, you must have an MDA food handlers license in order to sell it.
- If you buy or obtain meat products from other farmers to sell or offer to customers – even if you are donating your distribution efforts – you must have an MDA food handlers license. Minnesota’s definition of “sell” includes any time a product changes hands in any way.
- Some potential buyers may not be aware of what the regulations are for farmers selling meat, and may just assume that you need a license to sell meat from your farm. You can copy and use this fact sheet to help educate your buyers. You can also download and copy the following fact sheet from the MDA:

Approved Sources of Meat and Poultry for Food Facilities. Minnesota Department of Agriculture, Minnesota Department of Health, University of Minnesota Extension. <http://www.mda.state.mn.us/licensing/inspections/~media/Files/food/foodsafety/meatpoultry.ashx>

- Some food facilities are not comfortable with buying from an unlicensed individual. If you are selling product of your farm that has been processed under inspection, you are excluded from licensing. You can request an inspection and inspection report from the MDA to verify that your operation is approved, and show that report to the buyer.

Call the MDA Dairy & Meat Inspection Program to find your MDA inspector: 651-201-6300

### Search the MDA website for fact sheets:

- Go to <http://www.mda.state.mn.us>
- Find the "Search" button in the upper left corner of the web page, right underneath the MDA logo.
- Type a few words of the fact sheet title into the box to the left of the "Search" button.
- Click on the "Search" button.
- The fact sheet you want should be near the top of the list of items that comes up on the web page.

## Inspection

Usually licensing and inspection go together. In the case of *product of the farm*, you are not required to have a license -- BUT you may still need an inspection of your facilities. Contact the MDA to ask about inspection of your facilities if you want to:

- Store meat for sale in freezers on your farm.
- Transport meat in freezers or refrigerators for sale at farmers' markets or to restaurants, grocery stores, or other buyers.

Call the MDA Dairy & Meat Inspection Program to find your MDA inspector: 651-201-6300

## Ways to get meat animals processed to be marketed

### Custom-Exempt Processing

- You must sell animals to individuals

before the animals are slaughtered, and then have the processing done at either a custom-exempt processing plant or at an inspected (Minnesota Equal-To or USDA) plant that offers the option of custom-exempt processing.

- Typically the sale of animals prior to slaughter is done as quarters, halves, or whole animals; but other quantities are possible. You must have a way to track and verify that the entire animal is sold to individual customers before it goes to slaughter.
- The individual customer owns their portion of the animal before the animal goes to the processing plant, and their portion is processed for that individual.
- There is no limit on the number of animals a farmer can sell per year in this way.
- Farmers can sell animals in this way only to individuals, not to food facilities.
- The direct relationship between farmer and customer substitutes for the official inspection of the animal at the time of slaughter. Your customer has the right to visit your farm and select their own animal, although they are not required to do this if they choose not to. There is a form available to ensure that customers understand their rights in selection of the animal:

[http://misadocuments.info/Custom\\_Processed\\_Meat\\_Sales\\_Sample\\_Form.docx](http://misadocuments.info/Custom_Processed_Meat_Sales_Sample_Form.docx)

This is not a required form. It is merely an example. You can choose different means to communicate with your customers.

*Minnesota Statute 31.02A Subd. 5, <https://www.revisor.leg.state.mn.us/statutes/?id=31A.02>*

*Minnesota Statute 31A.15, <https://>*

*[www.revisor.leg.state.mn.us/statutes/?id=31A.15](http://www.revisor.leg.state.mn.us/statutes/?id=31A.15)*

Find custom-exempt processing plants in Minnesota: <http://www.mda.state.mn.us/en/licensing/inspections/meatpoultryegg/custom-meat-processing/customplants.aspx>

### Inspected Slaughter & Processing

- You can have animals slaughtered and processed under inspection at a USDA-inspected or Minnesota Equal-To inspected processing plant, and then sell the processed meat to any individual or food facility in Minnesota.
- If your meat is processed at a USDA-inspected plant, you can also ship it across state lines to sell to individuals or food facilities in other states.
- If these animals are product of your farm and no off-farm ingredients are added, you are not required to have an MDA food handlers license.
- If off-farm ingredients are added; for example, spice blends added to sausage or jerky; then you must have an MDA food handlers license in order to sell the product.
- If you are storing and/or transporting the processed meat, you need to have an MDA inspection of your cold storage and transport facilities.
- You can request an inspection and inspection report from the MDA to verify to buyers that your operation is approved.
- There is no limit to the amount of meat or the number of animals that you can sell per year in this way.

*Minnesota Statute 31A, <https://www.revisor.leg.state.mn.us/statutes/?id=31A>*

Minnesota Statute 28A.15 Subd. 2, <https://www.revisor.leg.state.mn.us/statutes/?id=28A.15>

Find Minnesota Equal-To processing plants: <http://www.mda.state.mn.us/licensing/inspections/meatpoultryegg/state-inspection/equal2plants.aspx>

Find USDA processing plants: <http://www.fsis.usda.gov/wps/portal/fsis/topics/inspection/mpi-directory>

## Your Responsibility to Monitor Your Sales

If individual customers are buying meat from you for their personal and household use, you as the seller bear responsibility to notice if sales seem too large or too frequent to truly represent household use; or if it appears that a buyer might be re-selling meat products improperly. It is illegal to participate in the sale of meat products within Minnesota if those meat products don't meet Minnesota inspection and licensing requirements. It is illegal to participate in the sale of meat products across state lines if those meat products don't meet Minnesota and USDA inspection requirements.

Minnesota Statute 31A.10, Prohibitions. <https://www.revisor.leg.state.mn.us/statutes/?id=31A.10>

United States Code Title 21, Chapter 12, Section 610; Prohibited Acts.

<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title21/html/USCODE-2011-title21-chap12-subchapI-sec610.htm>

- You can sell quarters and halves of animals to individuals from other states, have the meat processed as custom-exempt, and have those individuals come pick it up from the processing plant. Then the

buyer is free to take it where they choose, so long as it is solely for their personal and household use and they are not re-selling it.

- You can sell packages of inspected meat to individuals who come to your farm, farmers' market booth, or other sales venue. It is fine if a customer lives in another state and intends to take the meat back home with them for their own personal or household use.
- Ask questions if individuals are purchasing custom-exempt meat in quantities or frequencies that seem impossible for a household to use. Re-selling of custom-exempt meat is illegal. If you have reason to believe a customer is re-selling custom-exempt meat, you can refuse to sell to that customer and contact your MDA inspector.
- Ask questions if an individual is purchasing large or frequent quantities of packages of inspected meat. Re-selling of inspected meat is legal if the seller has the proper MDA food handlers license, but Equal-To inspected meat cannot be sold across state lines. If you have reason to believe that a customer is improperly re-selling inspected meat without a license, or is selling Equal-To inspected meat across state lines, you can refuse to sell to that customer and contact your MDA inspector.

## Amenable and Non-Amenable Species

The USDA defines animals that have historically been wild game animals as "non-amenable," which means they are not subject to the USDA-enforced federal regulations on meat. "Non-amenable" species as defined by USDA include bison, elk, deer, water buffalo, antelope, guinea pig,

and rabbit. The cut-up parts of these species are not technically considered "meat" by the USDA. They are considered "animal tissue," and are subject to regulation by the Food and Drug Administration (FDA) rather than USDA.

States can have stricter regulations than USDA if they choose. Minnesota recognizes that many of these historically wild species are now raised on farms, and Minnesota law specifies that farm-raised game animals are "amenable" to Minnesota regulations on meat. That means that Minnesota has the same inspection requirements for farm-raised bison, elk, deer, etc. as it does for farm-raised beef, pork, and lamb. In Minnesota, beef is "meat" and bison is also "meat."

All of these species can be sold to individuals with custom-exempt processing.

For sale of packages of meat, farmers can use Minnesota Equal-To plants to get inspected slaughter and processing of farm-raised game species. Packages of meat from animals that pass inspection will be marked with the same State of Minnesota inspection symbol that is used on packages of meat from domestic livestock species. At this time, Minnesota does not charge a fee for inspection of non-amenable species. However, additional charges may apply from the slaughter facility; including but not limited to fees for longer plant work-days for the addition of non-amenable animals, or extra processing steps needed to produce clean carcasses (for example, more time trimming bison carcasses due to bison's long hair). Also, if an Equal-To plant deals with a situation of on-farm slaughter for an animal that is too dangerous to transport, then there needs to be an on-farm, pre-slaughter inspection of the animal and there may be an extra charge for that.

Farmers can also choose to get their “non-amenable” species processed at USDA plants. The USDA calls this “voluntary inspection”



because federal law does not require it. Farmers pay an inspection fee for voluntary inspection of non-amenable species at USDA plants. Packages of animal tissue from non-amenable species processed at USDA plants are marked with the voluntary inspection symbol, which has a triangle shape.

## Selling across state lines

You, the farmer, can only ship or transport meat across state lines if it has the proper inspection. For “amenable” meats, this must be USDA inspection. For parts of what the USDA calls “non-amenable” animals, there may be other options depending on the state you want to ship or transport into.

- Some states do not require inspection of non-amenable species. In that case, you could ship Minnesota Equal-To inspected parts or USDA-inspected parts from Minnesota into that state.
  - o Note: You cannot ship non-amenable animal parts that were not processed under inspection out of Minnesota.

That is because under Minnesota law, these species are defined as “amenable” and require inspection if parts will be sold. Even if the other state would accept uninspected parts, Minnesota’s laws will not allow the uninspected processing to happen in Minnesota.

- Some states may accept the Equal-To inspection of another state for non-amenable species. Note that this would only apply to species deemed “non-amenable” by both the USDA and that other state. See the text box titled Cross-Border Shipping of “Non-Amenable” Animal Tissue.

## Cross-Border Shipping of “Non-Amenable” Animal Tissue

Here is what the USDA’s Food Safety and Inspection Service (FSIS) says about cross-border shipping of “non-amenable” products ([http://askfsis.custhelp.com/app/answers/detail/a\\_id/1446/~state-inspected-non-amenable-species-crossing-state-lines](http://askfsis.custhelp.com/app/answers/detail/a_id/1446/~state-inspected-non-amenable-species-crossing-state-lines)):

### ASKFSIS

**Question:** Can State-inspected products that are not amenable to the Federal Meat Inspection Act (FMIA) or the Poultry Product Inspection Act (PPIA) be transported in interstate commerce?

**Answer:** Perhaps, if in compliance with FDA and State laws and requirements. Food products from non-amenable species (e.g., bison, quail) fall under the jurisdiction of the Food and Drug Administration (FDA). FDA-regulated products may move in interstate commerce in accordance with FDA regulations. States can require that non-amenable species receive State inspection. However, State or voluntary FSIS inspection does not alter the species amenability as it relates to the FMIA, PPIA or FSIS regulations. Thus, interstate movement of State-inspected or voluntary FSIS-inspected non-amenable product will be dictated by FDA and State laws and requirements.

FDA’s Center for Food Safety and Applied Nutrition (CFSAN) is the agency that regulates food from non-amenable species, and its website provides contact information for phone or e-mail. The CFSAN website is at: <http://www.fda.gov/Food/default.htm>

# Resources for More Information and Help

**Minnesota Department of Agriculture; Meat, Poultry & Egg Inspection.** <http://www.mda.state.mn.us/licensing/inspections/meatpoultryegg.aspx>, 651-201-6300. Call this number to request an inspection, obtain contact information for the inspector who serves your area, request copies of forms, or begin a conversation about on-farm processing.

**Minnesota Department of Agriculture Website.** <http://www.mda.state.mn.us>. All fact sheets and other documents are searchable using titles; see sidebar on page 2 for instructions on searching the site.

**Minnesota Farmers Market Association.** <http://www.mfma.org>, (320) 250-5087. Contact MFMA for help with any questions relating to sale of meat at farmers' markets.

**Minnesota Institute for Sustainable Agriculture.** <http://www.misa.umn.edu>, 612-625-8235, misamail@umn.edu. Contact MISA for help with questions relating to local or regional meat production, processing, marketing and sales.

**University of Minnesota Extension; Alternative Livestock Systems.** <http://www.extension.umn.edu/food/small-farms/livestock/poultry/>. Contact Wayne Martin (612-625-6224, marti067@umn.edu) with questions about production and marketing of meat animals.

**USDA-FSIS District Office in Des Moines, IA:** 515-727-8960 or 1-800-990-9834. Call this office with questions about cross-border shipping of processed parts from animals deemed "non-amenable" by the USDA.

## Minnesota Local Foods Advisory Committee

This fact sheet was created with input and oversight from the Local Food Advisory Committee (LFAC). LFAC is a forum where issues relating to local food are raised and discussed, information is shared and problem-solving between Minnesota Department of Agriculture, Minnesota Department of Health, and the local food community takes place. Contact: misamail@umn.edu, 612-625-8235. <https://www.misa.umn.edu/resources/local-food-advisory-committee>

# Summary Table of Meat Slaughter and Processing Scenarios

	<b>Custom-exempt processing of animals sold to individual customers</b>	<b>Inspected processing + storage/transport; NO off-farm ingredients added</b>	<b>Inspected processing + storage/transport; off-farm ingredients added</b>
License	NO	NO	YES
Inspection	NO	YES	YES
Sell at farmers' market or community event	NO	YES	YES
Sell via Internet	<i>Orders may be taken over the Internet but delivery or customer pick-up must be in accordance with the regulations for the type of processing.</i>		
Sell from farm premises	NO	YES	YES
Sell to restaurants	NO	YES	YES
Sell to grocery stores	NO	YES	YES
Sell to other than end consumer	NO	YES	YES
Donate	NO	YES	YES
Ship across state lines	NO (but out-of-state customer can pick up from processor)	YES IF USDA processing (possible exception for non-amenable species)	YES IF USDA processing (possible exception for non-amenable species)
Label	Marked "Not For Sale"	YES	YES
Package	YES	YES	YES
Charge sales tax	NO	NO	NO
Sampling & demo	NO	YES. <i>See the sampling exemption, M.S. 28A.151. <a href="https://www.revisor.leg.state.mn.us/statutes/?id=28A.151">https://www.revisor.leg.state.mn.us/statutes/?id=28A.151</a> You must have an adequate system for cooking and sanitation in order to protect public health.</i>	
MDA jurisdiction	YES	YES	YES

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# SELLING MINNESOTA POULTRY PRODUCTS



This fact sheet is for Minnesota farmers who want to sell poultry they raise on their own farm. The fact sheet covers regulations for all of the ways for farmers to sell their poultry to individual consumers or to food facilities in Minnesota.

## Definitions

**Food facilities:** restaurants, caterers, school food service, institutions, day cares, community centers, churches, hospitals, health care facilities, food shelves and food banks, grocery stores, food markets, cooperatives, bakeries, convenience stores, food stands, mobile food units, warehouses, and wholesale food processors and manufacturers.

*Minnesota Rules 4626.0020 Subparts 35 and 36, <https://www.revisor.leg.state.mn.us/rules/?id=4626.0020>*

**MDA:** Minnesota Department of Agriculture; <https://www.mda.state.mn.us>

**Poultry:** “Poultry” means domesticated fowl, including chickens, waterfowl, and game birds, except doves and pigeons, which are bred for the primary purpose of producing eggs or meat.

*Minnesota Rules 1520.5200 Subpart 21, <https://www.revisor.leg.state.mn.us/rules/?id=1520.5200>*

**Product of the farm:** Farm products that you grow or raise on land that you “occupy and cultivate.” Land you “occupy and cultivate” includes land you rent or lease, so long as you have control over the production on that land.

*Constitution of the State of Minnesota, Article 13, Section 7, [https://www.revisor.mn.gov/constitution/#article\\_13](https://www.revisor.mn.gov/constitution/#article_13). Minnesota Statute 28A.15 Subd. 2, <https://www.revisor.leg.state.mn.us/statutes/?id=28A.15>*

**Sell, sale:** “Sell” and “sale” mean keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchanging food; having in possession with intent to sell, use, transport, negotiate, solicit, or exchange food; storing, manufacturing, producing, processing, packing, and holding of food for sale; dispensing or giving food; or supplying or applying food in the conduct of any food operation or carrying food in aid of traffic in food whether done or permitted in person or through others.

*Minnesota Statute 34A.01 Subd. 12 (<https://www.revisor.mn.gov/statutes/?id=34A.01>)*

## Types of Sales Locations and Customers

Regulations for sale of your own farm-raised poultry depend mainly on who your customers are, where your sales take place, and how many birds you sell per year.

## Two types of locations for sale of poultry:

### Your farm premises

### Anywhere else

In the context of poultry marketing and sales:

“Farm Premises” refers to your own acreage that you farm. Any booth, stand, or vehicle set up away from your farm acreage is not your farm premises.

## Two types of customers:

**Individuals:** These are consumers who will serve the product to members of their household and/or non-paying guests.

**Food Facilities:** Any entity receiving your product that is not an individual consumer buying food to serve to their household, is a food facility.

## Licensing

Usually, licensing and inspection go together. In the case of product of the farm, you are excluded from the requirement to have a license -- BUT you may still need an inspection of your facilities.

- Product of the farm is excluded

from licensing. If you raise the poultry yourself on land that you control (through ownership or rental or lease agreement), and you add no off-farm ingredients to it, you are not required to have a license in order to sell it. However, inspection may be required in some cases—see Inspection section.

- If off-farm ingredients (salt, spice blends, sauces, etc.) are added to the poultry products, you must have an MDA food handlers license in order to sell it.
- If you buy or obtain poultry from other farmers to sell or offer to customers – even if you are donating your distribution efforts – you must have an MDA food handlers license. Minnesota’s definition of “sell” includes any time a product changes hands in any way.

Call the MDA Dairy & Meat Inspection Program to find your MDA inspector: 651-201-6300

- Some potential buyers may not be aware of what the regulations are for farmers selling poultry, and may just assume that you need a license to sell poultry raised on your farm. You can copy and use this fact sheet to help educate your buyers. Here are two additional fact sheets that you can download from the MDA website and copy to help educate buyers:

**Approved Sources of Meat and Poultry for Food Facilities.**

Minnesota Department of Agriculture, Minnesota Department of Health, University of Minnesota Extension. <http://www.mda.state.mn.us/licensing/inspections/~/media/Files/food/foodsafety/meatpoultry.ashx>

**Sale of Locally Home or Farm Raised Poultry.**

Minnesota Department of Agriculture, University of Minnesota Extension. <http://www.mda.state.mn.us/>

[licensing/inspections/~/media/Files/food/foodsafety/poulttrysales.ashx](http://www.mda.state.mn.us/licensing/inspections/~/media/Files/food/foodsafety/poulttrysales.ashx)

- Some food facilities are not comfortable with buying from an unlicensed individual. If you are selling product of your farm that has been processed under inspection, you are excluded from licensing. You can request an inspection and inspection report from the MDA to verify that your operation is approved, and show that report to the buyer

**Search the MDA website for fact sheets:**

- Go to <http://www.mda.state.mn.us>
- Find the “Search” button in the upper left corner of the web page, right underneath the MDA logo.
- Type a few words of the fact sheet title into the box to the left of the “Search” button.
- Click on the “Search” button.
- The fact sheet you want should be near the top of the list of items

## Inspection

Usually, licensing and inspection go together. In the case of product of the farm, you are excluded from the requirement to have a license -- BUT you may still need an inspection of your facilities. Contact the MDA to ask about inspection of your facilities if you want to do any of the following:

- Slaughter and process more than 1,000 birds per year on your farm.
- Slaughter and process any number of birds on your farm, up to 20,000 per year, that you then transport away from the farm premises to sell; for example, at a farmers’ market.

- Get birds processed under inspection at a USDA or Equal-To plant, and then transport and/or hold the birds in cold storage before selling them to customers.

Call the MDA Dairy & Meat Inspection Program to find your MDA inspector: 651-201-6300

## Three Types of Poultry Processing Plants

### Custom-Exempt

These plants may be routinely inspected by an MDA inspector up to four times per year, but there is no routine inspection of animals at the point of slaughter.

- Poultry must be brought in live to these plants.
- Poultry processed at custom-exempt plants will be marked “Not for Sale” on the packages.

Find custom-exempt processing plants in Minnesota: <http://www.mda.state.mn.us/en/licensing/inspections/meatpoultryegg/custom-meat-processing/customplants.aspx>



### Equal-To

These plants are under “continuous” (meaning “daily”) inspection by an MDA inspector.

- Poultry must be brought in live to these plants.
- Poultry brought in for inspected processing are inspected both before slaughter (ante-mortem inspection) and after slaughter (post-mortem inspection).
- Poultry that pass inspection can be

processed for wholesale and retail sale only within Minnesota, and the packages will be marked with an inspection symbol indicating State of Minnesota inspection.

- Many Equal-To plants also offer custom-exempt processing. In that case, the poultry need not be inspected by the MDA inspector assigned to that plant. Packages of poultry will be marked “Not for Sale.”

Find Minnesota Equal-To processing plants: <http://www.mda.state.mn.us/licensing/inspections/meatpoultryegg/equal2plants.aspx>



## USDA

These plants are under continuous inspection by a USDA inspector. Other procedures are the same as for Equal-To plants, except that meat packages will be marked with a USDA inspection symbol that includes a letter “P” for poultry, and can be sold either within the state or across state lines.

- USDA defines farm-raised game species as “non-amenable” to inspection. This includes pheasant and other farm-raised game birds. USDA plants will offer inspected slaughter and processing of these animals, but it is a voluntary inspection that the farmer must pay for. The USDA mark of inspection for “non-amenable” species is a triangle rather than a circle.
- Some USDA plants also offer custom-exempt processing. In that case, the poultry need not be inspected by the USDA inspector assigned to that plant. Packages of poultry will be marked “Not for Sale.”



Find USDA processing plants: <http://www.fsis.usda.gov/wps/portal/fsis/topics/inspection/mpi-directory>

## Ways to get birds processed to be marketed and sold

### Custom-Exempt Processing

- You must sell birds to individuals before the birds are slaughtered. Then have the slaughter and processing done at a custom-exempt processing plant, or at an inspected plant that also offers custom-exempt processing.
- The individual customer owns the live birds before the birds go to the processing plant, and the birds are processed for that individual.
- There is no limit on the number of live birds a farmer can sell per year in this way.
- Farmers can sell live birds in this way only to individuals, not to food facilities. Food facilities cannot buy live birds that will be processed at a custom-exempt plant. Food facilities in Minnesota must only buy poultry that has been processed under inspection at either a Minnesota Equal-To plant or a USDA plant.

*Minnesota Statute 31.02A Subd. 5, <https://www.revisor.leg.state.mn.us/statutes/?id=31A.02>*

*Minnesota Statute 31A.15, <https://www.revisor.leg.state.mn.us/statutes/?id=31A.15>*

### Inspected Slaughter & Processing

- Have birds slaughtered and processed under inspection at a

USDA-inspected or Minnesota Equal-To inspected processing plant, and then sell the processed birds to any individual or food facility in Minnesota.

- If these birds are product of your farm and no off-farm ingredients are added, you are excluded from the requirement to have an MDA food handlers license.
- If your processor is USDA-inspected, you can also sell to individuals or food facilities in other states.
- If you are storing or transporting the processed birds, you must have an MDA inspection of your cold storage and transport facilities.
- You can request an inspection and inspection report from the MDA to verify to buyers that your operation is approved.
- There is no limit on the number of birds a farmer can sell per year in this way.

*Minnesota Statute 31A, <https://www.revisor.leg.state.mn.us/statutes/?id=31A>*

*Minnesota Statute 28A.15 Subd. 2, <https://www.revisor.leg.state.mn.us/statutes/?id=28A.15>*

### On-Farm Slaughter and Processing

You can slaughter and process poultry on your farm for sale to individual customers. This is allowed by specific exemptions in USDA poultry regulations and Minnesota statutes. The exemptions have very narrow boundaries. If you change anything about your processing and sales, you may move out of an exemption category. Check with your MDA inspector before making any changes.

## Producer/Grower 1,000-bird Per Year Exemption

- You can slaughter and process up to 1,000 birds/year on your farm, in sanitary conditions that prevent contamination of the processed poultry.
- This exemption does not require a license, an inspection, or labeling of the processed poultry.
- You can cut up or de-bone the birds as part of your processing.
- Your customers must come to your farm premises to pick up their birds.
- This exemption from licensing and inspection does not allow you to sell poultry at a farmers' market or any other off-farm locations.
- You can sell poultry under this exemption to individuals only, not to food facilities.
- The Minnesota Department of Agriculture still has the right to inspect your farm if they receive a complaint or have reason to believe that you are processing birds in unsanitary conditions.
- The Minnesota Department of Agriculture requests that you register as an exempt poultry producer. There is no fee for this registration. The one-page registration form: <http://www.mda.state.mn.us/~media/Files/licensing/forms/ag02433eggx.pdf>

## Producer/Grower-20,000 Bird Exemption

- You can slaughter and process up to 20,000 birds/year on your farm, in sanitary conditions that prevent contamination of the processed poultry.
- This exemption does not require a license, but you must have your

processing set-up inspected and approved by an MDA inspector.

- You can cut up or de-bone birds as part of your processing.
- You must label the processed poultry as “Exempt P.L. 90-492” and include your name and address on the label. You must also include the safe handling statement on the label. See example label:



- If you will hold or transport processed poultry, the MDA must inspect and approve your cold storage and transport facilities.
- You can sell poultry processed and labeled under this exemption at locations away from your farm premises, including farmers' markets.
- You cannot sell, ship, or deliver the processed poultry across state lines.
- You can sell poultry processed under this exemption to individuals only, not to food facilities.
- The Minnesota Department of Agriculture requests that you register as an exempt poultry producer. There is no fee for this registration. The one-page registration form: <http://www.mda.state.mn.us/~media/Files/licensing/forms/ag02433eggx.pdf>

*The 1,000-bird exemption and the 20,000-bird exemption are authorized in the Poultry and Poultry Products Inspection Act, United States Code Title 21, Chapter 10, part 464: <https://www.gpo.gov/fdsys/pkg/USCODE-2014-title21/html/USCODE-2014-title21-chap10-sec464.htm>*

*Further described in the Code of Federal Regulations, Title 9, part 381.10: [http://www.ecfr.gov/cgi-bin/text-idx?SID=920305e6ffa00f646d160a9290f5a554&mc=true&node=se9.2.381\\_110&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=920305e6ffa00f646d160a9290f5a554&mc=true&node=se9.2.381_110&rgn=div8)*

*Adopted by the State of Minnesota in M.S. 31.101 Subdivision 10, <https://www.revisor.leg.state.mn.us/statutes/?id=31.101>*

*And limited by the State of Minnesota in M.S. 31A.15 Subdivision 1, <https://www.revisor.leg.state.mn.us/statutes/?id=31A.15>*

## Inspected On-Farm Processing

If you want to slaughter and process poultry on your farm for sale to food facilities, you will need to construct a USDA or Minnesota Equal-To inspected facility on your farm. Contact the MDA Dairy & Meat Inspection Program for Equal-To plants; or the USDA Food Safety Inspection Service (USDA-FSIS) for USDA plants; to begin the conversation about an on-farm inspected processing plant.

## Your Responsibility to Monitor Your Sales

If individual customers are buying poultry from you for their personal and household use, you as the seller bear responsibility to notice if sales seem too large or too frequent to truly represent household use; or if

it appears that a buyer might be re-selling poultry products improperly. It is illegal to participate in the sale of poultry products within Minnesota if those poultry products don't meet Minnesota inspection and licensing requirements. It is illegal to participate in the sale of poultry products across state lines if those poultry products don't meet Minnesota and USDA inspection requirements.

*Minnesota Statute 31A.10, Prohibitions.* <https://www.revisor.leg.state.mn.us/statutes/?id=31A.10>

*United States Code Title 21, Chapter 12, Section 610; Prohibited Acts.* <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title21/html/USCODE-2011-title21-chap12-subchapI-sec610.htm>

- You can sell poultry to individuals from other states, have the

meat processed on the farm or as custom-exempt, and have those individuals come pick it up themselves from your farm or the custom-exempt processing plant. Then the buyer is free to take it where they choose, so long as it is solely for their personal and household use and they are not re-selling it.

- You can sell packages of inspected poultry to individuals who come to your farm, farmers' market booth, or other sales venue. It is fine if a customer lives in another state and intends to take the poultry back home with them for their own personal or household use.
- Ask questions if individuals are purchasing farm-processed or custom-exempt poultry in quantities or frequencies that seem impossible for a household to use. Re-selling of farm-processed or

custom-exempt poultry is illegal. If you have reason to believe a customer is re-selling farm-processed or custom-exempt poultry, refuse to sell to that customer and contact your MDA inspector.

- Ask questions if an individual is purchasing large or frequent quantities of packages of inspected poultry. Re-selling of inspected poultry is legal if the seller has the proper MDA food handlers license, but Equal-To inspected poultry cannot be sold across state lines. If you have reason to believe a customer is improperly re-selling inspected poultry without a license, or is selling Equal-To inspected poultry across state lines; refuse to sell to that customer and contact your MDA inspector.

## Resources for More Information and Help

**Minnesota Department of Agriculture; Meat, Poultry & Egg Inspection.** <http://www.mda.state.mn.us/licensing/inspections/meatpoultryegg.aspx>, 651-201-6300. Call this number to request an inspection, obtain contact information for the inspector who serves your area, request copies of forms, or begin a conversation about on-farm processing.

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**Minnesota Institute for Sustainable Agriculture.** <http://www.misa.umn.edu>, 612-625-8235, [misamail@umn.edu](mailto:misamail@umn.edu). Contact MISA for help with questions relating to local or regional poultry production, processing, marketing and sales.

**University of Minnesota Extension; Alternative Livestock Systems.** <http://www.extension.umn.edu/food/small-farms/livestock/poultry/>. Contact Wayne Martin (612-625-6224, [marti067@umn.edu](mailto:marti067@umn.edu)) with questions about production and marketing of poultry.

**USDA-FSIS District Office in Des Moines, IA:** 515-727-8960 or 1-800-990-9834. Call this office to begin a conversation about constructing an on-farm USDA-inspected processing plant.

### Minnesota Local Foods Advisory Committee

This fact sheet was created with input and oversight from the Local Food Advisory Committee (LFAC). LFAC is a forum where issues relating to local food are raised and discussed, information is shared and problem-solving between Minnesota Department of Agriculture, Minnesota Department of Health, and the local food community takes place. Contact: [misamail@umn.edu](mailto:misamail@umn.edu), 612-625-8235. <https://www.misa.umn.edu/resources/local-food-advisory-committee>

# Summary Table of Poultry Slaughter and Processing Scenarios

	Custom-exempt processing of birds sold live	Inspected processing + storage/ transport; no off-farm ingredients	Inspected processing + storage/ transport; off-farm ingredients added	On-farm processing; 1,000-bird Producer/ Grower exemption	On-farm processing; 20,000-bird Producer/ Grower exemption
License	NO	NO	YES	NO	NO
Inspection	NO	YES	YES	NO	YES
Register	NO	NO	NO	YES	YES
Sell at farmers' market or community event	NO	YES	YES	NO	YES
Sell via Internet	<i>Orders may be taken over the Internet but delivery or customer pick-up of birds must be in accordance with the regulations for the type of processing.</i>				
Sell from farm premises	NO	YES	YES	YES	YES
Sell to restaurants	NO	YES	YES	NO	NO
Sell to grocery stores	NO	YES	YES	NO	NO
Sell to other than end consumer	NO	YES	YES	NO	NO
Donate	NO	YES	YES	NO	NO
Sell across state lines	NO (but out-of-state customer can pick up from processor)	YES **ONLY IF USDA processing	YES**ONLY IF USDA processing	NO (but out-of-state customer can pick up at farm & transport)	NO (but out-of-state customer can purchase & transport)
Label required	marked "Not for Sale"	YES	YES	NO	YES
Package	YES	YES	YES	YES	YES
Charge sales tax	NO	NO	NO	NO	NO
Sampling & demo	NO	<i>YES. See the sampling exemption, M.S. 28A.151. <a href="https://www.revisor.leg.state.mn.us/statutes/?id=28A.151">https://www.revisor.leg.state.mn.us/statutes/?id=28A.151</a> You must have an adequate system for cooking and sanitation in order to protect public health.</i>			
MDA jurisdiction	YES	YES	YES	YES	YES

# Wholesale Produce Dealer License

The Wholesale Produce Dealer license is handled by the Minnesota Department of Agriculture, but is a separate license from the food handler licenses. Wholesale Produce Dealer licenses provide protection to farmers in the event they go unpaid for their produce.

M.S. 27. Wholesale Produce Dealers. <https://www.revisor.leg.state.mn.us/statutes/?id=27.01>

“Produce” in the context of a Wholesale Produce Dealer license means fresh fruits and vegetables, milk, cream, perishable products made with milk or cream, poultry, and poultry products including eggs.

Certain businesses dealing with local food may need **both** a food handler license and a Wholesale Produce Dealer license.

- Generally, wholesale businesses that buy produce directly from farmers and re-sell it, or that distribute farmers’ produce for a fee or commission, need a Wholesale Produce Dealer license if they handle more than \$1,000 per month of farmers’ produce.
- Retail grocery stores that buy produce directly from farmers and re-sell it need a Wholesale Produce Dealer license if they purchase more than \$500 per month of farmers’ produce.

Multi-farm CSAs, farmers’ collaborative marketing arrangements, and farmers’ markets that distribute produce are generally not required to have a Wholesale Produce Dealer license if no commission or handling fees are charged for the distribution services. These types of arrangements are viewed by the Wholesale Produce Dealer licensing unit as partnership agreements rather than sales.

However, the MDA’s Food & Feed licensing unit defines a “sale” more broadly as any time a food item changes hands, or is stored or transported as part of the process of it changing hands, whether money is exchanged or not. This means a multi-farm collaborative marketing arrangement may still need a food handler license, even if it does not need a Wholesale Produce Dealer license.

If you might need a Wholesale Produce Dealer license, contact MDA Wholesale Produce Dealers Licensing: 651-201-6620

<https://www.mda.state.mn.us/licensing/licensetypes/wholproddealer.aspx>

Summary of differences between food handler licenses and Wholesale Produce Dealer licenses:

<b>Type of license</b>	<b>Purpose of license</b>	<b>Meaning of "Produce"</b>	<b>Meaning of "Sale"</b>
Wholesale Produce Dealer	Protect commerce: Ensure that farmers are protected in the event of non-payment for their produce.	"Produce" is defined in M.S. 27.01 Subdivision 2* as:  (1) perishable fresh fruits and vegetables; (2) milk and cream and products manufactured from milk and cream; and (3) poultry and poultry products.	A sale is when money is exchanged. A Wholesale Produce Dealer license is not required for collaborative marketing agreements in which distribution of products is done by an entity that doesn't charge a fee for the service.
Food handler	Protect food safety: Ensure that persons selling food are operating with approved facilities and according to safe food handling practices.	"Produce" refers to fruits, vegetables, edible mushrooms, herbs, and nuts. §	A "sale," according to the definition in M.S. 34.01 Subdivision 12‡: "... keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchanging food; having in possession with intent to sell, use, transport, negotiate, solicit, or exchange food; storing, manufacturing, producing, processing, packing, and holding of food for sale; dispensing or giving food; or supplying or applying food in the conduct of any food operation or carrying food in aid of traffic in food whether done or permitted in person or through others."
<p>* Minnesota Statute 27.01 Subd. 2. <a href="https://www.revisor.leg.state.mn.us/statutes/?id=27.01">https://www.revisor.leg.state.mn.us/statutes/?id=27.01</a>                  ‡ Minnesota Statute 34A.01 Subd. 12 <a href="https://www.revisor.mn.gov/statutes/?id=34A.01">https://www.revisor.mn.gov/statutes/?id=34A.01</a>                  § Food Safety Modernization Act – Produce Safety Rule, 21 Code of Federal Regulations 112. <a href="https://www.federalregister.gov/documents/2015/11/27/2015-28159/standards-for-the-growing-harvesting-packing-and-holding-of-produce-for-human-consumption#p-2070">https://www.federalregister.gov/documents/2015/11/27/2015-28159/standards-for-the-growing-harvesting-packing-and-holding-of-produce-for-human-consumption#p-2070</a></p>			



# Approved Sources of Meat and Poultry for Food Facilities

Minnesota Department of Agriculture; University of Minnesota Extension

## Introduction

The purpose of this factsheet is to describe the conditions under which food facilities in Minnesota may safely and legally buy or accept meat and poultry from local or large-scale foodservice distributors.

This document may not answer every question that you have about these regulations. You will find links and contact information within the text of the factsheet for sources of additional information.

## Definitions

### Food facilities:

Restaurants, caterers, school food service, institutions, day cares, community centers, churches, hospitals, health care facilities, food shelves/banks, grocery stores, food markets, farmers' markets, cooperatives, bakeries, convenience stores, food stands, mobile food units, warehouses, and wholesale food processors and manufacturers.

### Harvest:

Alternate term for slaughter.

### Poultry:

Domesticated fowl including chickens, waterfowl and game birds, except doves and pigeons, which are bred for the primary purpose of producing eggs or meat. "Waterfowl" means domesticated fowl that normally swim, such as ducks and geese. "Game birds" means domesticated fowl such as pheasants, partridge, quail, grouse and guineas, but not doves and pigeons (MN Rules 1520.5200 Subp. 14, 21, and 30).

### Primal:

Refers to a large, wholesale piece of meat initially separated from the carcass during butchering.

### Retail sales:

Sales to the final consumer.

### Sell; sale:

Includes keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchange of food (MN Statutes, Chapter 28A.03 Subd. 6).

### What type of inspection is required before meat and poultry are harvested and sold?

Livestock and poultry must be harvested and processed in an establishment that is inspected continuously either by the Minnesota Department of Agriculture (MDA) Meat and Poultry Inspection Program (commonly called **Equal-To**) or the United States Department of Agriculture (USDA) Food Safety Inspection Service (FSIS).

### What does "inspected continuously" mean?

This means that the meat or poultry business is inspected every day during operations to ensure that they are producing safe food. For example, every animal slaughtered in a continuously inspected establishment must be inspected to ensure that the meat comes from an animal free from signs of disease.

Continuous inspection is required for any business that wishes to sell their products to other retail outlets, such as grocery stores, restaurants, or other food service institutions.

Updated: 3/12/2018

**For Additional Information:** 651-201-6300 or [MDA.MeatPoultryEgg@state.mn.us](mailto:MDA.MeatPoultryEgg@state.mn.us) • 625 Robert Street North, Saint Paul, MN 55155-2538

In accordance with the Americans with Disabilities Act, this information is available in alternative forms of communication upon request by calling 651-201-6000. TTY users can call the Minnesota Relay Service at 711. The MDA is an equal opportunity employer and provider.

## Who does continuous inspection?

Businesses that need continuous inspection have two options:

**Federal Inspection:** Operators who produce their meat products in Minnesota and sell their products in Minnesota and other states, or will export them to other countries, must be inspected by the USDA Food Safety and Inspection Service (FSIS). These businesses may harvest their own animals, or may purchase products from other USDA inspected sources and further process these products under continuous inspection.

**State Inspection:** Operators who produce and sell their products only in Minnesota can be inspected by the State **Equal-To** inspection program. These businesses may harvest their own animals or purchase products from either USDA or State inspected sources for further processing in their facility.

You can find a list of State and USDA inspected meat and poultry plants online:

[List of Minnesota State Equal-To Plants](#)

[List of USDA Inspected Plants](#)

Contact USDA's Des Moines District office at 1-800-990-9834 for additional information.

## What are the inspection requirements for meat that is bought or sold at a retail food facility?

This type of firm is considered a **Retail-Exempt Processor**. These businesses typically buy meat and poultry products from distributors that are supplied by USDA or State **Equal-To** inspected sources, and then sell the products at retail in their facility.

Such operations are licensed and inspected by the MDA Food and Feed Safety Division, or state or local health departments. They must meet the requirements of the Minnesota Food Code for producing food. This kind of business is inspected every 12, 18, or 24 months depending on their risk category.

## How can I tell that meat products have been inspected?

All carcasses, primal and packages of meat products, must be properly labeled with the inspection legends (or brands) of either MDA or USDA. This branding or stamping will take place at the continuously inspected and approved facility where the meat is harvested and/or processed.



USDA has a special stamp for non-amenable meat species such as elk and bison. Meats that carry the triangle-shaped USDA inspection brand for non-amenable meat species must meet the same requirements and be processed under the same conditions as amenable meat species. The triangle brand means that the meat species are exotic or non-amenable and that the meat was produced under voluntary inspection. The Minnesota Equal-To program uses only one legend for all inspected products.



### What are Amenable and Non-Amenable Species?

**Amenable Species:** cattle, swine, sheep, goat, emu, ostrich, and rhea (a relative of the ostrich and emu). Amenable species are those that have historically been considered as products of the meat industry.

**USDA Non-Amenable Species:** farm raised deer, elk, bison, water buffalo, antelope, and rabbit (these species are considered amenable under Minnesota regulations).

## What other information must be on the label?

The following additional items must be on the label:

- Product identity, including the common name of the product;
- Complete list of ingredients and sub-ingredients in descending order of predominance;
- Handling instruction (e.g., keep frozen);
- Safe handling instruction (raw or partially cooked products only);

Updated: 3/12/2018

- Net weight on lowest 1/3<sup>rd</sup> of the label; and
- Name, address, and zip code of the processor, manufacturer, or distributor.

## When are safe handling instructions required to be labeled on the products?

Safe handling instructions are required if the meat or poultry component of a product is raw or partially cooked, therefore not considered to be ready-to-eat (RTE). This additional label is required if the product is being sold for the household consumer or institutional users such as restaurants, hotels, schools, or nursing homes.

Whole, halved, and quartered carcasses are not considered packaged products and do not need a safe handling statement. However, a statement must be included with the purchase if the product will later be sold at a full or self-service meat counter.



## Can I buy meat at my local retail market and use it in my food facility?

If your local market is a “retail-exempt” facility (as described above), you may only buy full cases or packages that are identified with the inspection legend. With few exceptions, if the store does further processing, the meat is only intended for the end user and cannot be re-sold. There are some exceptions to this rule. These exceptions are discussed in the next section of this factsheet.

Generally, if you want to buy local meat and poultry products for your food facility, check for the inspection legend on the package.

## Under what conditions can I buy meat or poultry for my food facility from a retail-exempt market?

A local retail grocery or meat market can sell meat products to a food facility only if all four of these USDA criteria are met:

1. A retail-exempt processor can sell **raw** products such as steaks, chops, ground meat products only to Hotels, Restaurants, and Institutions (HRI); **and**
2. The retail-exempt processor’s total sales to all food service facilities do not exceed the current FSIS annual dollar limitation for a retail sale; **and**
3. The retail-exempt processor’s total sales to food service do not exceed 25% of their total annual sales; **and**
4. The retail-exempt processor only sells fresh, uncured, unsmoked and uncooked products.

Contact the Minnesota Department of Agriculture, Meat Compliance Officer at 651-201-6300 for further clarification regarding meeting all four USDA criteria.

## Are there any meat items that I can make and wholesale from my retail-exempt facility without meeting the continuous inspection requirements?

Yes. In most situations a business or individual CANNOT produce meat products and sell those products to another business or sell them across state lines, if the products contain more than 3% raw or 2% cooked meat. **There are two federal exemptions:**

**Pizza:** Hot, ready-to-eat, meat pizzas can be made at a restaurant and served at public or private non-profit institutions where they must be sold hot, and ready-to-eat. The pizza may only contain inspected and passed meat products. The pizza must be delivered by restaurant employees hot, or with minimal re-heating needed to return the food to serving temperature. The pizza must be transported directly to the location where it will be sold and may not be stored between production and sales. For example, pepperoni pizzas might be delivered hot from a pizza restaurant and sold as a fund-raiser at a public school sporting event.

See the [Federal guideline 21 part 303](#)

Updated: 3/12/2018

**Sandwiches:** Sandwiches that contain sliced meat can be made in a food facility and then be wholesaled. They must be properly handled, labeled, transported and stored.

For example, submarine sandwiches from a sandwich restaurant could be transported for sale at a fundraiser. By definition a sandwich is meat, vegetables, or cheese between two pieces of bread, i.e. a ham and cheese sandwich.

Therefore, food items such as a wrap or meat pasty would not meet this exemption.

Contact the Minnesota Department of Agriculture at 651-201-6300, or your state or local Food/Health Inspector for additional information on licensing, and specific product or processing requirements.

### **Can custom-processed meat be used in a food facility?**

**No.** Meat processed at a custom-exempt processor is marked, "NOT FOR SALE." It may not be sold and may not be used in any way in a food facility. Even if a food facility has "nonpaying guests," custom-exempt product cannot be used or offered for sale at that food facility.

#### **What is a Custom Meat Processor?**

A custom meat processor is a plant that is exempt from continuous inspection because they only process meat as a service to the owner of the animal. The inspector is not present when animals are slaughtered. Businesses that operate under this exemption are inspected quarterly by the State Inspection Programs or by FSIS/USDA.

The meat or poultry from these establishments cannot be sold and can only be consumed by the owner, the owner's immediate family, and non-paying guests

### **Is a farmer required to have a food license to sell their meat to a food facility?**

Contact MDA at 651-201-6300 if you have questions regarding approved sources, farmer exemptions, and licensing requirements. Regardless of license status, all producers, processors, handlers, and vendors of food, must comply with food safety laws and regulations.

### **What are some other purchasing and receiving guidelines for locally produced meat and poultry?**

Confirm that the meat is properly labeled. Immediately place the meat into a refrigerator maintained at 41°F or less, or freeze.

Ask for a receipt of purchase and keep good records. Good recordkeeping is particularly important in case illness or injury results and there is a need to trace the product back to the supplier.

### **What would happen if I use or have present unapproved meat or poultry in my food facility?**

The use or presence of unapproved food products in your facility is a violation of federal, state, and local laws. If your inspector finds any unapproved food product during an inspection or investigation, you would be ordered to immediately discontinue the practice of using or selling the products identified as illegal. Those items would be immediately removed from sale or use. Additional regulatory action including embargo, recall, hearings, fines, or condemnation and destruction of the illegal food items may be taken. This will disrupt your business operation

*Minnesota Department of Agriculture Dairy & Meat  
Inspection Division*

651-201-6300

1-800-967-AGRI

*University of Minnesota Food Safety Extension*

612-624-1222

Updated: 3/12/2018

In accordance with the Americans with Disabilities Act, this information is available in alternative forms of communication upon request by calling 651-201-6000. TTY users can call the Minnesota Relay Service at 711. The MDA is an equal opportunity employer and provider.

# Sale of Locally Home or Farm Raised Poultry

Minnesota Department of Agriculture; University of Minnesota Extension

## Introduction

The purpose of this factsheet is to describe how Minnesotans may safely and legally sell their harvested poultry and to provide an overview of regulatory issues related to poultry.

Demand for processed poultry from local sources has increased and more and more individuals are raising poultry to meet this demand. This document will provide you a foundation and resources regarding questions that you may have regarding the sale of locally home or farm raised poultry in Minnesota. You will find links and contact information within the text of the factsheet for additional information.

## Definitions

### Farmer:

A person who raises food either at his/her home property, farm, or garden that they rent or own.

### Harvest:

Alternate term for slaughter.

### Poultry:

Domesticated fowl including chickens, waterfowl and game birds, except doves and pigeons, which are bred for the primary purpose of producing eggs or meat. "Waterfowl" means domesticated fowl that normally swim, such as ducks and geese. "Game birds" means domesticated fowl such as pheasants, partridge, quail, grouse, and guineas, but not doves and pigeons (MN Rules 1520.5200 Subp. 14, 21 and 30).

### Retail sales:

Sales to the final consumer.

### Sell; sale:

Includes keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchange of food (MN Statutes, Chapter 28A.03 Subd. 6).

## What is the historical basis requiring poultry inspection?

The **Poultry Products Inspection Act (PPIA)** commonly referred to as Public Law (P.L.) 90 – 492, is a Federal act passed by the United States Congress in 1957 that mandated Federal inspection at businesses that slaughter poultry or process poultry products for sale.

The goal of the act is to ensure that only wholesome poultry that is not adulterated or misbranded enters interstate (between states) or foreign commerce.

A 1968 amendment extended the mandate for Federal (or State **Equal-To**) inspection to all businesses that slaughter or process poultry for shipment within a State. All poultry sold must meet the mandated requirements unless the operator qualifies as an "**Exempt P.L. 90-492**" processor.

## What are the basic differences and similarities of "Exempt P. L. 90-492" versus the Federal mandates provided above?

**Exempt P.L. 90-492** is the term that refers to poultry slaughter and processing operations that qualify to operate without the benefit of daily Federal (or State **Equal-To**) inspection. Bird-by-bird inspection is not required in these operations and the presence of inspectors is not required. These facilities, which are usually smaller poultry farms, are not exempt from all of the requirements of the Poultry Products Inspection Act and certain State specific requirements do apply to these operators. Greater detail is provided in other sections of this factsheet. Most importantly, these operators are not allowed to produce product that is adulterated and misbranded.

Updated: 7/31/2017

**For Additional Information:** 651-201-6300 or MDA.MeatPoultryEgg@state.mn.us • 625 Robert Street North, Saint Paul, MN 55155-2538

In accordance with the Americans with Disabilities Act, this information is available in alternative forms of communication upon request by calling 651-201-6000. TTY users can call the Minnesota Relay Service at 711. The MDA is an equal opportunity employer and provider.

## I want to sell my poultry directly to the consumer from my farm. Do I need a license or inspection to do so?

It depends on the situation. **Licensing and inspection are two different topics and the requirements for each are dependent on the specific situation.**

### 1. Inspection:

Inspection is not required for poultry producers who do the following:

- Sell fewer than 1,000 home raised poultry per year directly to the end consumer from the farm; and
- Do their own processing.

An approved facility **IS** required for those producers selling more than 1,000 birds per year. Inspections may be conducted at these facilities as well.

### 2. Licensing:

You are exempt from state licensing if you sell poultry direct from your farm, register with the Minnesota Department of Agriculture (MDA), and meet **ALL** the criteria listed below (a – h):

- a. The farmer sells only birds raised on his/her own farm; and
- b. The poultry products are sold only from the farm to individual consumers and households; and
- c. The farm harvests fewer than 20,000 birds annually; and
- d. No birds are offered for sale or transportation in interstate commerce (i.e., across state lines); and
- e. The poultry products are sold as whole birds or cut up (no smoking or curing permitted); and
- f. The poultry is processed in one of two ways:
  - i. The poultry grower harvests his/her own birds under sanitary conditions; **or**
  - ii. The poultry have been harvested in an establishment that is inspected continuously either by MDA Meat and Poultry Inspection Program (commonly called **Equal-To**) or the United States Department of Agriculture (USDA) Food Safety Inspection Service (FSIS); and
- g. The processor must keep harvest and sales records; and
- h. The processed poultry must be properly labeled.

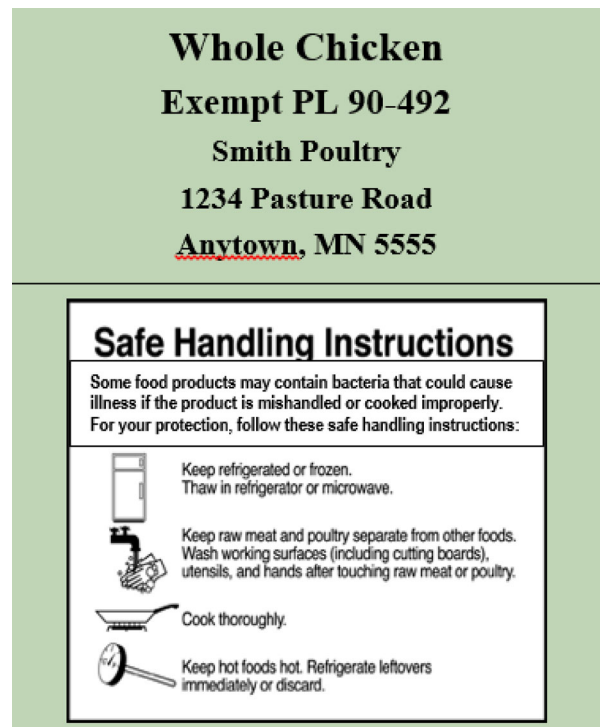
Because each situation is unique, it is important to contact MDA at 651-201-6300 if you have questions regarding approved sources, inspection & facility requirements, farmer exemptions, licensing or labeling.

## What are the labeling requirements?

To sell your poultry from your farm, each bird must have a label to include **ALL** the criteria listed below (a – e):

- a) The Product Name; and
- b) “Exempt PL 90-492” ; and
- c) Farmer’s Name; and
- d) Name, address, and zip code of your farm; and
- e) Safe Handling Instructions (all Safe Handling Instruction writing is minimum 1/16 inch letter height).

An example of the required labeling:



## If I meet the PL 90-492 Exemption requirements, does that mean I avoid having an inspector come on site to my farm to conduct an inspection?

**No.** Exempt farm facilities are subject to inspection to verify sanitary conditions at the discretion of MDA or as a result of a consumer complaint.

**Regardless of PL Exemption or license status, all producers, processors, handlers, and vendors of food, must comply with food safety laws and regulations.**

## **I would like to find out more regarding inspection programs. What type of inspection is required before the poultry is sold if I do not qualify for PL Exempt?**

If the poultry does not qualify for the PL Exemption, the poultry must be harvested and processed in an establishment that is inspected continuously by either the MDA Meat and Poultry Inspection Program (commonly called **Equal-To**) or USDA FSIS.

### **What does “inspected continuously” mean?**

This means that the poultry business is inspected every day during operations to ensure that they are producing safe food. Every bird harvested in a continuously inspected establishment must be inspected before, during and after slaughter to ensure that the meat comes from an animal free from signs of disease.

Continuous inspection is required for any business that sells their poultry products to retail outlets, such as grocery stores, restaurants, or other food service institutions.

### **Who does continuous inspection?**

Businesses that need continuous inspection have two options:

**Federal Inspection:** Operators who produce their meat products in Minnesota and sell their products in Minnesota and other states, or will export them to other countries, must be inspected by the USDA FSIS. These businesses may harvest their own poultry or may purchase products from other USDA inspected sources and further process these products under continuous inspection.

**State Inspection:** Operators who produce and sell their products only in Minnesota can be inspected by the State **Equal-To** inspection program. These businesses may harvest their own poultry or purchase products from either USDA or State inspected sources for further processing in their facility.

You can find a list of State and USDA inspected meat and poultry plants online:

[List of Minnesota State Equal-To Plants](#)

[List of USDA Inspected Plants](#)

Contact USDA’s Des Moines District office at 1-800-990-9834 for additional information.

## **How can I sell my poultry at the farmers’ market?**

Farmers have two options for conducting retail sales of poultry at a farmers’ market:

1. Harvest the birds yourself in an on-farm facility that meets the requirements as outlined in 9 CFR 416.2-416.5, which is provided online.

These facilities may be inspected one or two times per year for construction and sanitation. Home harvested birds cannot be sold to grocery stores or other food facilities. This poultry can only be sold retail directly to the final consumer. To have your facility inspected, please contact MDA at 651-201-6300.

In addition, you must follow the other PL Exemption requirements and label requirements provided earlier in this fact sheet; or

2. Have the birds harvested in either a MN **Equal-To** facility or USDA facility under continuous inspection.

## **Do I need a license to sell my birds at a farmers’ market?**

Farmers selling whole or cut up poultry (no other ingredients added) **from their own flock** are not required to be licensed per MN licensing statute 28A. However, certain local governments may require licensing to sell products at a farmers’ market so it is important to contact them as well. These producers must register as an on-farm exempt producer with MDA. There is no fee associated with this registration. The one page form can be obtained online.

[Poultry Slaughter and Sales Direct to Consumers Exemption form](#)

## **I have my birds processed at a local meat market. Can I sell them at the farmers’ market?**

Only if the local meat market is inspected continuously by either the MN **Equal-To** or USDA FSIS programs.

These plants are required to meet more stringent food safety standards than custom exempt plants. During MN *Equal-To* or USDA FSIS inspection, each bird is inspected before, during and after slaughter for food safety and product wholesomeness. This is required so the consumer is ensured that the plant is being held to the highest level of food safety that exists for meat and poultry.

**Poultry processed at a custom meat processor CANNOT be sold.**

**What is a Custom Meat Processor?**

A custom meat processor is a plant that is exempt from continuous inspection because they only process meat as a service to the owner of the animal. The inspector is not present when animals are slaughtered. Businesses that operate under this exemption are inspected quarterly by the State Inspection Programs or by FSIS/USDA.

The meat or poultry from these establishments cannot be sold and can only be consumed by the owner, the owner’s immediate family, and non-paying guests.

**What do I need to do to sell my own poultry to grocery stores, restaurants, schools or other businesses?**

These birds must be processed under either MN *Equal-To* or USDA FSIS inspection. Licensing is not required by the State if you are selling only birds you have raised.

Contact MDA at 651-201-6300 if you have questions regarding approved sources, farmer exemptions, and licensing requirements.

**What would happen if I did sell my poultry to a food facility or at a farmers’ market without following the rules and guidelines given in this factsheet?**

The use or presence of unapproved food products in a food facility or at a farmers’ market is a violation of federal, state, and local laws. If an inspector finds any unapproved food product during an inspection or investigation, you will be ordered to immediately discontinue the practice of using or selling the products identified as illegal and those items will be immediately removed from sale or use. Additional regulatory action including embargo, recall, hearings, fines, or condemnation and destruction of the illegal food items may be taken. This will disrupt your business operation.

**What are some other guidelines regarding the sale of locally produced poultry?**

- Be prepared to answer the purchaser’s questions about how the birds are raised, processed, handled, and stored.
- Wash hands well and often.
- Maintain the processed poultry at 41°F or less, or freeze.
- Provide a receipt of purchase and keep good records. Good recordkeeping is particularly important in case illness or injury results and there is a need to trace the product back to the supplier.

**Type of Inspection Needed for Poultry Processors:**

End Customer	Type of Inspection Needed
Grocery stores, restaurants (wholesale outlets)	Federal or State <i>Equal-To</i>
Direct retail sales from the farm to end customer (if slaughtered on the farm)	No routine inspection – processed under P.L. exemption
Farmers’ Markets	Federal or State <i>Equal-To</i> or P.L. exempt from an approved facility

**Type of Licensing Needed for Poultry Processors:**

Products being Sold	Licensing Needed
Birds only from your farm	None required – Register with MDA
Birds from your farm and other farms	Food handler’s license
Poultry products with added ingredients that do not come from your farm	Food handler’s license

[Minnesota Department of Agriculture Dairy & Meat Inspection Division](#)

651-201-6300

1-800-967-AGRI

[University of Minnesota Food Safety Extension](#)

612-624-1222



# SELLING MINNESOTA SHELL EGGS



This fact sheet is for Minnesota farmers, small-flock owners, and local food entrepreneurs who want to sell eggs. The fact sheet covers regulations for sales of eggs from your own flock of any size, as well as for sales or distribution of eggs collected from other flocks than your own.

## Definitions

**Eggs:** Eggs from any species defined as “poultry” in Minnesota. “Poultry” means domesticated fowl, including chickens, waterfowl, and game birds, except doves and pigeons, which are bred for the primary purpose of producing eggs or meat.

*Minnesota Rules 1520.5200 Subpart 21, <https://www.revisor.leg.state.mn.us/rules/?id=1520.5200>*

**Food facilities:** restaurants, caterers, school food service, institutions, day cares, community centers, churches, hospitals, health care facilities, food shelves and food banks, grocery stores, food markets, cooperatives, bakeries, convenience stores, food stands, mobile food units, warehouses, and wholesale food processors and manufacturers.

*Minnesota Rules 4626.0020 Subparts 35 and 36, <https://www.revisor.leg.state.mn.us/rules/?id=4626.0020>*

**MDA:** Minnesota Department of Agriculture, <http://www.mda.state.mn.us>

**Product of the farm:** Farm products that you grow or raise on land that you “occupy and cultivate.” Land that you “occupy and cultivate” includes land that you rent or lease, so long as you have control over the production on that land.

*Constitution of the State of Minnesota, Article 13, Section 7, [https://www.revisor.mn.gov/constitution/#article\\_13](https://www.revisor.mn.gov/constitution/#article_13) Minnesota Statute 28A.15 Subd. 2, <https://www.revisor.leg.state.mn.us/statutes/?id=28A.15>*

**Sell; sale:** “Sell” and “sale” mean keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchanging food; having in possession with intent to sell, use, transport, negotiate, solicit, or exchange food; storing, manufacturing, producing, processing, packing, and holding of food for sale; dispensing or giving food; or supplying or applying food in the conduct of any food operation or carrying food in aid of traffic in food whether done or permitted in person or through others.

*Minnesota Statute 34A.01 Subd. 12 (<https://www.revisor.mn.gov/statutes/?id=34A.01>)*

**USDA-AMS:** United States Department of Agriculture, Agricultural Marketing Service

## What Regulations? It Depends.

Regulations for sale of eggs from your farm depend on how many laying hens you have, who your customers are, and where your sales will take place.

## Two types of locations for sale of eggs

1. Your farm premises
2. Anywhere else

“Farm Premises” refers to your own acreage that you farm. Any booth, stand, or vehicle set up away from your farm acreage is *not* your farm premises.

## Two types of customers

**Individuals:** These are consumers who will serve the product to members of their household and/or non-paying guests.

**Food Facilities:** Any entity receiving your product that is not an individual consumer buying food to serve to their household, is a food facility.

## Four operation types

Your farm might have more than one of these types of operations. You must follow the registration or licensing requirements that apply to each type of operation that you have.

**Fewer than 3,000 laying hens that you own:** Operations of this type are exempt from registering with USDA-AMS, but are requested to **register** with MDA as an exempt egg producer.

**More than 3,000 laying hens that you own:** Operations of this type are subject to USDA-AMS requirements and must register with USDA-AMS as a Producer/Packer.

**You collect, grade, pack, label and distribute eggs from other farms.:** An operation of this type is subject to USDA-AMS requirements and must **register** with the USDA-AMS as a Grading Station. This type of operation must also be **licensed** by the MDA as a food handler, and will be charged the additional egg handler inspection fee.

**You distribute eggs from other farms that have been graded, packed and labeled by those other farms:** An operation of this type must be **licensed** by the MDA as a food handler, and will be charged the additional egg handler inspection fee.

## Registration

- If you sell eggs that were produced on your farm only to individuals and only from your farm premises, you do not need to register with either the MDA or the USDA.
- If you sell eggs that were produced on your farm to food facilities, OR if you sell only to individuals but at locations other than your farm premises (such as at a farmers' market), the MDA requests registration by egg producers with fewer than 3,000 laying hens. There is no fee for this registration.

*Form to register with the MDA as an exempt egg producer:*  
<http://www.mda.state.mn.us/~media/Files/licensing/forms/ag02433eggx.pdf>

- If you sell eggs from your own flock of more than 3,000 hens; OR if you sell eggs from other farmers that you grade and pack; then you must register with the USDA.

*Complying with Shell Egg Surveillance. USDA-AMS.*  
<https://www.ams.usda.gov/rules-regulations/eggs/complying>

*USDA Shell Egg Handlers Registration Form:* <https://www.ams.usda.gov/sites/default/files/media/ShellEggHandlersForm.pdf>

## Licensing

Usually, licensing and inspection go together. In the case of product of the farm, you are excluded from the requirement to have a license -- BUT you may still need an inspection of your facilities.

- Product of the farm is excluded from licensing. If you raise the hens yourself on land that you control (through ownership or rental or lease agreement), you are not required to have an MDA food handlers license in order to sell eggs.
- If you purchase or obtain eggs from other farmers to sell or offer to customers – even if you are donating your distribution efforts – you must have an MDA food handlers license. Minnesota's definition of "sell" includes any time a product changes hands in any way.
  - o If you candle, grade, package and label eggs from other farmers, you must have an MDA food handlers license AND you must also register with USDA-AMS as an egg grading station (see the Registration section).
  - o If you sell eggs from other farmers that the other farmers have already candled, graded, packaged and labeled; then you need an MDA food handlers license but you do not need to register with USDA-AMS.

*Minnesota Statute 28A.04, License Required.* <https://www.revisor.leg.state.mn.us/statutes/?id=28A.04>

*Minnesota Statutes 29.235,* <https://www.revisor.leg.state.mn.us/statutes/?id=29.235>

*Minnesota Statutes 29.26,* <https://www.revisor.leg.state.mn.us/statutes/?id=29.26>

- The license required for egg collection and distribution is an MDA food handlers license plus an extra fee for inspection as an egg handler.

*Minnesota Statute 28A.05, Classification [of licenses]* <https://www.revisor.leg.state.mn.us/statutes/?id=28A.05>

*Minnesota Statute 29.22, Egg Handlers Annual Inspection Fee; Disposition of Fees.* <https://www.revisor.leg.state.mn.us/statutes/?id=29.22>

- Some potential buyers may not be aware of what the regulations are for farmers selling eggs, and may just assume that you need a license to sell eggs from your farm. You can download and print this fact sheet from the MDA website, and use it to help educate your buyers:

Sale of Locally Raised Eggs to Food Facilities.

2016. Minnesota Department of Agriculture and University of Minnesota Extension.

<http://www.mda.state.mn.us/licensing/inspections/~media/Files/food/foodsafety/eggssales.ashx>

- Some food facilities are not comfortable with buying from an unlicensed individual. If you are selling eggs that are product of your farm, you are excluded from licensing.
  - o You can show the buyer a copy of your registration with the MDA

as an exempt egg producer if you have fewer than 3,000 hens, or a copy of your registration with USDA-AMS if you have more than 3,000 hens.

- o You can request an inspection and inspection report from the MDA to verify that your operation is approved, and show that report to the buyer.

Call the MDA Dairy & Meat Inspection Program to find your MDA inspector: 651-201-6300

### Search the MDA website for fact sheets:

- Go to <http://www.mda.state.mn.us>
- Find the "Search" button in the upper left corner of the web page, right underneath the MDA logo.
- Type a few words of the fact sheet title into the box to the left of the "Search" button.
- Click on the "Search" button.
- The fact sheet you want should be near the top of the list of items that comes up on the web page.

## Sale of Eggs at Locations Away from the Farm Premises

- The MDA requests that you register with them as an exempt egg producer if you have fewer than 3,000 hens. You must register with the USDA-AMS if you have more than 3,000 hens (see "Registration" section above).

- If you are using any location away from your farm premises as a point of sale for eggs from your own farm, then you must follow the safe egg handling regulations. Eggs must be cleaned by an approved method, candled, graded, packed, labeled, stored, and transported according to the requirements in Minnesota Rules chapter 1520,

<https://www.revisor.mn.gov/rules/?id=1520&view=chapter> (See "Safe Egg Handling Requirements," below.)

- Get an MDA food handlers license if you want to sell eggs from other farms than your own, and follow the safe egg handling regulations as well as other regulations that may apply to your license (check with your MDA inspector).

*Minnesota Statutes 29.235, <https://www.revisor.leg.state.mn.us/statutes/?id=29.235>*

*Minnesota Statutes 29.26, <https://www.revisor.leg.state.mn.us/statutes/?id=29.26>*

- If you have an MDA retail food handlers license, you must hold eggs for sale at 41°F.

*Minnesota Statutes 29.23, <https://www.revisor.leg.state.mn.us/statutes/?id=29.23>*

## Selling Eggs Across State Lines

You can sell eggs across state lines if you meet all of the egg handling, licensing and/or registration requirements that apply to your operation in the state where you sell the eggs.

- Egg producers from other states selling into Minnesota must follow Minnesota's requirements for egg sales.

- If you are an egg producer in Minnesota and want to sell eggs into a different state, check with the Department of Agriculture in that state for their requirements.

## Safe Egg Handling Requirements:

- If you are only selling eggs that were produced on your own farm, to individuals, and from your farm premises; then you are exempt from the egg handling regulations listed below. HOWEVER, following these safe egg handling regulations voluntarily is a good food safety practice that will reduce your risk of selling unsafe eggs to your customers.
- You must follow the egg handling regulations in Minnesota Rules chapter 1520 for any sale of eggs to food facilities, or for any sale of eggs at locations other than your own farm premises.
- *If you are buying and selling eggs from other farmers, there are additional documentation requirements listed in Minnesota Rules chapter 1520.*

The requirements for safe handling of eggs are described in Minnesota Rules chapter 1520: <https://www.revisor.mn.gov/rules/?id=1520&view=chapter>

If you are subject to these requirements, you must follow all of the requirements in Minnesota Rules chapter 1520; not just the excerpts shown below.

### 1520.0300 CANDLING.

Egg handlers must have equipment, adequate space, and a sanitary room darkened sufficiently to make accurate quality determinations of candled eggs. Processing operations, except when candling, must be well

lighted to detect dirties, stains, and the condition of packing material.

## **1520.0400 STORAGE AND REFRIGERATION.**

Egg handlers must have adequate space and storage facilities capable of maintaining processed eggs at a temperature of 45 degrees Fahrenheit (seven degrees centigrade) or less; or 50 degrees Fahrenheit (ten degrees centigrade) or less for unprocessed eggs. All storage and transportation facilities must be maintained in a sanitary condition. Egg handlers must transport eggs in enclosed trucks that are sanitary and capable of maintaining eggs at an ambient air temperature of 45 degrees Fahrenheit (seven degrees centigrade) or less.

## **1520.0500 EGG CLEANING.**

### **Subpart 1. Protection of eggs.**

Eggs must be protected from contamination through all stages of production, transportation, and

### **What are "Processed" Eggs?**

"Processed" in this context means unbroken shell eggs that have been cleaned, candled, graded, packed and labeled.

processing.

### **Subp. 2. Wet cleaning.**

Wet cleaning of eggs using rags, sponges, or other devices to scrub or wipe the eggs by hand is prohibited.

### **Subp. 3. Dry cleaning.**

Dry cleaning with abrasive material

reasonably free of bacterial contamination is permitted.

### **Subp. 4. Washing equipment and procedures.**

Egg washing is subject to items A to J.

- A. Egg equipment and the surrounding area must be constructed so as to permit thorough cleaning.
- B. Egg equipment and the surrounding area must be maintained in a sanitary condition.
- C. Water used for washing eggs must be potable (drinkable) and contain less than two parts per million of iron.
- D. Water temperature for both washing and rinsing must be thermostatically controlled.
- E. The temperature of the wash water must be maintained at 90 degrees Fahrenheit (32 degrees centigrade) or above and must be at least 20 degrees Fahrenheit (11 degrees centigrade) warmer than the temperature of the eggs. The rinse water temperature must exceed the wash water temperature by at least ten degrees Fahrenheit (six degrees centigrade). Prewetting must be accomplished by spraying a continuous flow of water over the eggs in a manner that permits the water to drain away.
- F. Cleaning and sanitizing compounds or chemicals must be guaranteed in writing by the manufacturer as acceptable for egg washing or sanitizing.
- G. Washed eggs must be spray-rinsed with a sanitizing agent. The rinse must contain not less than 50 parts per million and not more than 200 parts per million of available chlorine or its equivalent.
- H. Washed eggs must be dry prior to cartoning or casing.

I. Immersion type washers may not be used.

J. Eggs must be removed from the washing and rinsing area of the egg washer and the scanning area when there is a buildup of heat.

## **1520.0900 CONTAINERS AND PACKAGING MATERIAL USED IN MARKETING EGGS.**

Containers, including packaging material inside the containers, must be maintained in a clean, sanitary condition.

## **1520.1300 QUALITY STANDARDS.**

Standards of quality for shell eggs must be in accordance with the United States Department of Agriculture Standards for Quality of Individual Shell Eggs and Weight Classes for Shell Eggs, Agricultural Marketing Service (AMS 56.200 et seq.) effective April 6, 1995.

## 1520.1400 WEIGHT CLASSES FOR SHELL EGG GRADES.

Size or Weight Class	Minimum Net Weight per dozen, in ounces	Minimum Net Weight per 30 dozen, in pounds	Minimum Weight for Individual Eggs at Rate per dozen, in ounces
Jumbo	30	56	29
Extra Large	27	50½	26
Large	24	45	23
Medium	21	39½	20
Small	18	34	17

Weight classes for shell egg grades are set by the following table:

A lot average tolerance of 3.3 percent for individual eggs in the next lower weight class is permitted as long as no individual case within the lot exceeds five percent.

### 1520.1500 INVOICES.

Every egg handler selling eggs to a retailer must give the retailer an invoice showing the grade of the eggs under part 1520.1200. A copy of each invoice must be maintained on file by the seller and the retailer at their places of business for 30 days and must be available for official review upon request by the commissioner.

### 1520.1600 LABELING.

Egg handlers offering eggs for sale to a consumer must give the grade of eggs in a manner complying with this part.

A. Eggs offered for sale in cartons, bags, containers, or other package form must be plainly and conspicuously labeled in printed letters not smaller than one-quarter inch in height or plainly and conspicuously stamped and marked

in letters not smaller than one-half inch in height with the product identity; the grade and size; the name and address of the producer, processor, or distributor; the words “packed for” or “distributed by” or equivalent; the statement “Perishable. Keep Refrigerated”; and the pack date and quality assurance date.

B. Eggs offered for sale in bulk must be sold under a placard which states all the information in item A.

C. Grade and size designations may not be abbreviated.

### 1520.1700 ADVERTISING.

Any advertisement of eggs for a price must plainly and conspicuously indicate the grade and size. Grade and size designations may not be abbreviated.

All reference to grades of eggs in advertising or in any other manner, either for procurement or sale of eggs, must conform to the grade and size terminology for purchase and consumer grades set in parts 1520.1100 to 1520.1400.

## 1520.1800 MISLEADING STATEMENTS.

No egg handler may sell, offer for sale, or advertise for sale eggs for human consumption if the package containing them, the label on the package, or any advertising accompanying them bears any statement or device which is in any way false or misleading.

### 1520.1900 PACK AND QUALITY ASSURANCE DATE.

#### Subpart 1. Pack date.

Consumer grades of eggs must be pack dated in type not smaller than one-quarter inch capitals to indicate the date of pack. All cartons and cases must bear a pack date. Retailers who carton eggs delivered in bulk cases must label the cartons with the identical pack date on the bulk case.

#### Subp. 2. Quality assurance date.

All consumer grade eggs must carry a “quality assurance date” in addition to the pack date. The pack date must be a Julian date to not confuse it with the quality assurance date. The quality assurance date must be spelled out as the month or number of the month and day, for example, “2-1” or “Feb. 1.” The quality assurance date must have an explanatory clause, such as “Sell by” or “Use by,” the word “Expires,” or the abbreviation “Exp.”

### 1520.2000 USE OF WORD “FRESH.”

The use of the word “Fresh” is limited to eggs of grades AA, A, and B quality which are not older than 30 days from the date of candling and grading. The term “Fresh” or a similar term is not a substitute for grade designation.

# Summary Table for Egg Sales Scenarios

	Sales of eggs from own farm with <3,000 hens, to individuals from farm premises	Sales of eggs from own farm with <3,000 hens, to food facilities or to individuals at off-farm location	Sales of eggs from own farm with >3,000 hens	Sale or distribution of eggs from other farms; you grade, pack & label	Sale or distribution of eggs from other farms; they grade, pack & label
MDA License	NO	NO	NO	YES	YES
Inspection	NO	NO	YES	YES	YES
Register with MDA	NO	REQUESTED	NO	NO	NO
Register with USDA-AMS	NO	NO	YES	YES	NO
Candle	SHOULD	YES	YES	YES	YES
Grade	SHOULD	YES	YES	YES	YES
Pack	SHOULD	YES	YES	YES	YES
Label	SHOULD	YES	YES	YES	YES
Refrigerate at 50o F before processing	SHOULD	YES	YES	YES	YES
Refrigerate at 45o F after processing	SHOULD	YES	YES	YES	YES
Refrigerate at 41o F for retail sales	NO	NO	NO	YES, if MDA retail food handlers license	YES, if MDA retail food handlers license
Charge sales tax	NO	NO	NO	NO	NO
Sampling & demo	NO	YES. <i>See the sampling exemption, M.S. 28A.151. <a href="https://www.revisor.leg.state.mn.us/stautes/?id=28A.151">https://www.revisor.leg.state.mn.us/stautes/?id=28A.151</a> You must have an adequate system for cooking and sanitation in order to protect public health.</i>			
MDA jurisdiction	YES	YES	YES** (**USDA AMS)	YES** (**USDA AMS)	YES
MDH jurisdiction	NO	NO	NO	NO	NO

## Resources for More Information and Help

**Minnesota Department of Agriculture; Meat, Poultry & Egg Inspection.** <http://www.mda.state.mn.us/licensing/inspections/meatpoultryegg.aspx>, 651-201-6300. Contact MDA for help with any regulatory questions about eggs sales, to request registration as an exempt egg producer, or to request inspection and licensing.

**Minnesota Department of Agriculture Website.** <http://www.mda.state.mn.us>. All fact sheets and other documents are searchable using titles; see sidebar on page 3 for instructions on searching the site.

**Minnesota Farmers Market Association.** <http://www.mfma.org>, (320) 250-5087. Contact MFMA for help with questions relating to sale of eggs at farmers' markets.

**Minnesota Institute for Sustainable Agriculture.** <http://www.misa.umn.edu>, 612-625-8235, misamail@umn.edu. Contact MISA for help with questions relating to local or regional food systems.

**University of Minnesota Extension; Alternative Livestock Systems.** <http://www.extension.umn.edu/food/small-farms/livestock/poultry/>. Contact Wayne Martin (612-625-6224, marti067@umn.edu) with questions about production and marketing of eggs.

### Minnesota Local Foods Advisory Committee

This fact sheet was created with input and oversight from the Local Food Advisory Committee (LFAC). LFAC is a forum where issues relating to local food are raised and discussed, information is shared and problem-solving between Minnesota Department of Agriculture, Minnesota Department of Health, and the local food community takes place. Contact: misamail@umn.edu, 612-625-8235. <https://www.misa.umn.edu/resources/local-food-advisory-committee>

# Wholesale Produce Dealer License

The Wholesale Produce Dealer license is handled by the Minnesota Department of Agriculture, but is a separate license from the food handler licenses. Wholesale Produce Dealer licenses provide protection to farmers in the event they go unpaid for their produce.

M.S. 27. Wholesale Produce Dealers. <https://www.revisor.leg.state.mn.us/statutes/?id=27.01>

“Produce” in the context of a Wholesale Produce Dealer license means fresh fruits and vegetables, milk, cream, perishable products made with milk or cream, poultry, and poultry products including eggs.

Certain businesses dealing with local food may need **both** a food handler license and a Wholesale Produce Dealer license.

- Generally, wholesale businesses that buy produce directly from farmers and re-sell it, or that distribute farmers’ produce for a fee or commission, need a Wholesale Produce Dealer license if they handle more than \$1,000 per month of farmers’ produce.
- Retail grocery stores that buy produce directly from farmers and re-sell it need a Wholesale Produce Dealer license if they purchase more than \$500 per month of farmers’ produce.

Multi-farm CSAs, farmers’ collaborative marketing arrangements, and farmers’ markets that distribute produce are generally not required to have a Wholesale Produce Dealer license if no commission or handling fees are charged for the distribution services. These types of arrangements are viewed by the Wholesale Produce Dealer licensing unit as partnership agreements rather than sales.

However, the MDA’s Food & Feed licensing unit defines a “sale” more broadly as any time a food item changes hands, or is stored or transported as part of the process of it changing hands, whether money is exchanged or not. This means a multi-farm collaborative marketing arrangement may still need a food handler license, even if it does not need a Wholesale Produce Dealer license.

If you might need a Wholesale Produce Dealer license, contact MDA Wholesale Produce Dealers Licensing: 651-201-6620

<https://www.mda.state.mn.us/licensing/licensetypes/wholproddealer.aspx>



Summary of differences between food handler licenses and Wholesale Produce Dealer licenses:

<b>Type of license</b>	<b>Purpose of license</b>	<b>Meaning of "Produce"</b>	<b>Meaning of "Sale"</b>
Wholesale Produce Dealer	Protect commerce: Ensure that farmers are protected in the event of non-payment for their produce.	"Produce" is defined in M.S. 27.01 Subdivision 2* as:  (1) perishable fresh fruits and vegetables; (2) milk and cream and products manufactured from milk and cream; and (3) poultry and poultry products.	A sale is when money is exchanged. A Wholesale Produce Dealer license is not required for collaborative marketing agreements in which distribution of products is done by an entity that doesn't charge a fee for the service.
Food handler	Protect food safety: Ensure that persons selling food are operating with approved facilities and according to safe food handling practices.	"Produce" refers to fruits, vegetables, edible mushrooms, herbs, and nuts. §	A "sale," according to the definition in M.S. 34.01 Subdivision 12‡: "... keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchanging food; having in possession with intent to sell, use, transport, negotiate, solicit, or exchange food; storing, manufacturing, producing, processing, packing, and holding of food for sale; dispensing or giving food; or supplying or applying food in the conduct of any food operation or carrying food in aid of traffic in food whether done or permitted in person or through others."
<p>* Minnesota Statute 27.01 Subd. 2. <a href="https://www.revisor.leg.state.mn.us/statutes/?id=27.01">https://www.revisor.leg.state.mn.us/statutes/?id=27.01</a>                  ‡ Minnesota Statute 34A.01 Subd. 12 <a href="https://www.revisor.mn.gov/statutes/?id=34A.01">https://www.revisor.mn.gov/statutes/?id=34A.01</a>                  § Food Safety Modernization Act – Produce Safety Rule, 21 Code of Federal Regulations 112. <a href="https://www.federalregister.gov/documents/2015/11/27/2015-28159/standards-for-the-growing-harvesting-packing-and-holding-of-produce-for-human-consumption#p-2070">https://www.federalregister.gov/documents/2015/11/27/2015-28159/standards-for-the-growing-harvesting-packing-and-holding-of-produce-for-human-consumption#p-2070</a></p>			

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# Sale of Locally Raised Eggs to Food Facilities

## Introduction

The purpose of this factsheet is to describe how food facilities in Minnesota may safely and legally buy or accept eggs from local sources and to provide an overview of regulatory issues related to eggs.

Demand for shell eggs from local sources has increased and more and more individuals are raising their own shell eggs to meet this demand. Owners or managers of licensed food facilities such as restaurants, schools, and grocery stores may want to obtain locally raised shell eggs sold or donated from a farmers' market or directly from a farmer. This document will provide you a foundation and resources regarding questions that you may have regarding the sale of locally raised eggs to food facilities in Minnesota. You will find links and contact information within the text of the factsheet for additional information.

## Definitions

**CSA:** Community Supported Agriculture consists of a farming operation where growers, in exchange for payment at the beginning of the growing season, offer shares to the public, with each share representing a portion of the harvest.

**Food facilities:** restaurants, caterers, school food services, institutions, day cares, community centers, churches, hospitals, health care facilities, food shelves/banks, grocery stores, food markets, farmers' markets, cooperatives, bakeries, convenience stores, food stands, mobile food units, warehouses, and wholesale food processors and manufacturers.

**Retail sales:** sales to the final consumer.

**Sell; sale:** includes keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchange of food (MN Statutes, Chapter 28A.03 Subd. 6).

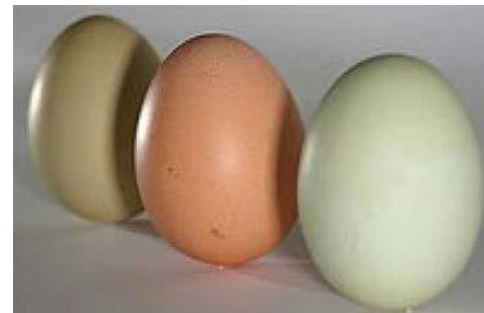
**Shell egg:** fertilized or unfertilized avian (normally chicken) embryo that is surrounded by a natural, hard, and thin protective coating.

**Can food facilities buy or accept donated shell eggs directly from farmers, egg producers, CSAs, or individuals?**

Yes. Poultry farmers, egg producers, CSAs, and individuals who sell shell eggs from their own flock to food facilities or other people are considered an "approved source" provided certain requirements prior to sale are met.

Regardless of the claim made (e.g. free range, organic, vegetarian diet, omega III, natural, and brown eggs) egg producers must adhere to the shell egg handling and labeling regulations.

Most egg products are regulated by the Minnesota Department of Agriculture (MDA) while organic products are also regulated by the U.S. Department of Agriculture (USDA). The Food and Drug Administration (FDA) also has egg regulations.



Updated: 7/31/2017

# Shell Egg Requirement Overview

Shell egg handling requirements consist of two components that overlap: food safety and grading. Food safety refers to the prevention or elimination of potential hazards that cause foodborne illness. Grading refers to egg quality.

New FDA egg safety requirements became effective on July 9, 2010. These rules can be found online. [Egg Safety Requirements Guide](#)

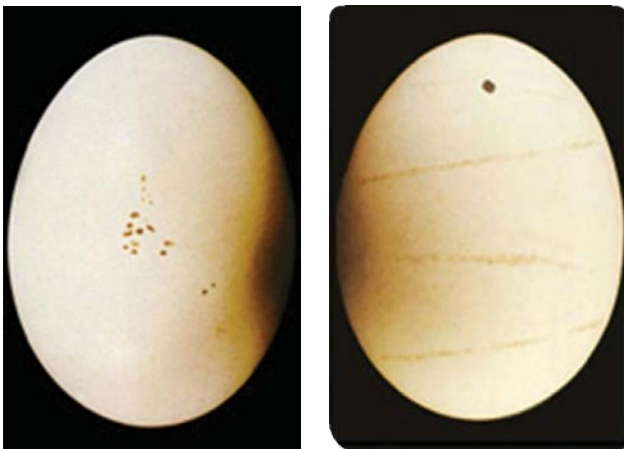
Eggs sold to food facilities must meet the requirements of Minnesota Statutes 29 and Minnesota Rules 1520. Copies of the statute and rules are available from the [Revisor of Statutes](#).

## Basic compliance of requirements includes:

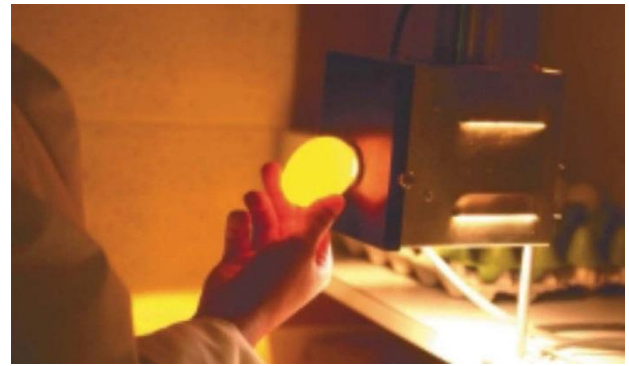
### 1. Clean exterior shell of shell eggs:

Bacteria on dirty eggs have trouble getting through the intact shell when the egg shells are dry. Egg shells are very porous and washing of eggs increases their porosity. When the egg shell is wet, there is a real potential for contaminants on the outside of the shell to pass through the porous egg shell into the interior of the egg. As soon as the shell gets wet or is no longer sound, the bacteria can pass through the shell more easily. Therefore, eggs cannot be cleaned by wet cleaning unless specific water and egg temperature requirements are met. **The use of immersion type washers or wiping rags is prohibited.**

The most efficient method of dry-cleaning of eggs in small operations is to clean the surface with an abrasive material. A sandpaper block works well to buff small amounts of dirt off the outside surface of the shell, but is not practical for very dirty eggs.



*Photo on left: Specks caused by dirt or flies leaving droppings on the exterior of the egg shell. Photo on right Cage marks on the exterior of the egg shell*



*Hand candling of egg shell.*

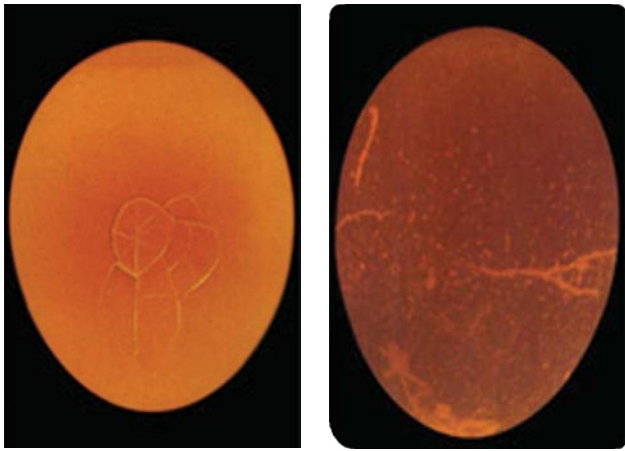


*Abnormal shapes having pronounced sandpaper appearances, ridges, and/or thin spots.*

### 2. All shell eggs must be candled and graded:

All eggs must be candled and graded either by the farmer or by the food facility that purchases or accepts donated eggs. **Candling** is a process that involves holding the egg up to a bright light to determine the quality and to look for defects.

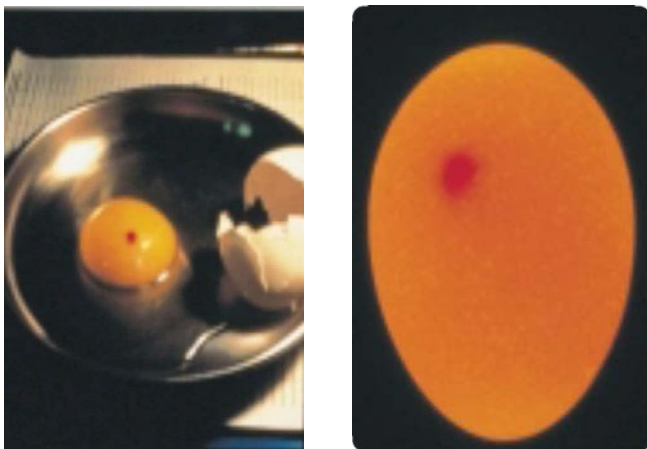
Updated: 7/31/2017



*Appearance of checked shells in candled eggs.*

Defective eggs found during the candling and grading process must be removed and properly disposed. Defects include: abnormal egg shape, adhering dirt, spots, cracks (checks) on the shells, leaking eggs and/or blood spots, and deterioration of contents within the egg shell. Additional information on identifying candling and grading is in the [USDA Grading Manual](#)

**Grading:** Nearly all clean, sound eggs less than 15 days old, will meet grade AA quality. Without special handling, such as temperature and humidity control, the egg quality deteriorates to grade A after 15 days. After 30 days (the maximum number of days eggs can be sold after packing), egg quality deteriorates to grade B.



*Appearance of a large blood spot in a broken out and candled egg.*

### 3. All shell eggs are properly sized

Egg size is determined by the weight of one dozen eggs. Not every egg needs to be weighed. After weighing many eggs, most producers will become skilled at placing eggs in the correct size category.

Size	Weight Per Dozen
Jumbo	30 ounces
Extra Large	27 ounces
Large	24 ounces
Medium	21 ounces
Small	18 ounces

### 4. All shell eggs are properly refrigerated:

Eggs must be kept at 45°F or less after grading and be maintained at that temperature through storage and delivery. Mechanical refrigeration is required unless the product is delivered within four hours. Frozen ice packs may be used to maintain temperature provided the product is delivered and sold in a combined total of four hours or less.

### 5. All shell egg containers are properly labeled:

Containers (cartons, flats, cases) of eggs must be labeled with the following mandatory information:

1. Grade and size of the eggs.
2. Name, address, and zip code of the farmer, egg producer, or individual selling the eggs.
3. A package date in Julian calendar (day of the year) form. For example: The labeling of Grade A Large Eggs packed on June 1 will have a pack date of 152. Julian date tables are available online. [See the Julian calendar here](#)
4. A freshness date not to exceed 30 days from the date of packaging. The freshness date must also have an explanation such as “exp.”, “Best if used by” or similar explanation. In the above example using June 1 as the pack date, the freshness date is July 1 and the label would state: 152 exp. 07-01.
5. Safe handling instructions: “To prevent illness from bacteria: keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly.”

Updated: 7/31/2017

**For Additional Information:** Jennifer Stephe, Meat Inspection Supervisor  
651-201-6192 • Jennifer.Stephe@state.mn.us • 625 Robert Street North, Saint Paul, MN 55155-2538

## Can shell egg cartons be reused?

Yes. Used egg cartons may be reused or recycled provided certain conditions are met. They must be clean and any labeling information from a prior pack (including any information relating to another egg packer) must be eliminated. This can be done with a black permanent marker and required label information needs to be provided in its place.

## I am interested in finding out more about non-immersion wet cleaning of eggs. How can I do this so I can continue to provide a safe product?

A variety of small production eggs cleaning units are available in the marketplace. Minnesota rules require eggs be free from adhering material including fecal material, yolk, feathers, and any other dirt. Therefore, cleaning of eggs is imperative. **The use of immersion type washers is prohibited as is the use of wiping rags.** Wet cleaning of eggs is only allowed if the continuous washing equipment used does not submerge the egg in water.

If continuous washing equipment is used, the temperature of the wash water and rinse water is critical. The wash water must be from a potable (drinkable) supply and at least 20°F warmer than the eggs (with a minimum temperature of 90°F). The rinse water must be at least 10°F warmer than the wash water. The eggs must then be spray sanitized with a concentration of available chlorine between 50 and 200 PPM.

## Is a producer of shell eggs required to have a food handler license to sell or donate their eggs?

People who sell only eggs from their own flock / production are exempt from obtaining a food license. However, they must register with the Minnesota Department of Agriculture, Dairy and Meat Inspection Division. There is no fee associated with this registration.

The one page Egg Grading and Sales for Small Producers Exempt from Licensing Exemption form can be obtained online. [Egg sales exemption form](#)

In some circumstances, a license may be required:

- Approved facilities and a food license issued by the state or local food regulatory agency is needed if eggs are purchased from someone else, then resold (e.g., if a CSA purchases eggs from another farmer and provides those purchased eggs to the CSA members);
- A Wholesale Produce Dealer license may also be required if a person buys eggs from a farmer for resale.

Contact MDA at 651-201-6300 if you have questions regarding approved sources, inspection & facility requirements, farmer exemptions, licensing or labeling.

***Regardless of exemption or license status, all producers, processors, handlers, and vendors of food, must comply with food safety laws***

## What are some other purchasing and receiving guidelines for locally produced shell eggs?

- Visit the farm or ask questions about the food production, handling, and storage.
- Wash hands well and often.
- Check to see that the eggs are properly labeled.
- Immediately place the eggs into a refrigerator or cooler maintained at 41°F or less.
- Ask for a receipt of purchase and keep good records. Good recordkeeping is particularly important in case illness or injury results and there is a need to trace the product back to the supplier.

Updated: 7/31/2017

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**For Additional Information:** Jennifer Stephe, Meat Inspection Supervisor  
651-201-6192 • [Jennifer.Stephe@state.mn.us](mailto:Jennifer.Stephe@state.mn.us) • 625 Robert Street North, Saint Paul, MN 55155-2538

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In accordance with the Americans with Disabilities Act, this information is available in alternative forms of communication upon request by calling 651-201-6000. TTY users can call the Minnesota Relay Service at 711. The MDA is an equal opportunity employer and provider.

## What kind of receipt should the food facilities get from the farmer?

Food facilities should use a receipt that includes the following purchase/donation information:

Date:		Received by:	
Donated:	Purchased:	Purchased Price:	
Description and Amount of Eggs:			
Pack Date:			
Freshness Date:			
Name of Farmer:			
Address:			
Phone:		E-mail:	

## What would happen if I sold shell eggs without following the rules and guidelines given in this factsheet?

The use or presence of unapproved food products in a food facility is a violation of federal, state, and local laws. If your inspector finds any unapproved food product during an inspection or investigation, you will be ordered to immediately discontinue the practice of using or selling the products identified as illegal and those items will be immediately removed from sale or use. Additional regulatory action including embargo, recall, hearings, fines, or condemnation and destruction of the illegal food items may be taken. This will disrupt your business operation.



Minnesota Department of Agriculture Dairy & Meat  
Inspection Division

651-201-6300  
1-800-967-AGRI



University of Minnesota Food Safety Extension

612-624-1222

Updated: 7/31/2017

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**For Additional Information:** Jennifer Stephe, Meat Inspection Supervisor  
651-201-6192 • Jennifer.Stephe@state.mn.us • 625 Robert Street North, Saint Paul, MN 55155-2538

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## Egg Grading and Sales for Small Producers Exempt from Licensing Poultry Slaughter and Sales Direct to Consumers Exemption

Date of Application:	Establishment E-mail:		
Name of Applicant:			
Address:			
City:		State:	Zip:
Establishment Phone:		Establishment Fax:	

Name / Title	Present Home Address

### Exemption Requested

I (we) are applying for an exemption to slaughter and process poultry for direct sales to consumers. I (we) understand that we are limited to the number of poultry we can sell and that the poultry products must only be sold from our farm. Type an "X" in the appropriate box.

- Selling less than or equal to 1,000 poultry per calendar year
- Selling between 1,000 and 5,000 poultry per calendar year
- Selling between 5,000 and 20,000 poultry per calendar year
- Candling and grading shell eggs for sales to restaurants, grocery stores, or farmer's markets.

### Agreement and Certification

When an exemption is granted by the Minnesota Department of Agriculture to sell eggs without a food handler license, I (we) agree to conform to Minnesota Statutes Section 29 and Minnesota Rules 1520 in regard to the candling, grading and handling of eggs. We have a copy of the appropriate rules and regulations and will strictly adhere to them. I (we) are aware that any violations of state requirements may cancel this exemption.

### Signature and Title of Owner, Partner, or Authorized Officer making this application:

 \_\_\_\_\_  
 Applicant's Signature

 \_\_\_\_\_  
 Title

 \_\_\_\_\_  
 Printed Name

 \_\_\_\_\_  
 Date

### To Be Completed by MDA

Date Received

 \_\_\_\_\_  
 Signature of Area Supervisor

 \_\_\_\_\_  
 Date

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# WHAT IS RAW MILK

Raw milk, also known as unpasteurized milk, is milk that has not been pasteurized. Because of safety issues associated with drinking raw milk or consuming some dairy products made from raw milk, all milk used for human consumption in Minnesota must be pasteurized unless it meets specific requirements.

## What is Pasteurization?

Pasteurization is the process of heating milk for a set period of time to a set temperature to kill bacteria. By heating the milk, bacteria that can cause human illnesses are killed or inactivated. Pasteurization has been used for many decades to assure dairy safety before milk bottling or production of other dairy products.

## What is Minnesota's law regarding raw milk?

Minnesota law, found in Minnesota Statutes 32D.20, restricts the sale of raw milk for human consumption; however, it does provide an alternative for people who want to consume raw milk. On an occasional basis, consumers may go directly to dairy farms to purchase raw milk directly from the farmer. Farmers are not allowed to bottle raw milk for sale, so consumers must also bring their own container to the farm if they are buying raw milk. Any sales that take place off the farm are a violation of State law.

### Minnesota Statutes 32D.20 Limitation on Sale of Milk:

"No milk or fluid milk products shall be sold, offered or exposed for sale...for the purpose of human consumption in fluid form in this state unless the milk or fluid milk product has been pasteurized... and cooled, provided that this section shall not apply to milk, cream or skim milk occasionally secured or purchased for personal use by a consumer at the place or farm where the milk is produced."

## Is There A Greater Risk In Consuming Raw Milk?

Yes. Raw milk is more likely to contain harmful bacteria and other pathogens that may cause people who consume the milk to become sick. Severe illness may occur, especially in young children, older adults, people who have compromised immune systems, and pregnant women. The bacteria naturally occur in cattle and can contaminate milk during the harvesting process, even on the cleanest farms.

Outbreaks have been reported in many states including Minnesota, California, Pennsylvania, Missouri, Washington, and Oregon. This has prompted a long list of respected public health organizations to warn consumers against consuming raw milk. That list includes:

- Centers for Disease Control and Prevention (CDC)
- U.S. Food and Drug Administration (FDA)
- Minnesota Department of Health
- American Academy of Pediatrics
- American Veterinary Medical Association
- National Association of State Public Health Veterinarians

If you are interested in consuming raw milk, do your homework on the potential health risks by collecting information from multiple, respected sources of public health information.

Find this and related documents online:

<https://www.mda.state.mn.us/food-feed/what-raw-milk>

# WILD MUSHROOM FORAGING



Online version: <https://www.mda.state.mn.us/food-feed/wild-mushroom-foraging>

To sell wild mushrooms to [food establishments](#) in Minnesota, the [Minnesota Food Code](#) requires an approved (safe) source of wild mushrooms. A mushroom identification expert is someone who is qualified to forage and sell wild mushrooms to food establishments. Mushroom identification experts must:

- Complete a mushroom identification course at an accredited college, university, or mycological society. The identification course must cover the species of the mushroom the individual intends to forage and sell.
  - Currently mushroom identification courses are only being offered in Minnesota by the [Minnesota Mycological Society](#), please visit their website to see upcoming trainings and events.
- Obtain a letter from an accredited college, university, or mycological society certifying successful completion of a wild mushroom identification course.
- The letter must be on file with the Minnesota Department of Agriculture (MDA). A copy of the letter can be emailed to [ProduceSafety.MDA@state.mn.us](mailto:ProduceSafety.MDA@state.mn.us).

If you plan on selling mushrooms that you forage, please contact the licensing liaison, they will be able to determine if a license will be required call 651-201-6081 or email [MDA.FoodLicensingLiaison@state.mn.us](mailto:MDA.FoodLicensingLiaison@state.mn.us).

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# Cottage Food Law Guidance

*accessed 02/18/2019*

The Cottage Food Law allows for individuals to make and sell certain non-potentially hazardous food and canned goods in Minnesota without a license. This law, [Minnesota Statute 28A.152 - Licensing Food Handlers: Cottage Food Exemption \(EXT\)](#), went into effect in 2015 and includes details on the prior training and registration, types of food allowed, food labeling, types of sales locations, and amount of sales allowed by a cottage food producer.

Here are answers to some frequently asked questions about the Cottage Food Law.

## Table of Contents

- [Registration - Before you Register](#)
- [Registration - How to Register](#)
- [Amount of Sales](#)
- [Training](#)
- [Types of Food Allowed](#)
- [Labeling and Displaying a Sign](#)
- [Sales Locations](#)
- [Inspection and Compliance with the Law](#)
- [Examples of Signs to be Displayed](#)

## Registration – Before you Register

### **Q: Who needs to register?**

A: All individuals who want to make and sell foods described in the Cottage Food Law need to register with the Minnesota Department of Agriculture (MDA) before selling food.

### **Q: Do I need to register if I'm only selling food at a bake sale for an educational, charitable or religious organization?**

A: If you're not regularly engaged in selling food, as defined in [Minnesota Statute 28A.03 \(EXT\)](#), then you don't need to register. However, if you regularly sell cottage food at these types of venues or directly from your home, then you do need to register.

### **Q: Is there a cost to registration?**

A: The cost of registration is determined by annual sales within the calendar year, which begins on January 1 and ends on December 31. The registration fee is \$50 if you sell more than \$5,000. If you sell less than \$5,000 in a year there is no fee.

**Q: How do I calculate my food sales?**

A: See answer in the [Amount of Sales](#) section below. Note that the maximum amount of annual sales allowed under the Cottage Food Law is \$18,000 for an individual.

**Q: How long is my registration good for?**

A: Your registration expires on December 31 of the year it was issued. If you want to continue to sell food under the Cottage Food Law, you will need to re-register for each year that you are selling food.

**Q: Are there requirements I need to meet before registration?**

A: Yes, you must complete training prior to registering and selling cottage food. There are two types of training, one for each sales category: Tier 1 for less than \$5000 annual sales, and Tier 2 for annual sales \$5000 and above. Each training is good for three (3) years, but you must take Tier 2 training prior to selling above \$5000 even if you took Tier 1 training within the past three years. For more information on training, see the [Training](#) section below.

**Q: What happens if the city or county has an ordinance restricting me from making or selling food in my home?**

A: You must comply with the ordinance and cannot produce and sell food from your home. Depending on the ordinance, it may be possible to make and sell food as a registered cottage food producer at an acceptable location such as a commercial kitchen. If you have a question about this, check with your city or county.

**Q: Can I register as a cottage food producer as an LLC (limited liability company)?**

A: No. The cottage food producer registration is limited to individuals and [sole proprietorships \(EXT\)](#) and excludes businesses such as firms, partnerships, cooperatives, societies, associations, companies and corporations.

**Q: Can I register as a sole proprietorship?**

A: Yes. Individuals can register using their legal name as either an individual or a sole proprietorship. If you are registered as a sole proprietorship with the [Minnesota Secretary of State \(EXT\)](#) you can also register a 'doing business as' (DBA) name. Both the legal name of the sole proprietorship and the DBA name are required on the cottage food producer registration form.

**Q: If I register as a Sole Proprietorship, can I have employees that sell food on my behalf?**

A: You may register as a sole proprietorship and may have employees that sell food on your behalf. Registration limits of \$5,000 (for no registration fee) and \$18,000 (total sales cap) apply to the registered sole proprietorship as a whole and not to individual employees. The sole proprietorship is responsible for ensuring that sales by employees fall within the allowed limits. If registering as a sole proprietorship, the individual registering is responsible for completing the training and paying the registration fee associated with the registration. Additional information



on tax reporting requirements for sole proprietorships is available from the [Department of Employment and Economic Development \(EXT\)](#). Sole proprietorships that have employees must use a Minnesota Tax Identification Number on their Cottage Food Producer Registration.

**Q: Is there anything that would prevent me from registering?**

A: Yes. You can only register and sell food under the Cottage Food Law if you are selling a type of food allowed under law, have taken the proper training, are properly labeling the food and displaying a sign, are selling and delivering the food directly to consumers in places allowed by the law, are not exceeding the \$18,000 annual sales cap, and your local jurisdiction (city or county) does not have an ordinance restricting you to make and sell food from your home. Each of these topics are further explained in the sections below.

**Q: What do I do if I want to sell food not allowed under the Cottage Food Law, don't want to be restricted to direct sales to consumers, or plan to have sales in excess of \$18,000 a year?**

A: You can apply for a food license. Food licenses do not have restrictions on the amount of annual sales, allow for a wide variety of foods to be sold, and allow for several types of sales. To find out more, go to the [MDA Food Licensing Wizard](#).

## Registration – How to Register

**Q: How do I register?**

A: Go to the [MDA cottage food producer registration](#) page and click on the link for the registration form. Or you can access the form directly here: [Cottage Food Producer Registration Form \(PDF: 248 KB / 2 Pages\)](#).

Complete the form by entering the required information. You must sign and date the form. Submit the signed form by mail or electronically to the address given on the form. If a registration fee is required, you must mail payment with the completed registration form.

MDA will send you your registration certificate by mail or e-mail. Please allow up to 2 weeks to receive your registration if you are using a Social Security Number (SSN) to register. Please allow up to 6 weeks if you are registering with a Minnesota Tax ID number.

**Q: What information will I need to provide to become registered?**

A: You will need to provide your name, address, and contact information. You will also need to provide your social security number or a Minnesota Tax ID number. Finally, you will need to sign and date the registration form attesting that you have taken the training and understand and will follow the Cottage Food Law.

**Q: What should I do with my registration card once I receive it?**

A: Keep your registration with you when selling food. An inspector or market manager may ask to see it and you need to show your registration when asked. If the registration cannot be verified, you may be asked to stop selling food.

**Q: How do I check if someone is registered as a Cottage Food Producer?**

A: All current cottage food registrations can be found on our [MDA license lookup](#) page. Fill in the desired search terms (registration number, name, city, or county) and select COTTAGE FOOD PRODUCER REGISTRATION in the License Type list.

**Q: I have a current registration and I would like to re-register for next year. How do I do that?**

A: All cottage food producers with a current registration will receive a re-registration reminder in the mail at the end of December. You have two options for re-registration: (1) you can complete a paper registration form or (2) you can re-register online following the instructions and using the PIN provided in the re-registration notice. The online re-registration portal also accepts payment of any registration fees that are owed. Note that there is a \$2.50 processing fee for the \$50 registration fee paid online.

**Q: I have moved or changed my name since the last time I registered. What do I need to do? Can I use the online portal to re-register?**

A: If your name or your address has changed, you will need to complete a new registration form to re-register and provide the updated information. At this time, you cannot use the online portal to re-register if you have moved or changed your name.

## Amount of Sales

**Q: How do I calculate my food sales?**

A: Food sales are based on the anticipated amount of cottage food sales during the calendar year for which you are registering. This is the amount of gross annual receipts, not just profits, meaning the total amount for all sales as measured by the sales price.

**Q: Is there a limit to the amount of food I can sell?**

A: You are limited to \$18,000 dollars in food sales in any calendar year. If you sell more than \$18,000, you need a food license and meet applicable laws for making and selling food under that license. For more information about food licenses, see the [MDA food licenses](#) page or go to the [MDA Food Licensing Wizard](#).

## Training

**Q: Do I need to complete the training before I register?**

A: Yes, you must complete the training appropriate for the amount of sales expected during the calendar year before you register. You will be asked to provide the most recent date that you completed the training when you register.

**Q: What training do I need and where do I get it?**

A: There are two types of training, one for each sales category: Tier 1 for less than \$5000 annual sales, and Tier 2 for annual sales \$5000 and above. For annual food sales up to \$5,000, you must complete a free online course and exam. This course can be found here: [Cottage Food Producer Registration Training \(PDF: 603 KB / 34 Pages\)](#).

For annual food sales between \$5,000 and \$18,000, you must complete a safe food handling training course that is approved by the commissioner. Refer to the [University of Minnesota Extension Food Safety Program \(EXT\)](#) for more information. This Tier 2 training is currently offered as an in-person course or as an online course and there are training fees for both courses.

**Q: I am a certified food manager. Is this training acceptable?**

A: No, you must take training that is specific to the Cottage Food Law. The required training covers specific considerations about preparing food safely in a home kitchen and covers the Cottage Food Law requirements.

**Q: When do I need to re-take the training?**

A: You need to re-take training every three (3) years or if you switch from Tier 1 to Tier 2, meaning you go from selling less than \$5000 to selling \$5000 and above. You will be asked to provide the most recent date that you completed the training when you register.

## Types of Food Allowed

**Q: What food can I sell as a registered cottage food producer?**

A: You can only sell non-potentially hazardous foods and home-processed and home-canned pickles, vegetables, or fruit with a pH of 4.6 or below. Foods that are non-potentially hazardous do not support the rapid growth of microorganisms that can make you sick. Non-potentially hazardous foods have a pH of 4.6 or below, meaning they are acidic, or have a water activity of 0.85 or less, meaning they are relatively dry or have a high sugar or salt content that binds up the water making it hard for bacteria to grow.

**Q: What if I'm not sure if my food is allowed to be sold under the Cottage Food Law?**

A: Many university web sites provide recipes that have been laboratory tested and shown to be considered non-potentially hazardous. If you're unsure if the food you want to sell meets the definition of a non-potentially hazardous food, there are laboratories that can test your food for pH and water activity and can be found through a web search for "food testing laboratories in Minnesota".

**Q: What if I want to sell a food that is not allowed under the Cottage Food Law?**

A: You can apply for a food license. To find out more, go to the [MDA Food Licensing Wizard](#).

[\[Back to top\]](#)

## Labeling and Displaying a Sign

**Q: Does the food need to be labeled?**

A: Yes, you must label the food with (1) the name and address, including city, state, and ZIP code, of the individual who made the food, (2) the date that the food was made, and (3) a list of ingredients contained in the product, including any allergens. The allergens of concern are: milk, eggs, wheat, soy, peanuts, tree nuts, fish, and shellfish. More information on labeling is provided in the cottage food training course (see [Training](#) section).

**Q: I'm concerned about someone knowing where I live. Can I use a post office box as an address on my label?**

A: Yes, as long as it is a contact address of the person who made the food. However, when you register as a cottage food producer, you do need to provide the physical address of where the food is made. In addition to the contact address on the label, you may provide additional contact information, if you choose.

**Q: What other information must I provide to the customer?**

A: You must display a sign at the point of sale that states: "These foods are homemade and not subject to state inspection." Examples of signs can be found at the [bottom of this page](#) and in the cottage food training (see [Training](#) section). If you are conducting Internet sales, this same statement must be posted on your web site.

## Sales Locations

**Q: Where can I sell the food that I make?**

A: Food made by a registered cottage food producer can be sold from your home, over the Internet, and at a [farmers' market \(EXT\)](#) or community event. A public gathering sponsored or hosted by a town, county, city or municipality (for example, a county fair); or by a religious, charitable, or educational organization where food is sold (for example, a school, fire, police, or parent/teacher association). The event must be open to the public and not intended for profit.

For all sales, including those over the Internet, the individual who prepared the food product must be the person who delivers the food product to the ultimate consumer. This means food cannot be shipped or delivered through the mail or a third-party shipping service.

Food that is home-processed and home-canned, like pickles and salsa, cannot be sold outside of the state of Minnesota. For sales of other homemade food, like baked goods, outside of the state, you should review those states' laws to ensure the sale of homemade food is allowed.

**Q: Can I donate my cottage food?**

A: Yes. Food made by a registered cottage food producer can be provided through donation to a community event with the purpose of fund-raising for an individual or for an educational, charitable, or religious organization. The cottage food producer does not need to be present for the fundraising event.

**Q: Can I use the post office or a shipping company to deliver my products?**

A: No. All food must be delivered directly from the producer to the end consumer, not through an intermediary.

**Q: Can I have a Community Supported Agriculture model of distribution for products under the Cottage Food Producer Registration?**

A: Yes. Customers must come to your place of residence to pick up products or you, as the producer, must deliver them directly to customers. You may not leave products for customer pick up at a location other than their or your residence.

## Inspection and Compliance with the Law

**Q: Will I be inspected if I am registered to sell cottage foods?**

A: Local agencies often conduct inspections at venues like farmers' markets and community events to verify registration and that food is being sold in a manner consistent with Minnesota laws. In addition, if food sold by a cottage food producer is suspected or confirmed to have caused illness or injury, the MDA will conduct an investigation which may include an inspection of the location where the food was produced. Under Minnesota law, the MDA has the authority to enter at reasonable times any establishment where food is manufactured, processed, packed or held. Inspection and investigation activities would be limited to areas of the location where food is manufactured, processed, packed or held.

**Q: What happens if MDA receives a complaint about a cottage food producer?**

A: The MDA investigates complaints to ensure people selling cottage food are complying with the law, including all the topics covered in this guidance document: registration, training, sales amounts, sales locations, food types, and labeling and placarding. Actions depend on the severity of the violation and may include inspection, written notice, registration revocation, penalties, or prosecution.

**Q: Where can I make cottage food?**

A: Cottage food can be produced in a home kitchen or in a commercial kitchen as long as you are in compliance with local ordinances. Commercial kitchens are licensed by the Minnesota Department of Health, Minnesota Department of Agriculture, or one of their delegated agencies.

## Examples of Signs to be Displayed

For more information on these signs, see the [Labeling and Displaying a Sign](#) section above.

**“THESE PRODUCTS  
ARE HOMEMADE AND  
NOT SUBJECT TO  
STATE INSPECTION.”**

Example of sign required for non-potentially hazardous foods

**“THESE CANNED GOODS  
ARE HOMEMADE AND  
NOT SUBJECT TO  
STATE INSPECTION.”**

Example of sign required for canned products



# MINNESOTA COTTAGE FOODS LAW

Minnesota Statute 28A.152 Cottage Foods Exemption  
Effective July 1, 2015

## NON-POTENTIALLY HAZARDOUS FOODS

As of July 1, 2015, individuals can sell non-potentially hazardous (NPH) foods made in their home kitchens, without a license (Minnesota Statute 28A.152). Non-potentially hazardous (NPH) foods are foods that do not support the rapid growth of bacteria that would make people sick when held outside of refrigerated temperatures. These are the types of foods the 2015 Minnesota Cottage Foods Law exempts from licensing. MFMA has worked with the Minnesota Department of Agriculture, the Minnesota Department of Health, and the University of Minnesota Extension Food Safety Team to compile this list.

If a food item is not on this list, you should assume it DOES require a license and you should contact your local Minnesota Department of Agriculture Food Inspector for more details. To find the contact information for your local MDA food inspector, call (651) 201-6027.

### LIST UPDATES

This list will be reviewed periodically and updated as needed. When the list is updated, the revision date for this document will be changed and MFMA will send an email to everyone on our contacts list. To ensure that you receive these updates, please go to MFMA's website [www.mfma.org](http://www.mfma.org) and sign up for our elist. **This list was last updated: Feb. 26, 2019.**

### USING THIS LIST

For ease of use, this list is divided into Food Type categories. Each category lists three options: Allowed Foods, Not Allowed Foods, and Exceptions. All foods listed in the "Exceptions" column need extra information and we strongly recommend you contact the MDA to discuss the potential risks associated with the "Exceptions" foods.

1. Acid, Acidified, home-canned and home-processed foods
  - a. Fruits
  - b. Pickled
  - c. Vegetables
  - d. Fermented
  - e. Vinegar
  - f. Condiments
  - g. Ingredients
2. Baked
3. Candy and Confections
4. Dried, Dehydrated and Roasted
5. Icings, Frostings, Sugar Art
6. Jams, Jellies, Preserves, Fruit Butters

### Never allowed under this exemption:

**Dairy**  
**Eggs**  
**Fish**  
**Meat**  
**Poultry**  
**Seafood**

For additional updates, see Cottage Food Frequently Asked Question Blog, University of Minnesota Extension, <http://blog-cottage-food.extension.umn.edu/>.

### pH REQUIREMENT

You actually have to test the pH of acidified and fermented foods. In order to do that, you will need a pH meter and calibration solutions. There are numerous kits available on the market. See *Buying and Purchasing and Using a pH Meter*, University of Wisconsin, [https://foodsafety.wisc.edu/assets/pdf\\_files/What\\_is\\_pH.pdf](https://foodsafety.wisc.edu/assets/pdf_files/What_is_pH.pdf).

For home-canned acidified products, test pH 24 hours after processing. For fermented products, test pH upon completion of the fermentation process. Record the pH value in your records, along with the recipe source, date and quantity of the batch. Download the University of Minnesota Extension's *pH Testing Record* <http://www.extension.umn.edu/food/food-safety/food-entrepreneurs/cottage-food-resource-hub/doc/canning-ph-testing.pdf>. On label of each jar, write the date you produced the product.

**LAB-TESTED RECIPES FOR ACID, ACIDIFIED, FERMENTED FOODS**

There are *hundreds* of lab-tested recipes available for the canned and fermented products in this list. Please see the Appendix at the end of this fact sheet. Additionally, if you have a recipe that is not standardized to a tested recipe, there are labs that can test your product. Once tested, you can submit the recipe and lab-tested pH and/or water activity results to the MDA for inclusion under this exemption. Please see the Appendix at the end of this fact sheet.

<b>1. ACID, ACIDIFIED, HOME-CANNED AND HOME-PROCESSED</b>			
<b>Food Types</b>	<b>ALLOWED</b>	<b>NOT-ALLOWED</b>	<b>EXCEPTIONS</b>
Fruits	<p>Fruits that have an equilibrium pH value of 4.6 or lower and heat-treated to kill vegetative cells.</p> <p>Examples, including but not limited to:</p> <ul style="list-style-type: none"> <li>Apples</li> <li>Applesauce</li> <li>Apricots</li> <li>Berries</li> <li>Cherries</li> <li>Cranberry sauce</li> <li>Fruit based chutneys</li> <li>Fruit ciders</li> <li>Fruit juices</li> <li>Fruit puree</li> <li>Fruit salsas</li> <li>Mangoes</li> <li>Mixed fruit cocktail</li> <li>Peaches</li> <li>Pears</li> <li>Plums</li> <li>Rhubarb</li> </ul>	<ul style="list-style-type: none"> <li>Bananas</li> <li>Cantaloupes</li> <li>Coconuts</li> <li>Figs (non acidified)</li> <li>Mangoes (green cut, non acidified)</li> <li>Melons</li> <li>Watermelons</li> </ul>	<p><b>Fruit ciders, fruit juices, including tomato:</b> If final products meet the pH criteria and are home-canned, they are an allowed cottage food product.</p> <p>Raw, uncanned and unpasteurized juice is not allowed because it requires refrigeration for safety requiring a license. Contact MDA at <a href="mailto:mda.cottagefood@state.mn.us">mda.cottagefood@state.mn.us</a> or 651-201-6027.</p>
<b>Food Types</b>	<b>ALLOWED</b>	<b>NOT-ALLOWED</b>	<b>EXCEPTIONS</b>
Pickled Products	<p>Pickled products that have an equilibrium pH value of 4.6 or lower and heat-treated to kill vegetative cells.</p> <p>Examples, including but not limited to:</p> <ul style="list-style-type: none"> <li>Pickled asparagus</li> <li>Pickled beets</li> <li>Pickled cantaloupe</li> <li>Pickled carrots</li> <li>Pickled chow chow</li> <li>Pickled corn relish</li> <li>Pickled green beans (Dilly Beans)</li> <li>Pickled green tomatoes</li> <li>Pickled okra</li> <li>Pickled relish</li> <li>Pickled summer yellow squash</li> <li>Pickled three-bean salad</li> <li>Pickled watermelon rinds</li> <li>Pickles, sweet or dill</li> </ul>	<ul style="list-style-type: none"> <li>Pickled eggs</li> <li>Pickled fish</li> <li>Pickled meats</li> <li>Pickled seafood</li> </ul> <p>Final product pH &gt;4.6</p>	



## 1. ACID, ACIDIFIED, HOME-CANNED AND HOME-PROCESSED

Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Vegetables	Vegetables acidified and have an equilibrium pH value of 4.6 or lower and heat-treated to kill vegetative cells.  Examples, including but not limited to: Bloody Mary Mix Minnesota Tomato Mixture Tomatoes, acidified Tomato juice, acidified	Final product pH > 4.6 Pesto Home-canned low-acid foods: vegetables, meat, fish, soups, beans, etc.	
Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Fermented Foods	Fermented fruit, vegetables, pickles, sauerkraut, which have an equilibrium pH value of ≤4.6.  Kim Chi Pickles Sauerkraut Kefir soda, kombucha with alcohol content 0.05% or less.	Fermented products requiring refrigeration for food safety  Fermented products with alcohol content >0.05%.	
Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Vinegar	Vinegar and flavored vinegars, that have an equilibrium pH value of ≤4.6.	Mustard flavored vinegars with low acid ingredients	
Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Condiments	Condiments, which have an equilibrium pH value of ≤4.6 and heat treated to kill vegetative cells. Barbeque sauce Chutneys Horseradish Ketchup Mustard Pepper sauce Salsa, Chile Salsa, green tomato Salsa, tomato Salsa Verde (tomatillos green salsa) Taco sauce	Fruit based chutneys with nuts	Honey: Plain honey harvested from your land or land you rent is considered product of the farm and so excluded from any licensing. However, if you flavor with non-potentially hazardous ingredients like cinnamon or ground vanilla, it would be a cottage food.
Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Ingredients	Fruit toppings like peach, sweet cherry Pie filling (thickened with ClearJel® or Thermflo®): apple, blueberry, cherry, peach, green tomato Lemon or lime curd	Pie fillings with tapioca, starch or flour  Mole paste Pineapple or orange curd	

<b>2. BAKED FOODS</b>			
<b>Food Types</b>	<b>ALLOWED</b>	<b>NOT-ALLOWED</b>	<b>EXCEPTIONS</b>
	Baked foods that do not require refrigeration, including but not limited to: Bars Biscuits, fruit-filled Biscotti Breads Cakes Cookies Cupcakes Pastries Pies, fruit-filled Pretzels Quick breads (See exceptions)	Custard filling such as banana cream, pumpkin, squash pie, cheesecake, etc. Fillings with: <ul style="list-style-type: none"> <li>• Bison</li> <li>• Meat</li> <li>• Poultry</li> <li>• Fish</li> <li>• Seafood</li> <li>• Vegetables</li> </ul> Non-baked dairy (butter, cheese, cream cheese, yogurt)  Non-baked product containing raw eggs  Final product decorated or garnished with cut fresh fruits, vegetable or meat  Pizza with tomato or cheese  Cake, brownies, bread baked in a jar  Frozen doughs	Sweet or quick breads made with fresh fruit and vegetables like banana, pumpkin, zucchini may be a potentially hazardous food. Test these products for water activity and pH to verify non-potentially hazardous status by a commercial lab.
Beverages		Prepared, ready-to-eat beverages: coffee, tea, lemonade, etc.	

<b>3. CANDY AND CONFECTIONS</b>			
<b>Food Types</b>	<b>ALLOWED</b>	<b>NOT-ALLOWED</b>	<b>EXCEPTIONS</b>
Candy and Confections	Including but not limited to: Bon bons Brittle Candy Caramel apples Caramels Chocolate Chocolate, ground Chocolate-covered, non-perishable foods, such as nuts, dried fruits, marshmallows, pretzels Cotton candy	Chocolate-covered fresh berries, fresh pineapple, fresh melon  Anything containing raw uncooked eggs  Cream based filling	

	Fudge Hard candy Popcorn balls	Meat, fish, seafood, poultry, vegetable filling	
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## 4. DRIED, DEHYDRATED, ROASTED PRODUCTS

Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Dried, Dehydrated, Roasted Products	Including but not limited to: Baking mixes Beans Coffee beans Fruit Fruit leathers Granola, cereals and trail mixes Herbs Herb blends Nut mixes Pasta Popcorn Popcorn snacks Potato chips Seasoning salt Seeds like pumpkin, sunflower Soup mixes (dry) Tea (dry) Tree nuts and legumes, coated or uncoated Vegetable leathers like pumpkin or mixed vegetable and tomato Vegetable chips Vegetables Vegetarian-based soup mixes (dry)	Jerky: fish, meat, poultry, seafood  Roasted vegetables, e.g. peppers, carrots, etc.  Nut butters	

## 5. ICINGS, FROSTINGS, SUGAR ART

Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Icings, Frostings, Sugar Art	Including but not limited to: icings, frosting Buttercream Gum paste Flat Fondant Fudge Glaze Royal icing with meringue powder Sugar art items: Cake toppers Cream cheese mints Cupcake toppers Modeling chocolate figurines Other decor items Sugar flowers	Eggs, cream, milk or cream cheese based; unless final product using these ingredients is documented as a non-potentially hazardous food	Dairy and cream cheese based frostings, lab tested, meeting the non-potentially hazardous parameters, are allowed.  Cream cheese buttercream from the “Come and Bake It” book is allowed. See Tested Recipes Resources last page.

## 6. JAMS, JELLIES, PRESERVES, FRUIT BUTTERS

Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Fruit Butters, Jams, Jellies, Preserves	Including but not limited to: Fruit butters Jams Jellies Preserves Fruit based freezer jams	Pumpkin, squash butters  Addition of low acid ingredients like flowers, flavorings like lavender, etc.  Final product pH > 4.6 or water activity >0.85	Non-tested recipes using low acid ingredients, e.g., peppers, mint, etc., need testing by a commercial lab for pH and water activity. (See list of labs in Appendix).

### REQUIREMENTS AT-A -GLANCE

FOOD PRODUCED UNDER M.S. 28A.152	MAY	MUST	SHOULD	MAY NOT
Produced in home kitchen	✓			
Acid and acidified home-canned products heat treated in a hot water bath or an approved hot-fill-hold process		✓		
Acidified or fermented foods: Home test pH of each batch		✓		
Register with MDA		✓		
Carry product liability insurance			✓	
Sell at a farmers' market	✓			
Sell at a community event	✓			
Sell via the internet	✓			
Sell from the home, if allowed by local zoning ordinance	✓			
Sell to restaurants				✓
Sell to grocery stores				✓
Sell to other than ultimate consumer				✓
Donate product to a charity fundraiser event (effective August 1, 2017)	✓			
Donate product to a food shelf or another food access point				✓
Label with name and complete address (street, city MN zip), date food was prepared, all ingredients and allergens		✓		
Package	✓			
Place sign at point of sale stating: "Products are homemade and not subject to inspection."		✓		
Display Minnesota Cottage Food Registration card @ point of sale		✓		
Report income to IRS		✓		
<a href="http://www.revenue.state.mn.us/Pages/search_results.aspx?sq=1&amp;k=Taxable%20Food">Charge Sales Tax</a> See MN Department of Revenue, <a href="http://www.revenue.state.mn.us/Pages/search_results.aspx?sq=1&amp;k=Taxable%20Food">http://www.revenue.state.mn.us/Pages/search_results.aspx?sq=1&amp;k=Taxable%20Food</a>	✓	✓		
Request an inspection	✓			
<a href="#">Sampling and food demo</a> M.S. 28A.151	✓			

# APPENDIX

## TESTED RECIPES RESOURCES

- University of Minnesota Extension Cottage Food Resource Hub. Find links and recommended resources to assist or grow your cottage food business. <https://extension.umn.edu/food-entrepreneurs/cottage-food-resource-hub>
- *Come and Bake It*. Tested recipes for icings and frostings. <https://texascottagefoodlaw.com/recipes>
- **\*\*Come and Bake It 2: Pumpkin Spice Edition**. NOTE: Only some of the recipes in this edition are legal in Minnesota. See below for legal list. <https://texascottagefoodlaw.com/recipes>
- Minnesota Tomato Mixture: <https://extension.umn.edu/preserving-and-preparing/canning-minnesota-tomato-mixture>
- *So Easy to Preserve*. Tested recipes from the University of Georgia. National Center for Home Food Preservation. <https://setp.uga.edu/>.
- National Center for Home Food Preservation. <http://nchfp.uga.edu/>.
- University of Minnesota Extension. Food Preservation website. <https://extension.umn.edu/food-safety/preserving-and-preparing>

## TESTING LABS

You may choose a commercial testing lab that fits your needs. Pricing varies but averages \$15/pH test and \$30/water activity test/per product.

- Market Fresh, (612-331-4050, Minneapolis)
- Minnesota Valley Testing Lab, (507) 354-8517; New Ulm
- R-tech Labs (a division of Land O'Lakes), (800) 328-9687; Arden Hills

## REFERENCES

- *Approximate pH of Foods and Food Products*. April 2007. US FDA/CFSAN; US FDA/CFSAN. Retrieved from <http://www.vldhealth.org/pdf/environmentalPDF/foodPH2007.pdf>.
- *Local Food Resources*. Minnesota Institute for Sustainable Agriculture (MISA). <https://www.misa.umn.edu/resources/local-food-sales-resources>.
- National Center for Home Food Preservation. <http://nchfp.uga.edu/>.
- *Why Add Lemon Juice to Tomatoes and Salsa Before Canning?* June 2012. North Dakota State University <https://www.ag.ndsu.edu/publications/food-nutrition/why-add-lemon-juice-to-tomatoes-and-salsa-before-canning/fn1396.pdf>

**\*\*NOT** all recipes in the *Come and Bake It 2: Pumpkin Spice Edition* (2018) are legal in Minnesota, since Minnesota has a different standard for “non-potentially hazardous” foods. In Minnesota, for cottage food products, we use two parameters: pH ≤ 4.6 or a<sub>w</sub> ≤ 0.85.

Come and Bake It 2: Pumpkin Spice Edition (2018)		
ALLOWED	NOT-ALLOWED	EXCEPTIONS
<ul style="list-style-type: none"> <li>● Mom's zucchini bread, p. 31 (pH 6.94, a<sub>w</sub> 0.78)</li> <li>● Pumpkin roll cake, p. 37 (pH 8.98, a<sub>w</sub> 0.83) but the fill did not - p. 39 (pH 4.69, a<sub>w</sub> 0.90)</li> <li>● Pumpkin whoopie pies, p. 40 (pH 8.41, a<sub>w</sub> 0.76)</li> </ul>	<ul style="list-style-type: none"> <li>● Sweet potato cinnamon bread, p. 29 (pH 5.51, a<sub>w</sub> 0.87)</li> <li>● Pumpkin scones, p. 33 (pH 8.15, a<sub>w</sub> 0.87)</li> <li>● Carrot cake, p. 35 (pH 8.59, a<sub>w</sub> 0.86)</li> <li>● Pumpkin roll filling, p. 39 (pH 4.69, a<sub>w</sub> 0.90)</li> <li>● Recipes pp. 66-85</li> </ul>	<p>There are recipes that barely meeting the water activity parameter and should be <b>used with caution</b> and followed exactly. Spoilage microorganisms like molds and yeast can be a concern but cease vitality at a<sub>w</sub> &lt; 0.60. <a href="http://www.labcell">http://www.labcell</a>.</p>

<b>Come and Bake It 2: Pumpkin Spice Edition (2018)</b>		
<b>ALLOWED</b>	<b>NOT-ALLOWED</b>	<b>EXCEPTIONS</b>
<ul style="list-style-type: none"> <li>• King Arthur's pumpkin cake bars, p. 42 (pH 8.40, a<sub>w</sub> 0.81)</li> <li>• Pecan pie, p. 44, (pH 5.74, a<sub>w</sub> 0.80)</li> <li>• Seedless raspberry filling, p. 46 (pH 2.95, a<sub>w</sub> 0.97)</li> <li>• Pineapple filling, p. 48, (pH 3.54, a<sub>w</sub> 0.97)</li> <li>• Strawberry filling, p. 50 (pH 3.43., a<sub>w</sub> 0.97)</li> <li>• Blueberry filling, p. 52 (pH 3.32, a<sub>w</sub> 0.98)</li> <li>• Blackberry filling, p. 53 (pH 3.84, a<sub>w</sub> 0.96)</li> <li>• Salted caramel sauce, p. 55 (pH 5.07, a<sub>w</sub> 0.72)</li> <li>• Maple cinnamon cream cheese frosting, p. 57 (pH 4.73, a<sub>w</sub> 0.83)</li> <li>• Marshmallow cream cheese frosting, p. 58 (pH 4.61, a<sub>w</sub> 0.83)</li> <li>• Cream cheese sour cream frosting, p. 59 (pH 4.61, a<sub>w</sub> 0.83)</li> <li>• Orange cream cheese frosting, p. 60 (pH 4.45, a<sub>w</sub> 0.83)</li> <li>• Fluffy boiled icing, p. 63 (pH 4.20, a<sub>w</sub> 0.83)</li> </ul>	<ul style="list-style-type: none"> <li>• Pumpkin pie made with canned pumpkin, p. 66 (4 brands all tested potentially hazardous)</li> <li>• Applesauce nut bread, p. 68 (pH 5.58, a<sub>w</sub> 0.88)</li> <li>• Lemon zucchini bread, p. 70 (pH 5.76, a<sub>w</sub> 0.88)</li> <li>• Italian meringue buttercream, p. 72 (pH 7.43, a<sub>w</sub> 0.90)</li> <li>• Pumpkin cake, p. 74 (pH 8.95, a<sub>w</sub> 0.92)</li> <li>• Orange pumpkin muffins, p. 76 (pH 8.34, a<sub>w</sub> 0.90)</li> <li>• Pumpkin Whoopie Pies, p. 78 (pH 8.48, a<sub>w</sub> 0.88)</li> <li>• Pumpkin layer cake, p. 80 (pH 8.50, a<sub>w</sub> 0.91)</li> <li>• Pumpkin cake by Sally, p. 82 (pH 8.24, a<sub>w</sub> 0.91)</li> <li>• Cake mix pumpkin cake with pumpkin puree, p. 84 (pH 6.50, a<sub>w</sub> 0.88)</li> <li>• Pumpkin blondies, p. 85 (pH 6.67, a<sub>w</sub> 0.91)</li> </ul>	<p><a href="http://com/media/55373/aw%20chart%20labcell-email.pdf">com/media/55373/aw%20chart%20labcell-email.pdf</a></p> <ul style="list-style-type: none"> <li>• Pumpkin bread, p. 27, (pH 7.96, a<sub>w</sub> 0.85)</li> <li>• Pumpkin cream cheese frosting, p. 56 (pH 4.75, a<sub>w</sub> 0.84)</li> <li>• Cooked flour frosting (Whoopie pie filling, p. 61. (pH 6.02, a<sub>w</sub> 0.84)</li> </ul>

# APPROVED WATER SUPPLY

## For Rural Food Businesses



This fact sheet is for Minnesota rural and on-farm food business owners. All water used in food service or food manufacturing must come from an approved source.

### Minnesota laws on water source:

#### Minnesota Rules 4626.0980

<http://www.revisor.leg.state.mn.us/rules/?id=4626.0980>

#### Minnesota Rules 4720

<http://www.revisor.leg.state.mn.us/rules/?id=4720>

#### Minnesota Rules 4725

<http://www.revisor.leg.state.mn.us/rules/?id=4725>

#### Minnesota Statutes 31.175

<http://www.revisor.leg.state.mn.us/statutes/?id=31.175>

Water used in food establishments, including temporary ones, must be from an approved source; but that does not necessarily mean a public water supply. There are several options for sourcing water.

**The size and frequency of operations** of your on-farm or rural food business affects the requirement for the water source to be classified as either private or public. If your food business will have fewer than 25 people on the premises per day, on fewer than 60 days per year, your private residential well may be approved as a private (non-public) water source if it can be demonstrated that the well met the

construction code in place at the time the well was installed, and isolation distances have been maintained. If your days of operation and number of people present per day are more than 25 people on 60 days per year, see the sidebar: “What if my on-farm food business really takes off and I have a lot of people coming around?”

### Public water supply.

If your farm or rural business location is already on a municipal or other type of public water supply, that is considered an approved source.

Note: While the public water supply is considered an approved source, there will still be a requirement for documentation that the plumbing that delivers the water to the food business site is up to code.

### Haul In Water from Approved Source.

If your food operation is not served by a public water supply and you do not receive approval for use of a private well, you may be approved to haul in municipal or bottled water. The water must be transported in clean, food-grade containers or vessels.

### Your location's private well.

If your farm or rural business is not connected to a public water supply, you can, as part of the licensing process, request approval of a private well on the property as an approved source of water. The well must meet the Well Code in order to be approved. Key components of the approval process are onsite inspection, review of well construction records, submission of water test results, and verification of isolation distances.

#### Onsite Inspection

Onsite inspection to verify code compliance is required for approval of a water source. The inspector will look for a unique well number, collect a well construction record or other documentation of the well's construction date, locate the well and document isolation distances from potential sources of contamination like a septic system or cattle pen, inspect the well head and take pictures of the pressure tank and pump (if visible).

#### Review of Well Construction Records.

When determining compliance with the Well Code the most definitive documentation is the well construction record. Well

contractors have been required to submit construction records to the County or State since 1974, but this was not rigorously enforced until the early 1990s. The Minnesota Well Index at <http://www.health.state.mn.us/divs/eh/cwi/> contains available records. If the well is older than the mid-1970s, the contractor who constructed it may still have a record; or a record or dated invoice may be found in your farm's files. If this is not available, other documentation can be requested to verify compliance with the Well Code. For a pre-code well (a well constructed prior to July 15, 1974), or a well with an unknown construction date, the least stringent Well Code requirements from 1974 to present will be applied.

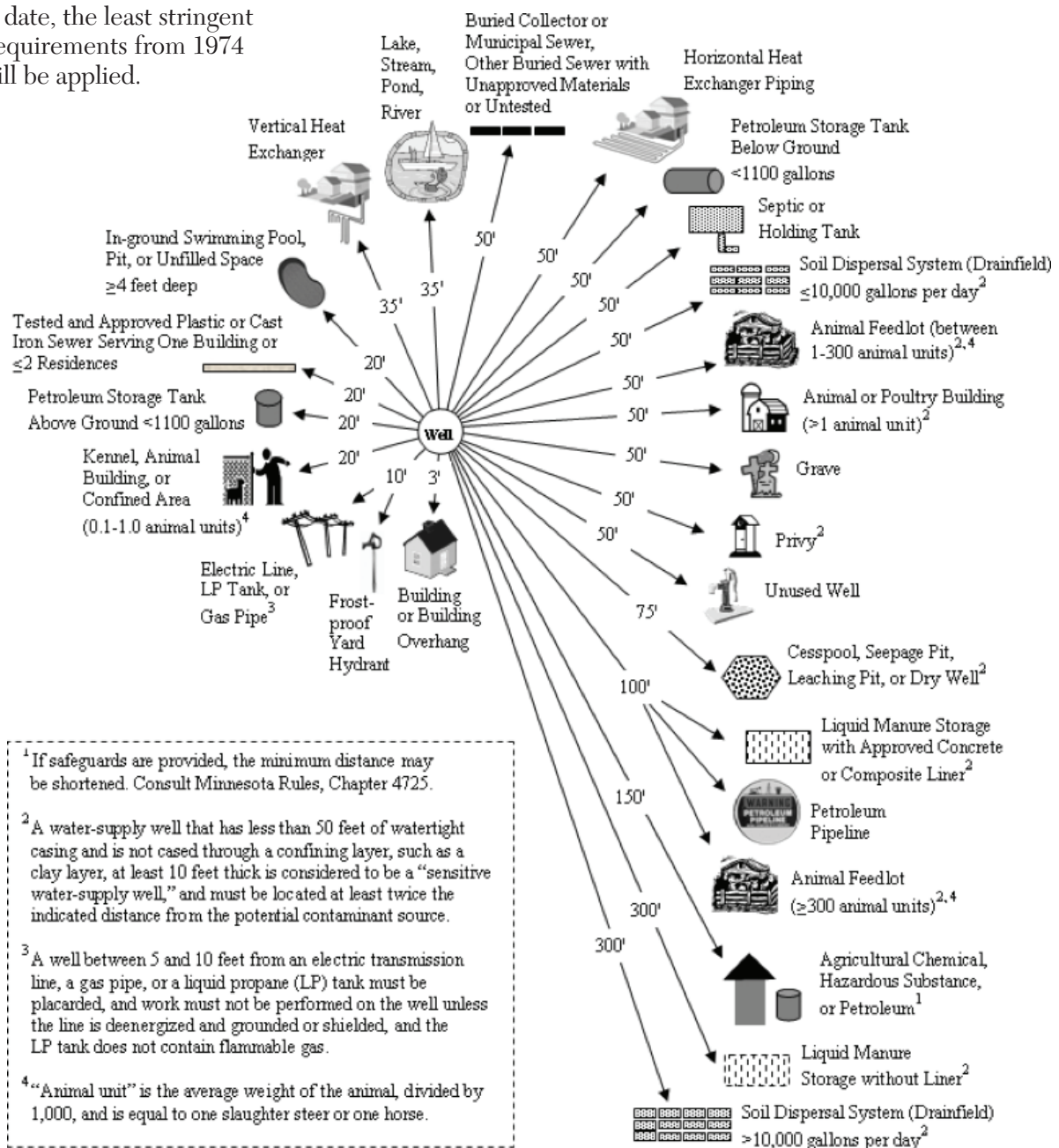
## Water Test Results.

The well owner must submit water sample test results for total coliform (TC) bacteria and nitrate analyzed within the past year. The results must show no presence of total coliform and nitrate level less than 10 milligrams per liter.

## Isolation Distances.

New wells are constructed with the correct isolation distances from potential sources of contamination

like a septic system or a cattle pen. Over time, uses of the area near the well can change. If a well meets construction standards but isolation distances have been violated since it was constructed, it cannot serve as an approved source of water. Isolation distances are shown in the diagram from the MDH, and are available on the MDH website: <http://www.health.state.mn.us/divs/eh/wells/construction/isolate.html>





## Construction of a new well

Constructing a new well is another option. The Minnesota Department of Health estimates that a water well has a lifetime of 50 to 60 years. If your well is approaching that age and your business is being held back by shortcomings in your well's construction records or by isolation distance violations, it may be time for a new well. If this is your choice, consider the information about size and frequency of your business in the sidebar: "What if my food business really takes off?"

Is your business likely to grow to the point that a public water supply will be required? If that is possible, you should have your new well constructed to those standards so that the well is eligible to be used as a public water supply once that becomes necessary.

## What if my rural or on-farm food business really takes off and I have a lot of people coming around?

### Food Service:

If a food establishment (such as a restaurant) serves at least 25 people at least 60 days of the year, the business is required to use a public water supply under the federal Safe Drinking Water Act. If your location is not connected to an existing public water supply, you may be able to use your private well as a "transient noncommunity public water source" after evaluation for compliance with the **current** Minnesota Well Code.

### Food Manufacturing:

The threshold of fewer than 25 people per day on fewer than 60 days per year applies to food manufacturing or food processing businesses, but the people present will most likely be employees rather than customers. If your business exceeds the threshold and is required to use a public water supply, the classification of the well may be "non-transient noncommunity public water source", meaning it regularly serves the same people for over 6 months per year.

If your business meets the definition requiring either a noncommunity transient or noncommunity nontransient public water supply, an inspector from the Minnesota Department of Health (MDH) Drinking Water Protection Program will review the well's construction record for compliance with the current Minnesota Well Code. The well will be evaluated for conversion to a public water supply source.

MDH will test the water for bacterial and nitrate contamination; and possibly other contaminants. You can learn more about the process at MDH's webpage for noncommunity public water supply systems: <http://www.health.state.mn.us/divs/eh/water/ncom/>

### Minnesota Local Foods Advisory Committee

This fact sheet was created with input and oversight from the Local Food Advisory Committee (LFAC). LFAC is a forum where issues relating to local food are raised and discussed, information is shared and problem-solving between Minnesota Department of Agriculture, Minnesota Department of Health, and the local food community takes place. Contact: [misamail@umn.edu](mailto:misamail@umn.edu), 612-625-8235. <https://www.misa.umn.edu/resources/local-food-advisory-committee>

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# FOOD LICENSES

<https://www.mda.state.mn.us/food-feed/food-licenses>

The Food and Feed Safety Division is responsible for licensing and inspections of permanent and mobile retail food establishments, wholesale food handlers, wholesale food processor manufacturers and food brokers. Please use the links below to find more information about each license type.

Some food businesses are excluded or exempt from licensing, including cottage food producers. Please visit [food license exclusions and exemptions](#) for more information.

If you want to open a new food business and don't know where to start, try the [Food Licensing and Food Safety Wizard](#).

If you currently own a licensed food business and want to expand, remodel, or relocate your existing business, want to sell your existing business, or want to begin the licensing process, please call 651-201-6062 or email [mda.licensing@state.mn.us](mailto:mda.licensing@state.mn.us).

## Food License Types:

- [Retail Food Handler](#) (Seasonal Permanent Food Stand)
- [Retail Mobile Food Handler](#) (Mobile Food Unit, Seasonal Temporary Food Stand, Special Event Food Stand, Retail Food Vehicle/Portable Structure/Cart)
  - New! Apply online for a Special Event Food Stand license
- [Wholesale Food Handler](#)
- [Wholesale Food Processor/Manufacturer](#)
- [Food Broker](#)
- [Wholesale Food Processor/Manufacturer- USDA](#)
- New! [Food Licensing and Food Safety Wizard](#) - the first step to starting a new food business

### LEARN MORE

[Cottage Food Law](#)

[Food License Exclusions and Exemptions](#)

[Special Event Food Stand License](#)

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# Special Event Food Stand

## LICENSING AND FOOD SAFETY REQUIREMENTS

### Definition of SEFS

A special event food stand (SEFS) is a food and beverage service establishment that is used in conjunction with celebrations and special events, and which operates for no more than ten total days in the current calendar year.

### How to get started

Food and beverage establishments in Minnesota are licensed by different agencies. The establishment's menu and location of operation determines which agency is responsible for licensing. To find out which agency is responsible, see the [Licensing](#) website. Contact the appropriate agency to discuss your business plan, licensing requirements, and obtain applications.

### Safe operation

#### Employee health and hygiene

Employees who have been ill with vomiting and/or diarrhea cannot work in a food establishment for at least 24 hours after their symptoms end.

#### Handwashing

Handwashing is the single most effective means of preventing the spread of bacteria

and viruses, which can cause foodborne illness.

- Ensure your handwashing sink is set up before you begin food preparation. Make it easily accessible to all employees and use it only for handwashing.
- Handwashing sinks need running water, soap, disposable towels and a trash container.
- Wash hands often. It is important to wash your hands before working with food, clean equipment and utensils; after smoking, eating or drinking, or using toilet facilities; or any time hands become contaminated.

#### Preventing bare hand contact

Prevent bare hand contact with ready-to-eat food by wearing disposable gloves or using utensils, deli tissue, spatulas, tongs or other dispensing equipment.

#### Approved sources

Obtaining food, beverages and ice from approved sources is the first step in ensuring safe food for your customers.

- Prepare food in the food stand or if you need to prepare food in advance contact your inspector to discuss off site preparation.
- Food cannot be prepared or stored in a home.
- Water must be from an approved source. Some approved sources are a public water supply system or commercially bottled drinking water.

## Clean and separate

### Cleaning and sanitizing

Contaminated equipment is one common cause of foodborne illness. Provide three containers of sufficient size to wash, rinse and sanitize equipment.

1. **Wash** in hot, soapy water.
2. **Rinse** in clean water.
3. **Sanitize** in chemicals.

Use approved chemical sanitizers such as chlorine bleach, quaternary ammonium or iodine. Always follow label instructions. Use the required sanitizer solution strength and contact time. Use a test kit to verify the sanitizer concentration.

### Preventing cross-contamination

Prevent cross-contamination of ready-to-eat food from raw animal food or dirty equipment.

- Store raw meat, poultry and fish below ready-to-eat food.
- Store and handle ice safely. Ice used to cool beverage containers must be drained. Do not re-use this ice in drinks or food preparation.
- Store damp or soiled wiping cloths in an approved sanitizer at the required strength.

### Cooking time/temperature control for safety (TCS) food

Cook raw animal food according to the internal [Temperature and Time Requirements](#). These include:

- 165°F for 15 seconds for poultry
- 155°F for 15 seconds for ground meat
- 145°F for 15 seconds for whole muscle meat

## Cold and hot holding

Improper holding temperatures and times are one common cause of foodborne illness.

- Maintain cold TCS food at 41°F or below. Frozen food must remain frozen.
- Provide mechanical refrigeration for cold TCS food held for four hours or longer. For less than four hours, dry ice or frozen freezer packs may be used as long as TCS food is maintained at 41°F or below.
- Maintain hot TCS food at 135°F or above. Domestic slow cookers are not allowed.

## Location and construction

Locate your SEFS away from possible environmental sources of contamination.

Protect your SEFS from mud and dust by setting your stand up on concrete or asphalt if possible. Provide flooring if locating your SEFS on a natural surface such as grass, gravel, or dirt.

Discontinue operation if protection fails.

## Wastewater disposal

Solid waste and wastewater from the establishment must be properly disposed of; this does not include a storm sewer or the ground.

## Resources

[Minnesota Department of Health Food Business Safety](#)  
 [\(www.health.state.mn.us/foodbizsafety\)](http://www.health.state.mn.us/foodbizsafety)

[Licensing](#)  
 [\(www.health.state.mn.us/divs/eh/food/license/index.html\)](http://www.health.state.mn.us/divs/eh/food/license/index.html)

[Temperature and Time Requirements for Food](#)  
 [\(www.health.state.mn.us/divs/eh/food/fs/temptimefs.pdf\)](http://www.health.state.mn.us/divs/eh/food/fs/temptimefs.pdf)

Minnesota Department of Health  
Food, Pools, and Lodging Services  
PO Box 64975  
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[health.foodlodging@state.mn.us](mailto:health.foodlodging@state.mn.us)  
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## Special Event Food Stand Checklist

Special event food stands (SEFS) must meet requirements of the Minnesota food code, and are inspected at events. To prepare for your inspection, use this checklist as a self-inspection.

- Obtain a license from the appropriate licensing agency prior to operating a SEFS. To find out which agency will issue a license, see the [Licensing](#) website.
- Designate a [Person in Charge](#) (PIC) who is responsible for foodborne disease prevention and overseeing safe food handling.
- Exclude employees who have been ill with vomiting and/or diarrhea for at least 24 hours after their symptoms end. [Illness Reporting for Food Establishments](#) summarizes the requirements.
- Obtain all food, beverages, water and ice from [Approved Sources for Food Products](#). Prepare food in the SEFS or at a licensed food establishment. Food cannot be prepared or stored in a home.
- Set up your handwashing station before beginning food preparation. [Handwashing for Employees](#) in a SEFS requires running water supplied either by gravity or under pressure through a faucet. Provide soap, individual disposable towels and a trash container.
- Employees shall wash their hands and exposed portions of their arms before working with food, clean equipment and utensils; after smoking, eating or drinking, or using toilet facilities; or any time hands become contaminated. Gloves, wet-wipes or hand antiseptics are not substitutes for handwashing. Wash at the handwashing station by lathering with soap for at least 20 seconds and rinsing with clean water.
- Prevent bare hand contact with ready-to-eat food by wearing disposable gloves or using utensils, deli tissue, spatulas, tongs or other dispensing equipment. [Preventing Contamination from Hands](#) summarizes the requirements and restrictions.
- Separate raw animal foods during storage, preparation, holding, and display from ready-to-eat food to prevent cross-contamination.
- Maintain cold time/temperature control for safety food (TCS) at 41°F or below.
- Provide mechanical refrigeration for cold TCS food held for four hours or longer. For less than four hours, dry ice or frozen freezer packs may be used as long as TCS food is maintained at 41°F or below.

## SPECIAL EVENT FOOD STAND

- Cook TCS food to safe internal [Temperature and Time Requirements for Food](#).
- Maintain hot TCS food at 135°F or above.
- Verify cold holding, cooking and hot holding temperatures with an accurate thermometer.
- Provide three containers for [Cleaning and Sanitizing](#). Your containers must be big enough to wash, rinse and sanitize your largest piece of multiuse equipment.
- Mix sanitizer according to manufacturer's specifications. Verify correct concentration with a test kit.
- Store damp or soiled wiping cloths in an approved sanitizer at the required strength.
- Locate the SEFS away from possible environmental sources of contamination.
- Provide wall and ceiling surfaces to protect the SEFS from the weather and windblown dust and debris. Discontinue operation if protection fails.
- Set up the SEFS on a permanent or temporary surface that will effectively control dust and mud.
- Discard solid waste and wastewater properly. Provide an adequate number of receptacles for solid waste. Discarding wastewater onto the ground or into the storm sewer is not allowed.

## Resources

[Minnesota Department of Health Food Business Safety  
\(www.health.state.mn.us/foodbizsafety\)](http://www.health.state.mn.us/foodbizsafety)

[Licensing \(www.health.state.mn.us/divs/eh/food/license/index.html\)](http://www.health.state.mn.us/divs/eh/food/license/index.html)

[Person in Charge \(www.health.state.mn.us/divs/eh/food/fs/picfs.pdf\)](http://www.health.state.mn.us/divs/eh/food/fs/picfs.pdf)

[Illness Reporting for Food Establishments  
\(www.health.state.mn.us/divs/eh/food/fs/empillfs.pdf\)](http://www.health.state.mn.us/divs/eh/food/fs/empillfs.pdf)

[Approved Sources for Food Products  
\(www.health.state.mn.us/divs/eh/food/fs/apprvdsrcefs.pdf\)](http://www.health.state.mn.us/divs/eh/food/fs/apprvdsrcefs.pdf)

[Handwashing for Employees \(www.health.state.mn.us/divs/eh/food/fs/handwashfs.pdf\)](http://www.health.state.mn.us/divs/eh/food/fs/handwashfs.pdf)

[Preventing Contamination from Hands  
\(www.health.state.mn.us/divs/eh/food/fs/nohandcontfs.pdf\)](http://www.health.state.mn.us/divs/eh/food/fs/nohandcontfs.pdf)

[Temperature and Time Requirements for Food  
\(www.health.state.mn.us/divs/eh/food/fs/timetempfs.pdf\)](http://www.health.state.mn.us/divs/eh/food/fs/timetempfs.pdf)

[Cleaning and Sanitizing \(www.health.state.mn.us/divs/eh/food/fs/cleansanfs.pdf\)](http://www.health.state.mn.us/divs/eh/food/fs/cleansanfs.pdf)

## SPECIAL EVENT FOOD STAND

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# Seasonal Temporary Food Stand

## PLAN REVIEW, LICENSING AND SAFE OPERATION

### Definition of STF

A seasonal temporary food stand (STF) is a food and beverage service establishment that is disassembled and moved from location to location. The STF must operate for no more than 21 days annually at any one location unless approved to do so by the regulatory authority.

### How to get started

Food and beverage establishments in Minnesota are licensed by different agencies. The establishment's menu and location of operation determines which agency is responsible for plan review and licensing. To find out which agency is responsible, see the [Licensing](#) website. Contact the appropriate agency to discuss your business plan, plan review and licensing requirements, and obtain applications.

### Safe operation

#### Employee health and hygiene

Employees who have been ill with vomiting and/or diarrhea cannot work in a food establishment for at least 24 hours after their symptoms end.

### Handwashing

Handwashing is the single most effective means of preventing the spread of bacteria and viruses, which can cause foodborne illness.

- Ensure your handwashing sink is set up before you begin food preparation. Make it easily accessible to all employees and use it only for handwashing.
- Handwashing sinks need running water, soap, disposable towels and a trash container.
- Wash hands often. It is important to wash your hands before working with food, clean equipment and utensils; after smoking, eating or drinking, or using toilet facilities; or any time hands become contaminated.

### Preventing bare hand contact

Prevent bare hand contact with ready-to-eat food by wearing disposable gloves or using utensils, deli tissue, spatulas, tongs or other dispensing equipment.

### Approved sources

Obtaining food, beverages and ice from approved sources is the first step in ensuring safe food for your customers.

- Prepare food in the STF or if you need to prepare food in advance contact your inspector to discuss off site preparation.

- Food cannot be prepared or stored in a home.
- Water must be from an approved source. Some approved sources are a public water supply system or commercially bottled drinking water.

## Clean and separate

### Cleaning and sanitizing

Contaminated equipment is one common cause of foodborne illness. Provide three containers of sufficient size to wash, rinse and sanitize equipment.

1. **Wash** in hot soapy water.
2. **Rinse** in clean water.
3. **Sanitize** in chemicals.

Use approved chemical sanitizers such as chlorine bleach, quaternary ammonium or iodine. Always follow label instructions. Use the required sanitizer solution strength and contact time. Use a test kit to verify the sanitizer concentration.

### Preventing cross-contamination

Prevent cross-contamination of ready-to-eat food from raw animal food or dirty equipment.

- Store raw meat, poultry and fish below ready-to-eat food.
- Store and handle ice safely. Ice used to cool beverage containers must be drained. Do not re-use this ice in drinks or food preparation.
- Store damp or soiled wiping cloths in an approved sanitizer at the required strength.

## Cooking time/temperature control for safety food (TCS)

Cook raw animal food according to the internal [Temperature and Time Requirements](#). These include:

- 165°F for 15 seconds for poultry
- 155°F for 15 seconds for ground meat
- 145°F for 15 seconds for whole muscle meat and fish

## Cold and hot holding

Improper holding temperatures and times are one common cause of foodborne illness.

- Maintain cold TCS food at 41°F or below. Frozen food must remain frozen.
- Maintain hot TCS food at 135°F or above.

## Resources

[Minnesota Department of Health Food Business Safety](#)  
([www.health.state.mn.us/foodbizsafety](http://www.health.state.mn.us/foodbizsafety))

[Licensing](#)  
([www.health.state.mn.us/divs/eh/food/license/index.html](http://www.health.state.mn.us/divs/eh/food/license/index.html))

[Temperature and Time Requirements for Food](#)  
([www.health.state.mn.us/divs/eh/food/fs/timetempfs.pdf](http://www.health.state.mn.us/divs/eh/food/fs/timetempfs.pdf))

[Mobile Food Unit, Seasonal Temporary food Stand, and Seasonal Permanent Food Stand Construction Guide](#)  
([www.health.state.mn.us/divs/eh/food/license/mfuseaconguide.pdf](http://www.health.state.mn.us/divs/eh/food/license/mfuseaconguide.pdf))

## SEASONAL TEMPORARY FOOD STAND

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# Seasonal Permanent Food Stand

## PLAN REVIEW, LICENSING AND SAFE OPERATION

### Definition of SPF

A seasonal permanent food stand (SPF) is a food and beverage service establishment which is a permanent food service stand or building, but which operates no more than 21 days annually.

### How to get started

Food and beverage establishments in Minnesota are licensed by different agencies. The establishment's menu and location of operation determines which agency is responsible for plan review and licensing. To find out which agency is responsible, see the [Licensing](#) website. Contact the appropriate agency to discuss your business plan, plan review and licensing requirements, and obtain applications.

### Safe operation

#### Employee health and hygiene

Employees who have been ill with vomiting and/or diarrhea cannot work in a food establishment for at least 24 hours after their symptoms end.

#### Handwashing

Handwashing is the single most effective means of preventing the spread of bacteria

and viruses, which can cause foodborne illness.

- Ensure your handwashing sink is set up before you begin food preparation. Make it easily accessible to all employees and use it only for handwashing.
- Handwashing sinks need running water, soap, disposable towels and a trash container.
- Wash hands often. It is important to wash your hands before working with food, clean equipment and utensils; after smoking, eating or drinking, or using toilet facilities; or any time hands become contaminated.

#### Preventing bare hand contact

Prevent bare hand contact with ready-to-eat food by wearing disposable gloves or using utensils, deli tissue, spatulas, tongs or other dispensing equipment.

#### Approved sources

Obtaining food, beverages and ice from approved sources is the first step in ensuring safe food for your customers.

- Prepare food in the SPF or if you need to prepare food in advance contact your inspector to discuss off site preparation.
- Food cannot be prepared or stored in a home.

- Water must be from an approved source. Some approved sources are a public water supply system or commercially bottled drinking water.

## Clean and separate

### Cleaning and sanitizing

Contaminated equipment is one common cause of foodborne illness. Provide three containers of sufficient size to wash, rinse and sanitize equipment.

1. **Wash** in hot, soapy water.
2. **Rinse** in clean water.
3. **Sanitize** in chemicals.

Use approved chemical sanitizers such as chlorine bleach, quaternary ammonium, or iodine. Always follow label instructions. Use the required sanitizer solution strength and contact time. Use a test kit to verify the sanitizer concentration.

### Preventing cross-contamination

Prevent cross-contamination of ready-to-eat food from raw animal food or dirty equipment.

- Store raw meat, poultry and fish below ready-to-eat food.
- Store and handle ice safely. Ice used to cool beverage containers must be drained. Do not re-use this ice in drinks or food preparation.
- Store damp or soiled wiping cloths in an approved sanitizer at the required strength.

## Cooking time/temperature control for safety food (TCS)

Cook raw animal food according to the internal [Temperature and Time Requirements](#). These include:

- 165°F for 15 seconds for poultry
- 155°F for 15 seconds for ground meat
- 145°F for 15 seconds for whole muscle meat and fish

## Cold and hot holding

Improper holding temperatures and times are one common cause of foodborne illness.

- Maintain cold TCS food at 41°F or below. Frozen food must remain frozen.
- Maintain hot TCS food at 135°F or above.

## Resources

[Minnesota Department of Health Food Business Safety](#)  
([www.health.state.mn.us/foodbizsafety](http://www.health.state.mn.us/foodbizsafety))

[Licensing](#)  
([www.health.state.mn.us/divs/eh/food/licensing/index.html](http://www.health.state.mn.us/divs/eh/food/licensing/index.html))

[Temperature and Time Requirements for Food](#)  
([www.health.state.mn.us/divs/eh/food/fs/timetempfs.pdf](http://www.health.state.mn.us/divs/eh/food/fs/timetempfs.pdf))

[Mobile Food Unit, Seasonal Temporary food Stand, and Seasonal Permanent Food Stand Construction Guide](#)  
([www.health.state.mn.us/divs/eh/food/licensing/mfuseaonguide.pdf](http://www.health.state.mn.us/divs/eh/food/licensing/mfuseaonguide.pdf))

## SEASONAL PERMANENT FOOD STAND

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# Mobile Food Unit

## PLAN REVIEW, LICENSING AND SAFE OPERATION

### Definition of MFU

A mobile food unit (MFU) is a food and beverage service establishment that is a vehicle mounted unit, either:

- Motorized or trailered, operating no more than 21 days annually at any one place, or operating more than 21 days annually at any one place with the approval of the regulatory authority.

**OR**

- Operated in conjunction with a permanent business licensed under Minnesota Statutes, chapters 157 or 28A at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location.

### How to get started

Food and beverage establishments in Minnesota are licensed by different agencies. The establishment's menu and location of operation determines which agency is responsible for plan review and licensing. To find out which agency is responsible, see the [Licensing](#) website. Contact the appropriate agency to discuss your business plan, plan review and licensing requirements, and obtain applications.

### Safe operation

#### Employee health and hygiene

Employees who have been ill with vomiting and/or diarrhea cannot work in a food establishment for at least 24 hours after their symptoms end.

#### Handwashing

Handwashing is the single most effective means of preventing the spread of bacteria and viruses, which can cause foodborne illness.

- Ensure your handwashing sink is set up before you begin food preparation. Make it easily accessible to all employees and use it only for handwashing.
- Handwashing sinks need running water, soap, disposable towels and a trash container.
- Wash hands often. It is important to wash your hands before working with food, clean equipment and utensils; after smoking, eating or drinking, or using toilet facilities; or any time hands become contaminated.

#### Preventing bare hand contact

Prevent bare hand contact with ready-to-eat food by wearing disposable gloves or using utensils, deli tissue, spatulas, tongs or other dispensing equipment.

## Approved sources

Obtaining food, beverages and ice from approved sources is the first step in ensuring safe food for your customers.

- Prepare food in the MFU or if you need to prepare food in advance contact your inspector to discuss off site preparation.
- Food cannot be prepared or stored in a home.
- Water must be from an approved source. Some approved sources are a public water supply system or commercially bottled drinking water.

## Clean and separate

### Cleaning and sanitizing

Contaminated equipment is one common cause of foodborne illness. Provide three containers of sufficient size to wash, rinse and sanitize equipment.

1. **Wash** in hot, soapy water.
2. **Rinse** in clean water.
3. **Sanitize** in chemicals.

Use approved chemical sanitizers such as chlorine bleach, quaternary ammonium or iodine. Always follow label instructions. Use the required sanitizer solution strength and contact time. Use a test kit to verify the sanitizer concentration.

### Preventing cross-contamination

Prevent cross-contamination of ready-to-eat food from raw animal food or dirty equipment.

- Store raw meat, poultry and fish below ready-to-eat food.

- Store and handle ice safely. Ice used to cool beverage containers must be drained. Do not re-use this ice in drinks or food preparation.
- Store damp or soiled wiping cloths in an approved sanitizer at the required strength.

## Cooking time/temperature control for safety (TCS) food

Cook raw animal food according to the internal [Temperature and Time Requirements](#). These include:

- 165°F for 15 seconds for poultry
- 155°F for 15 seconds for ground meat
- 145°F for 15 seconds for whole muscle meat and fish

## Cold and hot holding

Improper holding temperatures and times are one common cause of foodborne illness.

- Maintain cold TCS food at 41°F or below. Frozen food must remain frozen.
- Maintain hot TCS food at 135°F or above.

## Resources

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# Regulations about dogs and food businesses

## 2018 Minnesota Statutes

<https://www.revisor.mn.gov/statutes/cite/157.175>

### 157.175 DOGS; OUTDOOR FOOD AND BEVERAGE SERVICE ESTABLISHMENTS.

#### Subdivision 1. **Municipal authorization.**

A statutory or home rule charter city may adopt an ordinance to permit food and beverage service establishments to allow dogs to accompany persons patronizing designated outdoor areas of food and beverage establishments.

#### Subd. 2. **Dangerous and potentially dangerous dogs.**

The ordinance must prohibit dangerous and potentially dangerous dogs, as defined in section [347.50](#), from accompanying patrons to food and beverage establishments.

#### Subd. 3. **Banning dogs.**

The ordinance may not prohibit a food and beverage establishment from banning dogs. A person accompanied by a dog who remains at an establishment knowing that the operator of the establishment or its agent has posted a sign banning dogs or otherwise informed the person that dogs are not permitted in the establishment may be ordered to leave the premises.

#### Subd. 4. **Permit process.**

(a) The ordinance must require participating establishments to apply for and receive a permit from the city before allowing patrons' dogs on their premises. The city shall require from the applicant such information as the local government deems reasonably necessary, but shall require, at a minimum, the following information:

- (1) the name, location, and mailing address of the establishment;
- (2) the name, mailing address, and telephone contact information of the permit applicant;
- (3) a description of the designated outdoor areas in which the permit applicant intends to allow dogs; and
- (4) a description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor areas.

(b) A permit issued pursuant to the authority granted in this section must not be transferred to a subsequent owner upon the sale of a food and beverage establishment but must expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for a permit pursuant to this section if the subsequent owner wishes to continue to accommodate patrons' dogs.

(c) A city may incorporate the permit requirements of this section into a permit or license issued under an existing ordinance if the city ensures that current and future permit and license holders comply with the requirements of this section. A city may exempt current permit and license holders from reapplying for a permit, if the current permit or license holder provides the city with the information required in paragraph (a) and any other information that the city requests.

**Subd. 5. Minimum requirements.**

The ordinance must include such regulations and limitations as the local government deems reasonably necessary to protect the health, safety, and general welfare of the public, but must require, at a minimum, the following requirements, which must be clearly printed on a sign or signs posted on premises in a manner and place that are conspicuous to employees and patrons:

- (1) employees must be prohibited from touching, petting, or otherwise handling dogs;
- (2) employees and patrons must not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations;
- (3) patrons must keep their dogs on a leash at all times and must keep their dogs under reasonable control;
- (4) dogs must not be allowed on chairs, tables, or other furnishings; and
- (5) dog waste must be cleaned immediately and the area sanitized.

**Subd. 6. Service animals.**

Nothing in this statute, or an ordinance adopted pursuant to this statute, shall be construed to limit:

- (1) the right of a person with disabilities to access places of public accommodation while accompanied by a service animal as provided in sections 256C.02 and 363A.19; or
- (2) the lawful use of a service animal by a licensed peace officer.

**Subd. 7. Designated outdoor area.**

The ordinance must include a definition of "designated outdoor area" that is consistent with applicable rules adopted by the commissioner of health.

**History:**

2008 c 325 s 1

## Minnesota Food Code, January 2019

### 179.18 **4626.1585 PROHIBITING ANIMALS. 6-501.115**

179.19           A. Except as specified in items B and C, live animals must not be allowed on the  
179.20 premises of a food establishment.p2

179.21           B. Live animals may be allowed in the following situations if the contamination  
179.22 of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use  
179.23 articles does not result:

- 180.1 (1) edible fish or decorative fish in aquariums, shellfish or crustacea on ice
- 180.2 or under refrigeration, and shellfish or crustacea in display tank systems;
- 180.3 (2) patrol dogs accompanying police or security officers in offices and dining,
- 180.4 sales, and storage areas, and sentry dogs running loose in outside fenced areas;
- 180.5 (3) service animals that are controlled by the disabled employee or person in
- 180.6 areas that are not used for food preparation and that are usually open for customers, such
- 180.7 as dining and service areas, if no health or safety hazard will result from the presence or
- 180.8 activities of the service animal;
- 180.9 (4) pets in the common dining areas of institutional care facilities at times
- 180.10 other than during meals if:
- 180.11 (a) effective partitioning and self-closing doors separate the common
- 180.12 dining areas from food storage or food preparation areas;
- 180.13 (b) condiments, equipment, and utensils are stored in enclosed cabinets
- 180.14 or removed from the common dining areas when pets are present; and
- 180.15 (c) dining areas including tables, countertops, and similar surfaces are
- 180.16 effectively cleaned before the next meal service; and

180.17 (5) in food establishments licensed by either the department, Minnesota  
180.18 Department of Agriculture, or a delegated authority in areas that are not used for food  
180.19 preparation, storage, sales, display, or dining, in which there are caged animals or animals  
180.20 that are similarly confined.

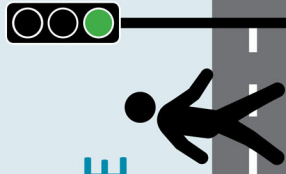
180.21 C. Live or dead fish bait must be stored so that contamination of food;  
clean

180.22 equipment, utensils, and linens; and unwrapped single-use articles cannot result.

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# Starting a Food Business Roadmap

## START HERE



## Driver's Ed: Learn the Basics



Are you interested in starting your own food business? This map is a great place to start! Even though the Roadmap is designed to look like a step-by-step guide, keep in mind this process is not linear, and you can expect to revisit stops throughout your journey. This list provides many resources that you might find helpful, but is not intended to be an exhaustive list. Review all of the stops on the roadmap before starting your food business.

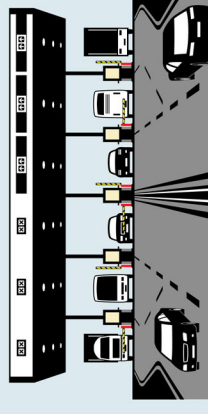
- Establish a support system.
- Research the basics of financing and resources available to you.
- Consider other aspects of commercialization.

## Funding and Financing



- Meet with your banker to discuss financing.
- Research other grant and loan opportunities.

## Food Safety Regulations and Information



- Learn about food safety regulations, limitations, and necessary training related to your business.
- Make a food risk management strategy (HACCP, allergens, etc.).
- Create a Food Safety Plan and Recall Plan.

## Food Licensing Round-About

MDA



Delegated Agencies

## Additional Resources



## Driver's Ed: Learn the Basics



Who you may encounter during this step:

- Economic Development Centers
- Business consultants
- University of Minnesota (UMN) Extension
- Food advocacy organizations
- Educational institutions

### Food Business Organizations

AURI

[www.auri.org/focus-areas/food](http://www.auri.org/focus-areas/food)

Grow North

[www.grownorthmn.com](http://www.grownorthmn.com)

Midwest Pantry

[www.midwestpantry.com](http://www.midwestpantry.com)

### Food Business Basics

21 Things to Research Before Starting a Business  
[www.smarta.com/advice/starting-up/starting-your-own-business/21-things-to-research-before-starting-a-business](http://www.smarta.com/advice/starting-up/starting-your-own-business/21-things-to-research-before-starting-a-business)

9 Things to Research Before Starting

a Food Business

<https://quickbooks.intuit.com/r/am-i-ready/9-things-research-starting-business/>

Glossary of Wholesale Terminology

<https://medium.com/shelf-life/glossary-7b4020bdc9ff>

Pros & Cons Of Starting A Food Business

[civic.foodscience.cals.cornell.edu/getting-started/pros-cons](http://civic.foodscience.cals.cornell.edu/getting-started/pros-cons)

Food Business for Entrepreneurs

<https://ag.umass.edu/sites/ag.umass.edu/files/food-science/introduction-for-food-entrepreneurs-8-14-2014.pdf>

### Economic Development and Business Support

African Development Center of MN

[adcmnnesota.org](http://adcmnnesota.org)

African Economic Development Solutions

[aeds-mn.org](http://aeds-mn.org)

Asian Economic Development Association (AEDA)

[aeda-mn.org](http://aeda-mn.org)

Community Reinvestment Fund (CRF USA)

[crfusa.com/crf\\_mission\\_values](http://crfusa.com/crf_mission_values)

DEED

[mn.gov/deed/business/starting-business](http://mn.gov/deed/business/starting-business)

Edible Alpha + Newsletter

[foodfinanceinstitute.org/edible-alpha-insights-newsletter](http://foodfinanceinstitute.org/edible-alpha-insights-newsletter)

Latino Economic Development Center

[ledc-mn.org/index.php/en/home](http://ledc-mn.org/index.php/en/home)

Metropolitan Economic Development Association (MEDA)

[meda.net/services-2](http://meda.net/services-2)

Neighborhood Development Center

[www.ndc-mn.org](http://www.ndc-mn.org)

Small Business Administration Local Assistance Tool

[www.sba.gov/tools/local-assistance/map/state/mn](http://www.sba.gov/tools/local-assistance/map/state/mn)

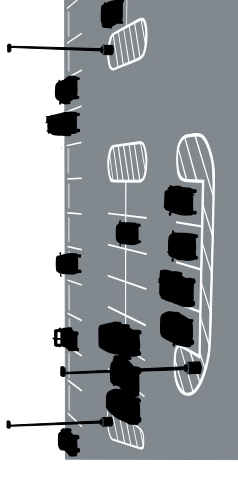
Northside Economic Opportunity Network

[neon-mn.org](http://neon-mn.org)

UMIN

[ced.d.umn.edu](http://ced.d.umn.edu)

## Business Planning Parking Lot



### Market Research

How to Research Your Market  
[www.entrepreneur.com/article/175276](http://www.entrepreneur.com/article/175276)

Market Readiness Research Protocol  
[fic.oregonstate.edu/food-innovation-center/product-development/market-research-market-readiness-mktra-protocol](http://fic.oregonstate.edu/food-innovation-center/product-development/market-research-market-readiness-mktra-protocol)

### Business and Tax Registration

Business Structure Comparison

[www.uwcc.wisc.edu/whatisacoop/BusinessStructureComparison](http://www.uwcc.wisc.edu/whatisacoop/BusinessStructureComparison)

Business Taxes

[mn.gov/deed/business/starting-business/taxes](http://mn.gov/deed/business/starting-business/taxes)

How To Calculate Sales Tax

[99designs.com/resource-center/small-business-starter-kit/calculate-sales-tax](http://99designs.com/resource-center/small-business-starter-kit/calculate-sales-tax)

How To Choose Your Business

Structure for Registration  
[99designs.com/resource-center/small-business-starter-kit/choose-a-structure](http://99designs.com/resource-center/small-business-starter-kit/choose-a-structure)

How to Register Your Business

[www.sos.state.mn.us/business-liens/start-a-business/how-to-register-your-business](http://www.sos.state.mn.us/business-liens/start-a-business/how-to-register-your-business)

IRS

[www.irs.gov](http://www.irs.gov)

MN Department of Revenue

[www.revenue.state.mn.us/businesses/Pages/Business-Center.aspx](http://www.revenue.state.mn.us/businesses/Pages/Business-Center.aspx)

MN Secretary of State

[www.sos.state.mn.us/business-liens/start-a-business/how-to-start-a-business-in-minnesota](http://www.sos.state.mn.us/business-liens/start-a-business/how-to-start-a-business-in-minnesota)

Sales & Use Tax Instructions

[www.revenue.state.mn.us/Forms\\_and\\_Instructions/sales\\_tax\\_booklet.pdf](http://www.revenue.state.mn.us/Forms_and_Instructions/sales_tax_booklet.pdf)

Unemployment Insurance

<http://www.umn.org/uminn>

Workers' Compensation Information

Who you may encounter during this step:

- UMN Extension
- Small Business Administration
- Neighborhood development agencies
- Food advocacy organizations
- Universities & Other Educational Institutions

21 Things to Research Before Starting a Business

[www.smarta.com/advice/starting-up/starting-your-own-business/21-things-to-research-before-starting-a-business](http://www.smarta.com/advice/starting-up/starting-your-own-business/21-things-to-research-before-starting-a-business)

9 Things to Research Before Starting a

Food Business

[quickbooks.intuit.com/r/am-i-ready/9-things-research-starting-business](http://quickbooks.intuit.com/r/am-i-ready/9-things-research-starting-business)

Basic Plan For Success - for you, the entrepreneur

[civic.foodscience.cals.cornell.edu/getting-started/plan-success](http://civic.foodscience.cals.cornell.edu/getting-started/plan-success)

Building a Sustainable Business

[www.misa.umn.edu/publications/buildingasustainablebusiness](http://www.misa.umn.edu/publications/buildingasustainablebusiness)

Business Planning: Cornell University

[civic.foodscience.cals.cornell.edu/getting-started/steps-start-business-planning](http://civic.foodscience.cals.cornell.edu/getting-started/steps-start-business-planning)

James J Hill Center Business Reference Library

[jjhill.org/research-guides](http://jjhill.org/research-guides)

Small Business Development Portal

[mn.gov/deed/business/help/sbdc](http://mn.gov/deed/business/help/sbdc)

Specialty Food Learning Center

[learning.specialtyfood.com](http://learning.specialtyfood.com)

Starting a Business in Minnesota

[www.sos.state.mn.us/business-liens/start-a-business](http://www.sos.state.mn.us/business-liens/start-a-business)

WE Start

[westart.mn](http://westart.mn)

### How to Write a Business Plan

How to Write a Business Plan

[www.entrepreneur.com/article/247575](http://www.entrepreneur.com/article/247575)

Small Business Administration Webinar Training:

How To Write A Business Plan



## Plan for Production



Where you produce your product will influence your licensing requirements.

Who you may encounter during this step:

- Co-packers
- Shared commercial kitchens
- Food processing facilities
- Cottage food advocates and experts
- Wholesalers, suppliers, ingredient sources, local farms

### On Farm

Come & Get It!  
[www.misa.umn.edu/publications/comeandgetit](http://www.misa.umn.edu/publications/comeandgetit)  
 Cottage Food Resources  
[www.misa.umn.edu/resources/local-food-sales-resources/cottage-food](http://www.misa.umn.edu/resources/local-food-sales-resources/cottage-food)

FSMA Coverage & Exemptions/Exclusions Flow Chart  
[www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM472499.pdf](http://www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM472499.pdf)

FSMA Produce Rule Fact Sheet  
[www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM472887.pdf](http://www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM472887.pdf)

Local Food Fact Sheets  
[www.misa.umn.edu/publications/local-food-fact-sheet-series](http://www.misa.umn.edu/publications/local-food-fact-sheet-series)

### At Home

Cottage Food Resources  
[www.misa.umn.edu/resources/local-food-sales-resources/cottage-food](http://www.misa.umn.edu/resources/local-food-sales-resources/cottage-food)

### Shared Kitchen

Commercial Kitchen Guide  
[www.misa.umn.edu/publications/commercialkitchenguide](http://www.misa.umn.edu/publications/commercialkitchenguide)

How To Find & Rent A Commercial Kitchen

[www.youtube.com/watch?v=M70n-r077\\_0](http://www.youtube.com/watch?v=M70n-r077_0)

### Co-Packer

Choosing and Using a Co-Packer  
<https://hortintl.cals.ncsu.edu/content/choosing-and-using-co-packer>

Co-Packer Directory  
[www.mda.state.mn.us/minnesota-co-packer-directory](http://www.mda.state.mn.us/minnesota-co-packer-directory)

Specialty Food Association Co-Packer Directory  
[www.specialtyfoodresource.com/get-started/find-a-business-resource/copackers](http://www.specialtyfoodresource.com/get-started/find-a-business-resource/copackers)

Using A Co-Packer: Resources  
[ucfoodsafety.ucdavis.edu/Food\\_Industry\\_Contacts/Co-Packers](http://ucfoodsafety.ucdavis.edu/Food_Industry_Contacts/Co-Packers)

### Other

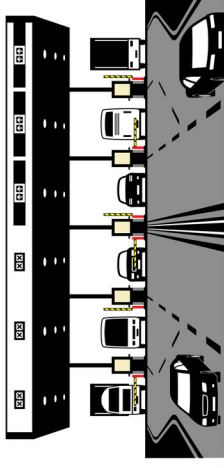
FDA Inspection Guide  
[www.fda.gov/CEG/Inspections/InspectionGuides/ucm074988.htm#SECTION\\_1](http://www.fda.gov/CEG/Inspections/InspectionGuides/ucm074988.htm#SECTION_1)

Good Manufacturing Practices  
[www.fda.gov/Food/GuidanceRegulation/CGMP/ucm110877.htm](http://www.fda.gov/Food/GuidanceRegulation/CGMP/ucm110877.htm)

UMN Dept. of Food Science and Nutrition Research & Services  
<https://fscn.cfans.umn.edu/research-services>

UMN Dept. of Food Science and Nutrition Pilot Plant  
<https://fscn.cfans.umn.edu/research-services/pilot-plant>

## Food Safety Regulations and Information



Who you may encounter during this step:

- Federal, state, local food safety agencies
- Universities & academia
- Educational institutions
- Food innovation centers
- UMN Extension

### FSMA

Food Safety Modernization Act  
[www.fda.gov/food/guidanceregulation/fsma/ucm247559.htm#Registration](http://www.fda.gov/food/guidanceregulation/fsma/ucm247559.htm#Registration)

### FSMA

[www.fda.gov/Food/GuidanceRegulation/FSMA/default.htm](http://www.fda.gov/Food/GuidanceRegulation/FSMA/default.htm)

FSMA Preventive Controls Rule  
[www.fda.gov/Food/GuidanceRegulation/FSMA/ucm334115.htm](http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm334115.htm)

FSMA Coverage & Exemptions/Exclusions Flow Chart  
[www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM472499.pdf](http://www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM472499.pdf)

FSMA Produce Rule Fact Sheet  
[www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM472887.pdf](http://www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM472887.pdf)

### Recalls

FDA Recall Industry Guidance  
[www.fda.gov/Safety/Recalls/IndustryGuidance/ucm129259.htm](http://www.fda.gov/Safety/Recalls/IndustryGuidance/ucm129259.htm)

Food Recall Templates & Other Helpful Templates  
[www.fsh.iit.edu/fspca/fspca-materials](http://www.fsh.iit.edu/fspca/fspca-materials)

USDA Recall Plan Guidebook  
[www.fsis.usda.gov/shared/PDF/RecallPlanBooklet\\_0513.pdf](http://www.fsis.usda.gov/shared/PDF/RecallPlanBooklet_0513.pdf)

### Food Safety

AURI

[www.auri.org/focus-areas/food](http://www.auri.org/focus-areas/food)

Food Safety & Defense Task Force  
[mn.foodprotectiontaskforce.com](http://mn.foodprotectiontaskforce.com)

Food Safety Information & Resources  
[www.mda.state.mn.us/food/food-safety-information-resource](http://www.mda.state.mn.us/food/food-safety-information-resource)

Food Safety Preventive Controls Alliance  
[www.fsh.iit.edu/fspca](http://www.fsh.iit.edu/fspca)

Hand Hygiene for Food Handlers  
[www.health.state.mn.us/handhygiene/food/index.html](http://www.health.state.mn.us/handhygiene/food/index.html)

MDA Produce Safety Program

<https://www.mda.state.mn.us/food-feed/produce-safety-program>

MDH Canning

<http://www.health.state.mn.us/foodsafety/store/canning.htm#canning>

MDH Food Code

[www.health.state.mn.us/divs/eh/food/code/index.html](http://www.health.state.mn.us/divs/eh/food/code/index.html)

Open Source Food Safety

[www.opensourcefoodsafety.org](http://www.opensourcefoodsafety.org)

Produce Safety Program

[www.mda.state.mn.us/food/safety/producesafetyprogram.aspx](http://www.mda.state.mn.us/food/safety/producesafetyprogram.aspx)

Retail Meat & Poultry Processing Training

[www.mda.state.mn.us/food/retail-meat-and-poultry-processing-training-modules](http://www.mda.state.mn.us/food/retail-meat-and-poultry-processing-training-modules)

ServSafe

[www.servsafe.com](http://www.servsafe.com)

U of MN Extension Food Safety Training

<https://extension.umn.edu/food-health-and-nutrition#food-safety>

U of MN GAPs Program

[safety.cfans.umn.edu](http://safety.cfans.umn.edu)

University of Minnesota Food Safety Factsheets

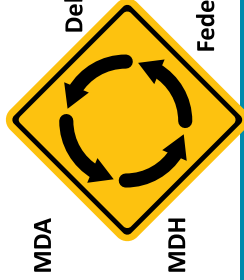
[www.extension.umn.edu/food/food-safety](http://www.extension.umn.edu/food/food-safety)

What is a HACCP?

[www.22000-tools.com/what-is-haccp.html](http://www.22000-tools.com/what-is-haccp.html)

Processing Authority Support

## Food Licensing Round-About



### Useful Tools to Help You Start

Licensing Wizard  
[www2.mda.state.mn.us/webapp/foodlicensingwizard](http://www2.mda.state.mn.us/webapp/foodlicensingwizard)

Food Licensing Liaison Line  
651-201-6081 or MDA.FoodLicensingLiaison@state.mn.us

Who you may encounter during this step:

- Minnesota Department of Health
- Minnesota Department of Agriculture
- Delegated agencies
- Federal agencies

### MDA Inspected

Cottage Food  
[www.mda.state.mn.us/licensing/licensetypes/cottagefood.aspx](http://www.mda.state.mn.us/licensing/licensetypes/cottagefood.aspx)

Exemptions  
[www.mda.state.mn.us/food-licensing-exclusions-and-exemptions](http://www.mda.state.mn.us/food-licensing-exclusions-and-exemptions)

Food ingredients that may cause allergies  
[www.mda.state.mn.us/food/food-ingredients-may-cause-allergies](http://www.mda.state.mn.us/food/food-ingredients-may-cause-allergies)

Food Licenses  
[www.mda.state.mn.us/licensing/licensetypes/foodhandler.aspx](http://www.mda.state.mn.us/licensing/licensetypes/foodhandler.aspx)

Food Safety Information & Resources  
[www.mda.state.mn.us/food/food-safety-information-resources](http://www.mda.state.mn.us/food/food-safety-information-resources)

Plan Review - Retail Food Establishments  
[www.mda.state.mn.us/planreview](http://www.mda.state.mn.us/planreview)

Produce Safety Program  
[www.mda.state.mn.us/food/safety/producesafetyprogram.aspx](http://www.mda.state.mn.us/food/safety/producesafetyprogram.aspx)

Retail Food Licensing & Inspections Delegated Agencies  
[www.mda.state.mn.us/retail-food-handler](http://www.mda.state.mn.us/retail-food-handler)

Retail Meat & Poultry Processing Training  
[www.mda.state.mn.us/food/retail-meat-and-poultry-processing-training-modules](http://www.mda.state.mn.us/food/retail-meat-and-poultry-processing-training-modules)

Food Business Fact Sheets  
[www.health.state.mn.us/divs/eh/food/fs/index.html](http://www.health.state.mn.us/divs/eh/food/fs/index.html)

Hand Hygiene for Food Handlers  
[www.health.state.mn.us/handhygiene/food/index.html](http://www.health.state.mn.us/handhygiene/food/index.html)

Licensing - Food, Pools, and Lodging Services  
[www.health.state.mn.us/divs/eh/food/license/index.html](http://www.health.state.mn.us/divs/eh/food/license/index.html)

MDH Delegated Agencies: Jurisdiction

Map & Directory  
[www.health.state.mn.us/divs/eh/food/license/index.html](http://www.health.state.mn.us/divs/eh/food/license/index.html)

Minnesota Certified Food Manager

[www.health.state.mn.us/divs/eh/food/cfm/index.html](http://www.health.state.mn.us/divs/eh/food/cfm/index.html)

Mobile Food Unit

[www.health.state.mn.us/divs/eh/food/license/mfureview.pdf](http://www.health.state.mn.us/divs/eh/food/license/mfureview.pdf)

Mobile Food Unit, Seasonal Temporary Food Stand, and Seasonal Permanent Food Stand Construction Guide

[www.health.state.mn.us/divs/eh/food/license/mfuser-conguide.pdf](http://www.health.state.mn.us/divs/eh/food/license/mfuser-conguide.pdf)

Special Licensing

[www.health.state.mn.us/divs/eh/food/license/special.html](http://www.health.state.mn.us/divs/eh/food/license/special.html)

### FDA / USDA Inspections

Guide to Regulations for Local Food Entrepreneurs  
<https://www.misa.umn.edu/publications/guidetoregulations-forlocalfoodentrepreneurs>

FDA Registration Guides  
[www.fda.gov/Food/ResourcesForYou/Industry/ucm322302.htm#subject](http://www.fda.gov/Food/ResourcesForYou/Industry/ucm322302.htm#subject)

Overview of Food Regulations  
[www.gaccmidwest.org/fileadmin/dhk\\_chicago/White\\_Paper/BTL\\_FoodRegulation.pdf](http://www.gaccmidwest.org/fileadmin/dhk_chicago/White_Paper/BTL_FoodRegulation.pdf)

Who regulates what?  
[www.eater.com/2017/3/24/15041686/fda-usda-difference-regulation](http://www.eater.com/2017/3/24/15041686/fda-usda-difference-regulation)

### Inspected By Someone Else (Delegated Agencies)

## Additional Resources



Who you may encounter during this step:

- Federal, state, and local food safety agencies
- Food advocacy organizations
- Universities & Other Educational Institutions
- UMN Extension
- Small Business Administration
- Neighborhood development agencies
- Food advocacy organizations

Grow North

[www.grownorthmn.com/resource-navigator](http://www.grownorthmn.com/resource-navigator)

Local Foods Advisory Committee

[www.misa.umn.edu/resources/local-food-advisory-committee](http://www.misa.umn.edu/resources/local-food-advisory-committee)

Food Safety Partnership of Minnesota

[www.health.state.mn.us/divs/eh/food/pwdu/fsp/index.html](http://www.health.state.mn.us/divs/eh/food/pwdu/fsp/index.html)

Who you may encounter during this step:

- Business accelerators
- Business incubators
- Co-packers
- Trade organizations

5 Tips to Re-Evaluate Your Company's Goals

[www.ballantine.com/5-tips-to-re-evaluate-your-company-goals](http://www.ballantine.com/5-tips-to-re-evaluate-your-company-goals)

How to Conduct a SWOT Analysis for Your Small Business

[www.thebalance.com/swot-analysis-for-small-business-2951706](http://www.thebalance.com/swot-analysis-for-small-business-2951706)

Manufacturing Flowchart

[www.lucidchart.com/pages/examples/flowchart/production-flowchart-template](http://www.lucidchart.com/pages/examples/flowchart/production-flowchart-template)

### Local Food Procurement

Directories

[www.misa.umn.edu/resources/local-food-sales-resources/local-food-directories](http://www.misa.umn.edu/resources/local-food-sales-resources/local-food-directories)

Minnesota Grown

[minnesotagrown.com](http://minnesotagrown.com)

### Wholesalers

Fresh Connect

[www.fccs.org/Page/549](http://www.fccs.org/Page/549)

Red Market

[redmarketmn.com](http://redmarketmn.com)

Sprout

[sproutmn.com](http://sproutmn.com)

The Good Acre

[thegoodacre.org](http://thegoodacre.org)

## Scanning

**Come & Get It!**

# **MINNESOTA**

**What you need to know  
to serve food on your farm**

# Acknowledgements

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*Come and get it!*

# DO I NEED A LICENSE?

Before you ring the dinner bell - Let's discuss what you want to do.



# Chapter 1

# *In the Kitchen*

## **Serving Safe Food and Legal Concerns within Kitchens**

Understand that a food service venture must be licensed if it is public.

Grasp the sometimes subtle process of distinguishing between private and public food service events.

Identify which food service licenses are best suited to accomplishing a wide variety of farm goals.

Understand the process a farmer must follow to obtain food service licenses.

### **Introduction**

There's nothing like gathering around a table to create a sense of community. And while providing a meal on your farm may boost your community image and bottom line, it is critical to understand the pros and cons of such an endeavor.

Because consumer safety has been compromised in the past, national and state lawmakers have created food service standards that are enforced through inspections and documented with licenses. These licenses give members of the public assurance that, even though they cannot watch over the details of each step of production, the food they are about to consume has been produced in a manner that meets specific standards for safety.

Prepared foods today are vastly safer than before food production regulations were passed. In this way, the laws surrounding food production have increased the trust between food producer and customer. Few consumers ever think twice about the safety of prepared foods. This is good for you and your customers alike.

The increased public trust does come at some cost. If you want to serve food to the public, you must spend some

time understanding and complying with detailed rules and regulations and in many instances must pay specific licensing fees in order to serve food legally. These are costs of doing business in the food service world, and your business plan should take these costs into account.

### **When do I need a license to provide prepared food?**

**A license is always needed to provide prepared food to the public.\***

*(Minnesota Statute 157.16.*

*[www.revisor.mn.gov/statutes/cite/157.16](http://www.revisor.mn.gov/statutes/cite/157.16))*

*\*Almost always. See exemptions available to farmers on the following pages.*

Because the shared goal of safe food is so important to public health and economic activity, food production and food service regulations have a very broad reach. Most times that food is made available within a business or commercial context, a license is required. It doesn't matter if the food is free, if it is included in some sort of club membership, or if customers have signed an agreement.

Minnesota farmers have a constitutionally protected right to sell the products of their farm (Constitution of the State of Minnesota, Article XIII, Section 7: [www.revisor.leg.state.mn.us/constitution/#article\\_13](http://www.revisor.leg.state.mn.us/constitution/#article_13)). This right is important but limited. It applies only to the products of the farm. Any purchased ingredients such as salt, pepper, and sugar are not products of the farm, so when they are added to any food item, the constitutional exemption from licensing does not apply.

Having been very forthright about the extent to which you will need a license to conduct any food service operation, there are some very narrow exemptions to licensing requirements. Because the regulations are complex and depend on very precise circumstances, farmers should read this entire section rather than just individual exemptions to get the full picture.

## *Is my event a potluck?*

- Do the guests bring *ready-to-serve* dishes to share that they prepared in their own homes or bought from a licensed food business?

### **Yes = potluck**

- Is a licensed kitchen used for any of the on-site food preparation, reheating, etc.?

### **Yes = NOT a potluck**

- Is there a charge to attend the event? This includes a request for donations.

### **Yes = NOT a potluck**

- Is anyone paid for the food they provide for the event?

### **Yes = NOT a potluck**

## **\*EXEMPTION: ...Except for potlucks**

(Minnesota Statute 157.22; [www.revisor.mn.gov/statutes/cite/157.22](http://www.revisor.mn.gov/statutes/cite/157.22))

Hosting a potluck is perhaps the easiest way to create a community food event at your farm without a license or a facility for food preparation. If individuals prepare their potluck dishes at their own home and bring the prepared dish to an event, no license is needed. It is important to note that the food guests bring cannot be prepared at the event location, which means that guests should bring their dishes ready to serve (i.e. no reheating or finishing dishes in the farmhouse kitchen). However, your own contribution to the potluck meal can be prepared at your farm.

The potluck exemption is a great option if you want to host community events at your farm. As the sponsor of the potluck, you can advertise it publicly under your farm's name. For example, many CSA farms host potlucks as a way to recruit new members. Although these events are permissible without a license, you should read:

1. The additional legal implications detailed in Chapter 2 of this section; and
2. The Minnesota Department of Health's fact sheet, "Potluck Events: Safe Food is Good Business," [www.health.state.mn.us/divs/eh/food/fs/potluck.html](http://www.health.state.mn.us/divs/eh/food/fs/potluck.html)

Note that the law does not offer a definition of what a potluck is, exactly. Generally, a potluck is an event, without an admission charge, where food is brought to the event ready to eat and where no one is paid to bring food. Until the question of what a potluck is and is not goes before a court of law, we don't have a legal definition. In the meantime, take note of the Minnesota Department of Health's interpretation of a potluck with respect to fees and payments, as summarized in the side bar. The agency enforces the law, and the agency's opinion on the definition of a potluck will be persuasive in court.

If your farm becomes a licensed food establishment, then the option of sponsoring a potluck is no longer available. Per Minnesota Statute 157.22, Subd. 8, "Licensed food establishments other than schools cannot be sponsors of potluck events."



*What if the only place in town where I could have a potluck meal is a licensed food establishment—do I need a license?*

At times of the year when an on-the-farm meal isn't feasible because it's too cold, too snowy, too muddy, etc. – a farmer who wants to host a community potluck meal needs to find a different place to do it. In some rural communities and small towns, the local café may be the only space available to hold an event.

Yet, Minnesota Statute 157.22 says that licensed food establishments other than schools cannot be sponsors of potluck events.

**BUT** – licensed food establishments can provide a space for potluck events if some other entity is the sponsor of the event, **AND** if no food is brought into the licensed establishment's kitchen.

So, for example, there could be Farmer John's Potluck End-of-Season Dinner at Sam's Burger Bar.

**\*EXEMPTION:** ...Except for a private (non-business, non-commercial) event

Everyone knows that a family hosting a reunion, wedding, or birthday party doesn't need a license before they invite friends and neighbors over. But yet, this chapter begins with the broad statement that anytime farmers prepare and make food available, they need to go through the licensing process. So, what's the difference between the two?

Consider the example of a farm family who hosts a cookout to celebrate a child's graduation one week and the farm's autumn harvest party the next week.

Perhaps the farm family's relatives are also customers and customers are also friends; perhaps the same folks show up to both parties. Regardless, the first cookout likely does not need a food service establishment license while the second cookout likely does. Why?

The difference is that the farm's autumn harvest party is a business event and the child's graduation party is a personal event. When legislators were writing food service laws, they decided that the law should center on those who "engage in the business" of serving food and beverages. For farms where personal and business activities merge seamlessly, the distinction can be difficult to draw. In practice, the distinction between a personal and a business enterprise centers on whether the event is open to the public.

Graduation parties are not seen as public events while farm festivals are. In close-knit communities, the same people might attend both events. Still, society implicitly recognizes that perfect strangers don't normally pull into a graduation party and start eating the chips. If the farm family is hosting a festival, it's likely the family is looking to boost the reputation of the farm, advertise their products, and reach a wider audience. That makes the event a business venture. The general public *can* attend even if they don't.

Simple examples like a graduation party versus a farm festival make the distinction look clear! In reality, it's much murkier than that. Farmers are innovative folks who are deeply rooted in their communities. The diversity of farm business models can make for some difficult distinctions. When there is a question about whether an event is private or public, the safe route is to ask the licensing authorities for their guidance.

## Examples to help tease out the differences between public and private events

### Example 1: What if the food is free?

If your farm business is serving food to the public, the licensing process applies. Serving food on your farm may be done for business reasons even if the product is free. If serving food boosts your farm's name recognition, builds awareness, advertises products, or simply generates goodwill in the community for your farm, it is part of the business. If free food service is provided as part of a charitable non-profit operation or school, some exemptions may be available that are beyond the scope of this publication.

### Example 2: What if I only accept donations for the food?

Asking for donations rather than charging a set amount does not turn a public event into a private one. If you are serving food to the public, the licensing process applies.

### Example 3: What if no one actually eats the food?

The license obligations apply to those who make food service available to the public. Even if no one takes advantage of the food offered, the fact that it is offered to the public triggers the license obligations. Although this is an unlikely example, it helps illustrate the focus of the regulations.

### Example 4: What if I invite only my CSA members to an exclusive meal on the farm?

This gets a little complicated. Let's say that you sell CSA memberships in the spring and then host a members-only dinner in the fall. That event isn't open to the public because only members can attend, right? You would not need a license, right?

Not exactly. If anyone can join the CSA, then the event is actually open to anyone so long as they join the CSA first. You might then argue that the CSA membership has been closed for years because everyone renews and no new memberships are created. Is a license required

then? The safe answer is likely still "yes." The event serves a business purpose for the farm; it is not strictly a private social gathering. In that situation, you should ask for guidance from the appropriate regulatory agency. Having the correct license and treating this as a business-related event may be some protection against liability if someone were to get sick. Possessing and following the terms of a food service license could help support an argument that you were not negligent.

### Example 5: What if I organize a dinner club?

Many innovative farmers around the country are starting dinner clubs where club members purchase tickets that enable them to attend an event. Folks are using a variety of models such as charging for admission to the club and hosting free events, or making membership free but selling tickets for meals. Regardless of the precise business arrangement, if you prepare food for club members, you need to be licensed because this is not a private event and it serves a business purpose.

Now, if you coordinate with a group of your friends, and you all throw parties for each other, and you call yourselves the "Farm Dinner Club," as long as those events are truly private parties, no license is needed. Whether a group calls themselves a "club" or some other name makes no difference as to whether a license is needed. The distinction is whether it's public or private.

### Example 6: What if I ask guests to sign a waiver?

The law applies regardless of whether the guests want it to apply or not. Asking individuals to waive their rights or give your farm permission to serve from an unlicensed facility will not defeat the law.

## Work with Inspectors Early

Approaching regulators pro-actively with a positive, cooperative attitude is more likely to give you a smoother path towards licensing. Some of the tasks and review processes leading up to a license take time, and starting the process well in advance of when you need the license will likely reduce stress for both you and your regulator.

## Example 7: What if I set out refreshments for volunteer workers?

This can get complicated. If you have a couple of friends who regularly volunteer and you prepare sandwiches and lemonade at the end of a long day, it would be difficult to say the event was public. Clearly, it was only open to the volunteers and the volunteers were your personal friends. But, let's say the following week you recruit a crew of 20 CSA customers who donate a couple hours of volunteer work in return for lunch on the farm. Is this a public event? Reasonable people could disagree on the answer to that question. Even if you consider those volunteers to be friends, they are also customers. The work event may serve a business purpose and it does edge more toward the public aspect than the example of your personal friends helping out for a day. You should speak with your regulatory authorities for further guidance in this situation.

## Example 8: What about setting out beverages and snacks at my open house, field day, or pasture walk?

A farm open house or field day is by its nature a public event, so food served at one of these events should be done under a license. What kind of license is needed depends on what foods and beverages you will offer. See the Special Event Food Stand section for more information about food types that fall under MDA or MDH licensing. There is a very narrow exemption that allows offering purchased single-serving bottles or cans of soft drinks, packaged candy, or packaged nuts without a license. The exemption is further narrowed by who can claim it. It is only available to persons whose primary business is not food handling. If your farm sells produce, processed meats, or value-added products for human consumption, you would not qualify for the exemption. This exemption is found in M.S. 28A. 15 Subdivision 7; [www.revisor.mn.gov/statutes/cite/28A.15](http://www.revisor.mn.gov/statutes/cite/28A.15)

### Find the inspector for your location:

**MDH directory:** [health.state.mn.us/divs/eh/food/license/delegation.html](http://health.state.mn.us/divs/eh/food/license/delegation.html)

**MDA Food Licensing:**  
[www.mda.state.mn.us/food-feed/food-licenses](http://www.mda.state.mn.us/food-feed/food-licenses)

## My event will require a license. What now?

### Understand Safe Food Handling Principles!

There are five key risk factors in the serving of any kind of food. These were identified by the Centers for Disease Control as common elements in many foodborne illness:

- Food from Unsafe Sources
- Poor Personal Hygiene
- Inadequate Cooking
- Improper Holding Temperatures
- Contaminated Equipment/Lack of Protection from Contamination

Source: FDA Report on the Occurrence of Foodborne Illness Risk Factors in Selected Institutional Foodservice, Restaurant, and Retail Food Store Facility Types. 2009. [misadocuments.info/Foodborne\\_Illness\\_Risk\\_Factors\\_Report\\_Summary\\_FDA.pdf](http://misadocuments.info/Foodborne_Illness_Risk_Factors_Report_Summary_FDA.pdf).

These five risk factors should be addressed for any type of food service, licensed or not. The ways in which the risk factors can be managed in licensed food establishments can vary with the type of establishment and with the type of food being served. Temporary food establishment licenses have less strict requirements for equipment than permanent establishments do.

Regardless of the type of license and type of food, having a plan to manage and mitigate the risk factors is something that you will need for any food license. Before we get into the details of what license you need, it is important to know that there are several agencies that do licensing of food businesses. Figuring out what license you need and who to get it from takes some patience and diligence. While this publication is meant to help, if you get stuck and want to talk through it with a non-regulator first, contact the Minnesota Institute for Sustainable Agriculture for assistance: [misamail@umn.edu](mailto:misamail@umn.edu), 612-625-8235.

## Safe Food Service: A New Skill Set

As a farmer, you are likely very knowledgeable in growing/raising high quality, safe food. You may not, however, have as much experience in the service aspects of safe food.

Preparation of ready-to-eat foods takes skills and knowledge that are very different from the skills needed to grow or raise food. While some aspects of preparing safe food are common sense, others are not at all obvious unless you have been trained in food service. Make sure you seek out the training you need to serve food safely to the public!

Most licensed food establishments in Minnesota must employ a Certified Food Protection Manager (CFPM). The Minnesota Department of Health provides a list of organizations that offer Food Protection Manager training. Completion of one of these courses and passing the test earns you a “course completion certificate,” which can then be submitted to the MDH to acquire your Certified Food Protection Manager (CFPM) certificate. There are several exemptions to the requirement for a CFPM. Special Event Food Stands are not required to have a CFPM. Establishments that are classified as “low-risk” do not require a CFPM. Risk categories are defined in Minnesota Statute 157.20, [www.revisor.mn.gov/statutes/cite/157.20](http://www.revisor.mn.gov/statutes/cite/157.20). If your food service enterprise is exempt from the CFPM requirement, it is still a good idea to have the training course, but you may choose not to pursue the official Certified Food Protection Manager status.

Certified Food Protection Manager information:  
[www.health.state.mn.us/divs/eh/food/cfm/](http://www.health.state.mn.us/divs/eh/food/cfm/)

If you want to study food safety principles and procedures on your own, informational materials are available online: Food Business Safety website, Minnesota Department of Health.  
[www.health.state.mn.us/divs/eh/food/](http://www.health.state.mn.us/divs/eh/food/)

We will be exploring the following licenses later in this chapter:

1. Special Event Food Stand License
2. Transient or Temporary Food Service Licenses, including:
  - a. Mobile Food Unit,
  - b. Seasonal Temporary Food Stand, and
  - c. Seasonal Permanent Food Stand
3. Regular Food Establishment License

## Learn as Much as You Can about Licensing

Many of the regulations that affect on-farm food service are inherently complex. Farmers, inspectors, and attorneys can all get confused. Although this guide is meant to help, everyone needs to communicate together in exploring new food service options. You can help yourself by reading this guide carefully, reviewing the Minnesota Food Code, and exploring the resources available from the Minnesota Department of Health on food service licensing. You may also need to help educate the inspector who works with your farm. Individual inspectors may not have handled a unique on-farm food service operation before and may be on a learning path themselves.

## Who licenses food businesses?

The food establishment licenses discussed in this chapter are issued by the city, county, or state departments of health, depending on where an operation will be conducted. This guide briefly touches on the Retail Food Handler License, which is administered through Minnesota Department of Agriculture rather than through departments of health.

For more detailed information about how agencies divide up responsibility for food licensing within Minnesota, see the following report:

*A Guide to Regulations for Local Food Entrepreneurs.* 2013. Megan O’Hara, Endowed Chair in Agricultural Systems. Contact the Minnesota Institute for Sustainable Agriculture. [www.misa.umn.edu](http://www.misa.umn.edu)

# *What type of food will you serve?*

Find the right inspector based on type of food to be sold:

Some food items commonly sold from food stands at festivals or fairs are regulated by the Minnesota Department of Agriculture, and others by the Minnesota Department of Health. The MDA and MDH periodically review and revise a Memorandum of Agreement on which agency regulates which items. If you are planning to sell any of the items on the following lists, the agency you work with will depend on the current version of that Memorandum of Agreement.

If you want to sell some things regulated by each agency, which inspector you work with depends on what percent of your sales fall under MDA or MDH. The inspector will come from the agency with authority over more than 50% of your sales.

- Candy Floss / Cotton Candy
- Popcorn
- Caramel Corn
- Caramelized Apples
- Candy Manufacturing
- Bakery Manufacturing
- Fruit Concessions
- Ice Cream Bars (wrapped)
- Sno Cones
- Retail Food Sales (prepackaged milk, meats, peanuts, fruits, etc.)
- Beverage Concessions (Soft Drinks and Beer)\*  
\* dispensing only; cans & bottle sales regulated by Ag
- Ice Cream Dipping
- Ice Milk
- Food Service Concessions (sandwiches and/ or meals)
- Milk (poured or dispensed from original containers)

Minnesota Food Code.

[www.health.state.mn.us/divs/eh/food/code/](http://www.health.state.mn.us/divs/eh/food/code/)

Also available in print (160 pages) from Minnesota's Bookstore: [www.mnbookstore.com/](http://www.mnbookstore.com/) 651-297-3000 or 800-657-3757

Licensing. Minnesota Department of Health; Food, Pools and Lodging Services.

[www.health.state.mn.us/divs/eh/food/license](http://www.health.state.mn.us/divs/eh/food/license)

## **Work with Your Local Inspector**

Who your inspector will be depends on where you are located and what type of food establishment you are proposing. Start with the Minnesota Department of Health directory to find out whom to contact. The directory can be found at [www.health.state.mn.us/divs/eh/food/license/](http://www.health.state.mn.us/divs/eh/food/license/)

In a few instances, you may need to work with an inspector from the Minnesota Department of Agriculture (MDA), but the inspectors at the Department of Health will let you know that. If they refer you to MDA, visit the MDA Food Licensing web page: [www.mda.state.mn.us/food-feed/food-licenses](http://www.mda.state.mn.us/food-feed/food-licenses)

When you contact your inspector, be professional and willing to work with them, but keep in mind you may need to be persistent and assertive as well. Working with your local inspector should always be your first strategy. If you find that an individual inspector is not responsive to questions or requests for clarification, you should seek input from the inspector's supervisor. If an interpretation of the regulations seems unworkable or unfair, it's worth asking a higher-up authority for a second opinion.

## Plan Your Menu

At the beginning of this process you will need to establish exactly what you would like to serve. The menu drives the licensing process, and likely the first questions the inspector will have for you will be about the menu. Be prepared to provide the inspector with a specific list of food items, and whether those foods will be made from scratch or purchased from a licensed food business.

Serving a menu of pre-prepared items such as grilled hot dogs and packaged cookies will likely result in less stringent equipment, process, and serving standards than items prepared from scratch – but may not meet your goals of showcasing your farm products and promoting locally grown food. If you are dedicated to making dishes from raw ingredients, you will have a longer list of obligations in order to address the five risk factors for food safety.

### Address Risk Factor: Food and Water from Unsafe Sources

This risk factor for food-borne illness is the one that you have the most connection to as a farmer. If you want to serve the products of your farm and use your farm's well as a water source, then part of your task is ensuring and documenting that those items from your farm meet the definitions of approved source.

You should be prepared to list for your inspector your source for each ingredient or food item that you will use. All ingredients and food items must come from approved sources.

This requirement is designed to ensure that the food served was produced under safe conditions. In a typical food establishment, approved source means that the food is sourced from a grocery store or a distributor; and that situation may be what your inspector is most familiar with. However, the approved source requirement does not prevent you from buying produce directly from farmers, growers, or backyard gardeners; or from using products grown on your own farm. Fresh, raw fruits and vegetables may be purchased directly from a grower or may be grown on your farm: a farm is an approved source for these products.

The situation is a little different with animal products. Meat, dairy, and eggs must be handled according to stricter requirements if they are to be used in a food establishment. This is also true for meat, dairy and eggs from your farm. It may be helpful to think about your farm's production operation as a separate business from the food service operation, and consider that anything you use from your own farm must meet the same requirements as if you were purchasing these ingredients from other sources.

## *What if my on-farm food service business really takes off and I'm serving a lot of people?*

If a farm serves at least 25 people on at least 60 days of the year, for “approved water source” purposes that puts it into the category of “Restaurants, Resorts, Campgrounds (Transient).” Establishments in that category are required to use a public water source. If your farm is not connected to a municipal water supply, you may be able to get your private well re-classified as a “transient noncommunity public water source.” An inspector from the Minnesota Department of Health's Drinking Water Protection Program will review the well's construction record, isolation distances, facilities, maintenance, and operation to make sure that it meets the current standards for a public water supply. MDH will also test the water on a regular basis for bacterial and nitrate contamination; and possibly other contaminants also. You can learn more about the process at MDH's webpage for noncommunity public water supply systems: [www.health.state.mn.us/divs/eh/water/ncom/](http://www.health.state.mn.us/divs/eh/water/ncom/)

See the sidebar below on approved source for more information about the regulations for using your farm's own products for food service. You can download and print these fact sheets as needed; they may be helpful for the conversation with your inspector about your ingredient sources.

## All water used in the food service must come from an approved source.

Minnesota Rules 4626.0980  
[www.revisor.mn.gov/rules/4626.0980/](http://www.revisor.mn.gov/rules/4626.0980/)

Minnesota Rules 4720  
[www.revisor.mn.gov/rules/4720/](http://www.revisor.mn.gov/rules/4720/)

Minnesota Rules 4725  
[www.revisor.mn.gov/rules/4725/](http://www.revisor.mn.gov/rules/4725/)

Minnesota Statutes 31.175  
[www.revisor.mn.gov/statutes/cite/31.175](http://www.revisor.mn.gov/statutes/cite/31.175)

Water used in food establishments, including temporary ones, must be from an approved source, but that does not necessarily mean a public water supply. There are several options for sourcing water:

### Fact Sheets for more information about “approved sources” of ingredients for food service:

#### Produce:

Serving Locally Grown Produce in Food Facilities. [misadocuments.info/Selling\\_or\\_Serving\\_Locally\\_Grown\\_Produce\\_in\\_Food\\_Facilities.pdf](http://misadocuments.info/Selling_or_Serving_Locally_Grown_Produce_in_Food_Facilities.pdf)

#### Meat and Poultry:

Approved Sources of Meat and Poultry for Food Facilities. [misadocuments.info/Sale\\_of\\_Locally\\_Raised\\_Eggs\\_to\\_Food\\_Facilities.pdf](http://misadocuments.info/Sale_of_Locally_Raised_Eggs_to_Food_Facilities.pdf)

#### Shell Eggs:

Sale of Locally Raised Eggs to Food Facilities. September 2011. Minnesota Department of Agriculture. [www.mda.state.mn.us/licensing/inspections/~media/Files/food/foodsafety/eggsales.ashx](http://www.mda.state.mn.us/licensing/inspections/~media/Files/food/foodsafety/eggsales.ashx)

1. Municipal water supply. If your farm is already on a municipal or public water supply, that is considered an approved source. Note: While the public water supply is considered an approved source, there will still be a requirement for documentation that the plumbing that delivers the water to the food service site is up to code.
2. Your farm's private well. If your farm is not connected to a municipal or public water supply, you can, as part of the licensing process, request approval of a private well on the property as an approved source of water. The approval process has two main components: well construction records and isolation distances.
  - a. Construction records for the well are required for it to even be considered as an approved water source. These records have been collected by counties or the State of Minnesota since 1974. These records are available in the County Well Index Online: [www.health.state.mn.us/divs/eh/cwi/](http://www.health.state.mn.us/divs/eh/cwi/) If the well is older than the mid-1970s, the contractor who constructed it may still have a construction record – or a copy of that record may be found in your farm's older files. If the well construction record is not available, the well cannot be approved as a water source. Testing of the water or inspection of the interior of the pipe cannot substitute for the construction record.
  - b. Onsite inspection to verify isolation distances is required for approval of a water source. New wells are constructed with the correct isolation distances from potential sources of contamination like a septic system or a cattle pen, but over time the uses of the area near the well can change on the farm. If a well meets construction standards but isolation distances have been violated since it was constructed, it cannot serve as an approved source of water. Isolation distances are available on the Minnesota Department of Health website: [www.health.state.mn.us/divs/eh/wells/construction/isolate.html](http://www.health.state.mn.us/divs/eh/wells/construction/isolate.html)
  - c. The size and frequency of operations of your on-farm food establishment also affects whether your private well can be an approved source of water. If your food establishment will serve fewer than 25 people per day on fewer than 60 days per year, your private residential well can be an approved water source for that

licensed establishment ~ IF that well meets the construction standards that were in place at the time the well was constructed and meets required isolation distances. If your days of operation and number of people served are more than that threshold of 25 people on 60 days per year, see the text box on page 12: “What if my on-farm food service business really takes off and I’m serving a lot of people?”

3. Farmers who are not on a public water supply and who cannot provide the required documentation for approval of their private well, could haul in municipal water or bottled water. The water must be transported in clean, food-grade containers or vessels.
4. Construction of a new well on the farm is another option. The Minnesota Department of Health estimates that a water well has a lifetime of 50 to 60 years. If your well is approaching that age and lack of a construction record for it is holding you back, it may be time for a new well. If this is your choice, consider the information about size and frequency of your business in point 2c, above and in the sidebar: “What if my business really takes off?” Is your business is likely to grow to the point that a public water supply will eventually be required? If that is possible, you should have your new well constructed to those higher public water supply standards so that the well is eligible to be re-classified as a public water supply once that becomes necessary.

## Address Other Risk Factors

The remaining common risk factors for food-borne illness are:

- Poor Personal Hygiene
- Inadequate Cooking
- Improper Holding/Time and Temperature
- Contaminated Equipment/Protection from Contamination

*I would like the easiest license. Does that work?*

No single license is the easiest or has the fewest obligations. Every license carries the same goal: safe food service. License holders for smaller or less frequent operations shoulder the same responsibilities in addressing food safety risk factors as larger or more frequent operations. Although smaller operations may potentially expose fewer people to problems, food safety problems develop in the same exact ways as larger operations. This means that smaller or temporary operations still need to follow safe food handling procedures when preparing and serving food.

These risk factors are not as closely tied to your farm as the previously discussed risk factor of approved sources of food and water. Rather, these are common risk factors for any kind of food service and you will address them through your licensing process. The details of the way that these are addressed are different for different types of licenses. For example, you address the risk factor of contaminated equipment by having clean equipment. For a Special Event Food Stand with no ware-washing sinks, that could mean bringing extra clean utensils so that you can keep changing out dirty for clean; then washing everything at the end of the day at an approved facility. For a regular Food Establishment, the requirement for clean equipment means having NSF-approved triple-wash sinks and a hot, pressurized water supply.

As we go through the different license types in the next section, keep in mind the risk factors and the concept that different licenses offer different ways to address those risk factors – but they must always be addressed.



## Which License? It Depends on Your Goals

Every farmer who operates a food service venture for the public will need at least one license. The best place to start in exploring licenses is with your farm's goals in hosting food service. If you can identify clear goals first, it is easier to narrow in on the correct license to accomplish those goals. Putting goals on paper may seem like limiting your options, but when it comes to food service licensing, you will save time and frustration by choosing the most appropriate license on the first try.

You may have a wide variety of goals in serving food. Perhaps you have a strong personal interest in cooking or want to develop a new income stream, or maybe you are looking for a value-added use for surplus farm products. These goals are all good, but food service licenses are grouped according to the frequency of operation and the type of product served. You may need to reframe your goals in terms of a broader business strategy to find the right license.

The rest of this chapter is organized by the goals you may have in starting a food service venture. Each goals section also outlines the license requirements. This is not an exhaustive list of the requirements for each license type, but rather is intended to help you determine if the venture is

### Goal Example 1:

I'd like to add food service to my pumpkin festival. I don't want full-time food service and I'm happy with a simple menu. I'd really like to serve the food myself rather than hire a caterer. What license should I consider?

#### Answer:

A *Special Event Food Stand License* may be right for these goals.

#### Similar examples:

- Serve apple pie at your farm's autumn festival
- Host a picnic with hot dogs and chips after a farm tour
- Sell sandwiches during an annual barn dance

a possibility within your farm's capital resources and farm situation. You will still need to contact the appropriate regulatory agency and speak directly with an inspector. Depending on the exact circumstances of what you want to do, the inspector may determine that a different or additional license is necessary.

## Special Event Food Stand

Minnesota Statutes 157.15, Subd. 14  
[www.revisor.mn.gov/statutes/cite/157.15](http://www.revisor.mn.gov/statutes/cite/157.15)

Minnesota Statutes 157.16, Subd. 3 (c) and (g)  
[www.revisor.mn.gov/statutes/cite/157.16](http://www.revisor.mn.gov/statutes/cite/157.16)

With a Special Event Food Stand License you can serve food at up to three separate events, for on up to 10 days total, counting all events. As with all food service licenses, the Special Event Food Stand License requires you to follow high standards for food safety. The Special Event Food Stand License has a streamlined application and inspection process, and less stringent facilities and equipment requirements than other licenses. No official plan review is required for construction or remodeling of a Special Event Food Stand.

## How does the menu affect the Special Event Food Stand License process?

The menu will be the single most important element of your process to receive a Special Event Food Stand license. Earlier in this chapter (See Example 8 on page 9), we talked about regulators' emphasis on managing risk factors for food safety. Foods that are potentially hazardous require more attention. If you are serving a shelf-stable, prepared food item, little is needed to maintain the item's safety. But, if you are handling potentially hazardous foods that need temperature maintenance, risks rise, along with the equipment and processes needed to mitigate those risks.

Consider Goal Example 1 from the beginning of this section. Suppose you are interested in serving pumpkin-themed items at your harvest festival. The Special Event Food Stand License is a good option for you because you will only be serving food for a few days. You will need to know exactly what you want to serve to fully understand your potential obligations. Let's say you would like to give pumpkins to your friend with a commercial bakery. The bakery staff will make pumpkin pie, slice the pies,

and put the slices into cartons. You will simply sell the packaged slices. In this example, your inspector will want to know how you intend to keep the slices cold up to the point of sale, and how the slices will be distributed. If, on the other hand, you want to bake the pies yourself, the inspector has many more concerns. How is the pumpkin prepared and held prior to pie preparations? What type of oven is used? How are the pies held before and after slicing? Where are the other pie ingredients coming from? The demands of operating under a Special Event license will be greater if you choose to make your own items.

## What is the process for getting a Special Event Food Stand License?

Unlike the process for receiving other food establishment licenses, the Special Event Food Stand license does not require you to first submit a facilities plan before submitting an application. Instead, you can go straight to submitting the application. This must be done at least 14 days before the event and it's always wise to allow more time than required. The steps involved are listed here:

1. **Determine the appropriate licensing authority for the type of food sale and location where the food preparation will take place.** The licensing authority may be the local Minnesota Department of Agriculture inspector; or the city, county, or state department of health. See text boxes on pages 9 and 11 for more information about how to locate the correct inspector.
2. **Contact the licensing authority for an application.** Different agencies may use different applications and they are not interchangeable.
3. **Complete the application.** The application will ask many general questions about what you plan to serve, how you plan to serve it, where the hand washing stations will be located, where water comes from, where waste water goes, and much more. Keep in mind that the application is a bit like a test. The regulatory authority doesn't just want to know that you have a plan- they want to know that you have a plan that meets the requirements of the Minnesota Food Code. If the responses don't demonstrate that the food stand will comply with the Food Code, the application will be returned for modification. It is best to talk with an inspector

early in the process to discuss a precise plan that will meet the Food Code requirements.

4. **Submit the application with the appropriate fee.** Different licensing authorities charge different fees for the license.
5. **Receive the license and post during operations.** If the application meets the requirements, a license will be issued.

## What is needed for the Special Event Food Stand facility?

The food stand must have protection from weather and other potential hazards from its surroundings. There must be a floor surface (mats over dirt ground are acceptable) and overhead protection. If the stand doesn't have walls to protect from wind and rain, food service has to stop during adverse weather. Screening to keep out insects is desirable. If you want to serve food from a barn or shed, the facility needs to offer protection from dust and debris. Some farm facilities cannot provide that, even though the building has a floor, walls, and ceiling. If you lease or rent your farm or do not have control over the buildings, these facility requirements could pose a problem.

Special Event Food Stands do not require a formal Plan Review process for either construction or remodeling. Even so, the facility will be part of your discussion with your inspector. Some farms may not be able to meet the gas, electrical, plumbing, and fire code standards that are required with this license. If a barn does not have the electrical capacity to operate cooking equipment safely, for example, an electrical fire could result. That would certainly be bad for everyone. If your farm facility is less than modern and hasn't been upgraded recently, your business plan may need to include the cost of upgrades.

To receive a Special Event Food Stand License, you must describe the food served and the equipment, service ware, and facilities used to serve it. All food preparation must occur either at the special event food stand or in another licensed facility. All food must be held, transported and served in accordance with the Minnesota Food Code. You as the operator of the food stand must designate a Person in Charge (PIC) to monitor operations and be responsible for food safety if you will not personally be present during the entire time the food stand is operating. A Special Event Food Stand

does not require a Certified Food Protection Manager (CFPM).

The following are a few, select requirements that may be of special interest if you are considering a special event food stand at your farm. Note: this is not a complete list of requirements.

- **Handwashing** stations must be provided with, among other standards, potable (drinkable) water at between 70 and 110 degrees Fahrenheit.

## Goal Example 2:

I want to serve food, but I don't want to do all the cooking and serving myself. I am happy to pay another business to do the cooking and serving. In fact, I'd love if another business could handle as many of the logistics as possible. What license might work for me?

### Answer:

These situations still require licenses. However, if you work with food businesses such as caterers and food trucks to provide the food service, you may be able to rely on those food business to hold the necessary licenses. For example, a food truck should already be licensed as a mobile food unit to prepare food in the truck and serve it from the truck. Caterers who perform all the food preparations in their licensed kitchen and simply dispense the food at the farm site can rely exclusively on their licensed facility. No additional license is needed in either of these cases.

### Similar examples:

- Hire a local company to orchestrate a meal event
- Work with a local restaurant to host an upscale dinner on the farm
- Rent the barn or farm facilities out for weddings and receptions that are catered
- Bring a food truck to the farm for a movie night.

- If **hoses** are used for water, the hose must be food grade.
- **Wastewater** cannot be dumped onto the ground. It must go into a sewer system, sewage treatment system, or into a wastewater holding tank.
- **Disposable** service utensils such as plates, forks, and napkins must be used. Farmers may not collect the disposable single-use service items for washing and future re-use.

For more information about the requirements for Special Event Food Stands, see these fact sheets from the Minnesota Department of Health:

### Special Event Foods Stands.

[www.health.state.mn.us/divs/eh/food/license/specevent.pdf](http://www.health.state.mn.us/divs/eh/food/license/specevent.pdf)

**Special Event Food Stand Checklist.** [www.health.state.mn.us/divs/eh/food/license/sefsopcklst.pdf](http://www.health.state.mn.us/divs/eh/food/license/sefsopcklst.pdf)

## Catering or Food Truck

If the food truck or caterer/restaurant does any food preparation at your farm and outside of their licensed facility, then an additional license may be necessary. In that case, a Special Event Food Stand License is the most likely license needed.

Food truck operators, caterers, and restaurants should be very familiar with their licensing obligations. The ability to handle the licensing process is part of the service these businesses usually provide. Although caterers and food trucks generally handle any needed licenses, assumptions aren't a good business strategy. If you work with one of these types of businesses, you should communicate with the business about who is handling license obligations. As with any important conversation, it's always wise to create a paper trail or email documentation so everyone has a reference after memories fade. Before the event actually starts, you should double-check that caterers and food trucks have secured the necessary licenses.

Even if the food business handles the license application, you may need to be involved in the process. The food business may need further information on water sources, electrical capacity, septic system, or other infrastructure issues to make sure they comply. If there are any problems with your

farm infrastructure, you may still need to work with regulatory agencies to meet the requirements.

Although you may be able to offload the lion's share of duties related to the license, you will still have plenty of legal concerns. All the legal issues detailed in Chapter 2 of this section may apply when working with caterers and food trucks.

### Steps involved in working with a food truck, caterer, or restaurant:

1. Communicate with the caterer or food truck about where food prep will occur and whether the caterer/food truck's existing license will fully cover all preparation and serving activities.
2. If additional on-site or out-of-truck food prep will occur, arrange responsibility for securing the appropriate license with the caterer or food truck.
3. Work with the caterer or food truck on any license obligations that affect farm infrastructure such as water sources, electrical supply, or wastewater disposal, among other factors.
4. Before the event, check that the license has been applied for and received.

For more information on writing contracts between businesses, such as a farmer and buyer or farmer and caterer, see *Sales Contracts for Farm Produce: Why and How*. Farm Commons. [www.farmcommons.org](http://www.farmcommons.org)

## Retail Food Handler License with Added Food Service

If you are considering a food service operation that's part of a broader retail or grocery operation, you are in a slightly different licensing position than farms considering just food service. When an operation is more than 50% retail product sales (including bakery and deli operations), the business needs a Retail Food Handler license. Retail Food Handler licenses are administered through the Minnesota Department of Agriculture. By contrast, the food establishment licenses for food service are administered by the Minnesota Department of Health, although they may be delegated to local units of government.

### Goal Example 3:

I already have a Retail Food Handler License, and I just want to add food service to my existing retail operation on a limited basis. Or, I'm on track to get a Retail Food Handler License. I'm now thinking about serving a few prepared items as a small part of my future retail store. Where should I start?

#### Answer:

If you have Retail Food Handler License, you should work with your current inspector to add food service to the existing license.

#### Similar examples:

- Already selling jam, salsas, and baked goods but would like to start serving sandwiches to order
- Opening a retail store to sell farm products but wish to serve brunch on weekends

If your farm currently has a Retail Food Handler license and food service will be less than 50% of the total operation, a separate license for food service is not needed. You will work with your current inspector to add food service. You must contact your local inspector to discuss exactly what needs to be done to serve food. If your retail operation is currently very modest, such as sales of only prepared and packaged foods, the upgrades needed may be significant. But, if your retail operation is already preparing foods like salad mixes, the upgrades may be moderate. It all depends on what the farm is currently doing under its retail license.

If your farm is still in the planning stages for a retail operation, you should contact the inspector you are currently working with. The inspector will want to know which operation will generate the majority of the revenue - retail or food service. If retail sales will make more than 50% of the income, you will need to work with MDA on a Retail Food Handler license. If your retail sales are less than half of total sales, you may need to work with MDH to obtain a different license. This is one of those areas where the regulations are

confusing, so work closely with your regulator, and keep good notes.

The details behind a Retail Food Handler license are beyond the scope of this resource. The objective of this section is simply to emphasize that if you already have a retail operation, you should work with your current inspector.

### **If you already have a Retail Food Handler License and want to add food service you should:**

Contact your local inspector about adding food service under your existing license.

If you are in the planning stages for a Retail Food Handler license and want to add food service to your plan:

1. Contact your local MDA inspector about adding food service to your plan if food service will be <50% of total sales.

### **Goal Example 4:**

I want to serve food to guests more than a few times... but I'm not looking to open a restaurant. I want something in between. I'd also like to do my own cooking. Serving on non-disposable dishware and offering a more diverse menu is important to me. Where should I begin?

#### **Answer:**

A *Temporary Food Establishment* license may be right place to start.

#### **Similar examples:**

- Cook an elegant dinner on the farm 10-20 times per year from a small kitchen constructed onsite.
- Prepare and serve picnic dinners from the week's produce from an on-site kitchen facility.
- Build a permanent outdoor pizza oven and cook up pizzas on weekends.

2. Contact the appropriate MDH inspector or inspector with a delegated authority about developing a plan and obtaining the correct license if food service will be >50% of total sales.

## **Temporary Food Establishment License**

The term Temporary Food Establishment is actually an umbrella term that encompasses five different licenses. The Special Event Food Stand license is one, but it was handled earlier in this section. The Food Cart will not be relevant to many farmers so it is not discussed in this resource. This section explores the Mobile Food Unit, the Seasonal Temporary Food Stand, and the Seasonal Permanent Food Stand, which are collectively called Temporary Food Establishments here. From a practical perspective it is a bit easier to break these license categories down into two options: Food Trucks and Food Stands.

### **Food Trucks**

Food trucks are self-contained food preparation units, either motorized or pulled on a trailer. They come in many different shapes, sizes, colors, and capabilities. Different truck owners use their trucks in different ways. Some may do all the cooking inside the food truck. Others may prepare most of their food at a commercial kitchen in advance and do only final preparations in the truck. The confines of a food truck can impose practical limitations on the type and variety of foods that can legally be prepared inside. Food trucks that lack sufficient wastewater holding capacity might actually be licensed as Seasonal Temporary Food Stands.

Food trucks are increasing in popularity so you may find local options to purchase or rent a food truck. A food truck isn't necessarily more affordable or more expensive than building a licensed kitchen on your farm. It all depends on the local market and the truck under consideration. However, trucks do have the added advantage of portability. If you wanted to get several farms together to cooperatively purchase and manage a food truck, the costs could be spread across the farms. A cooperatively managed food truck could boost the visibility of all the farms in an area, as well.

# *What is a Temporary Food Establishment?*

Temporary Food Establishments cannot operate for more than 21 days in each calendar year at each location. However, there is an exception: a Temporary Food Stand may operate for more than 21 days at a single location if the local regulating agency authorizes it. If operating for 21 days or fewer won't meet your objectives and the authorities won't authorize longer usage, you will have to move up to a regular Food Service Establishment License, described below. (A Temporary or Transient Food Establishment can operate for another 21 days at a different location. This may be an advantage in the case of a cooperative purchase of a food truck that moves from farm to farm, for example).

Temporary Food Establishment licenses come with generally lower fees, a different inspection schedule, and less stringent facilities and equipment requirements than a regular Food Establishment license.

Even though the **Mobile Food Unit**, **Seasonal Temporary Food Stand**, and **Seasonal Permanent Food Stand** licenses come with different names, applicants will follow the same basic safe food handling procedures.

Equipment and facilities requirements are similar for these three license types, and are detailed in this publication:

Mobile Food Unit, Seasonal Temporary Food Stand, and Seasonal Permanent Food Stand Construction Guide. Minnesota Department of Health.

[www.health.state.mn.us/divs/eh/food/license/mfuseaconguide.pdf](http://www.health.state.mn.us/divs/eh/food/license/mfuseaconguide.pdf)

## **Food Stands**

Food stands are another option within the Temporary Food Establishment arena. Anyone who has purchased fried cheese curds or similar items at a county fair has likely patronized a food stand. Food stands may also exist where a restaurant serves food next to a golf course or a beach on a regular, but seasonal, basis. Food stands that can be disassembled and moved are licensed as Seasonal Temporary Food Stands while those that cannot be moved are licensed as Seasonal Permanent Food Stands.

## **Licensing Process for Food Trucks and Food Stands**

If you want to integrate a food truck or food stand into your enterprise to be used for food service, you will need to work with your local regulator and go through the process of applying for appropriate licenses. If you find a food truck that is licensed in your town or county, and you plan to run it with a similar menu and equipment, then the process may be expedited.

The first step is to determine who the appropriate licensing authority is.

See the description of how to find the right regulator by location and by food type on page 9 and 11.

This information is the same for Special Event Food Stands and for other Temporary Food Establishments.

After locating the appropriate agency, you should call and ask to meet with the inspector. This is an opportunity to share your plans and build a working relationship with this person. You will want to ask about the process and application for a Plan Review. Plan Review is a formal process that the agencies use to determine if your food stand meets the standards in the Minnesota Food Code.

The second major step is the longest and most significant: prepare the Plan Review Application.

The Plan Review Application may request many items such as a copy of the intended menu, detailed blueprints, information sheets on all equipment used, details on construction finishes, and more. While it can seem overwhelming, it is just a matter of going step-by-step through the process.

It is important to note that the facility, whether a food truck or a food stand, needs to comply with the Minnesota Food Code. If it doesn't comply, the regulating agency will hand the application back and ask for modifications. While farmers are geniuses at making their own or modifying equipment, that ingenuity is not often acceptable when it comes to food service. If you are unfamiliar with food service, you may need to seek expert advice to help you prepare an application that will be approved and that you have the ability to implement.

But wait, that's not all! A Permanent Food Stand (and possibly even a Temporary Food Stand) may require a building permit from the local zoning authority. A food truck might need a permit to operate within a municipality.

Even if there is no local zoning, other state agencies take an interest in food service facilities. You may need to have the plumbing approved by the Minnesota Department of Labor and Industry (DOLI). At the same time that you are submitting a plan to the appropriate food licensing authority, you should contact DOLI about submitting the plumbing plan for approval.

And then there is the local fire marshal, who may need to approve the plans with respect to fire codes. You should contact each of these agencies before submitting your Plan Review Application to limit the chances that changes will be needed after

construction has already begun.

A Temporary Food Establishment must meet the food code, plumbing code, and fire code to receive its needed licenses. Some people are willing and able to follow detailed, technical codes when designing their facility. Others will only be frustrated by the detail orientation and engineering skills required. Remember, you can always work with a professional contractor who can help you to design plans that will meet with inspectors' approval.

You should allow a minimum of 30 days for approval after submitting your Plan Review Application to the correct food licensing authority. Sometimes it takes longer, especially if the reviewers send it back for modifications, so submitting plans well in advance of when you need to begin construction is a good idea.

Your third major step is to begin construction or remodeling of the food truck or food stand.

This step cannot begin until the Plan Review Application has been approved. After the construction is complete, submit the license application and fees. After the facility is inspected and approved, the license is issued.

## Training of Food Service Staff

Minnesota Rules 4626.2010 Subpart 4, C.  
[www.revisor.leg.state.mn.us/rules/?id=4626.2010](http://www.revisor.leg.state.mn.us/rules/?id=4626.2010)

Minnesota Rules 4626.2033  
[www.revisor.mn.gov/rules/4626.0033/](http://www.revisor.mn.gov/rules/4626.0033/)

Temporary Food Establishments may be required to have a Certified Food Protection Manager, depending on the risk category of the food to be served.

Regardless of the CFPM requirement, you as the owner and any employees or volunteer help should be trained in safe food handling practices for food service. See the sidebar on page 10, "Safe Food Service - a New Skill Set" for more information about training opportunities.

If you will not be personally present during all operations of your Temporary Food Establishment, you must designate a "Person in Charge" who is responsible for ensuring food safety when you are absent.

## Summary of steps to get a Temporary Food Establishment License for a Food Truck or a Seasonal or Permanent Food Stand:

1. Determine the appropriate licensing authority for the type of food sale and location where the food preparation will take place. The licensing authority may be the local Minnesota Department of Agriculture inspector; or the city, county, or state department of health. See sidebars on pages 9 & 10 for more information about how to find the right inspector.
2. Inquire with the regulatory agency about the Plan Review Process. The agency may have a Plan Review Application of their own or they may use MDH's application. If the facility is currently licensed in Minnesota for a similar menu and no changes are planned, a plan submission may not be necessary. Ask your local regulating agency about this.
3. Prepare all elements of the Plan Review Application. The packet will require blueprints, information sheets on equipment, a menu, and many other elements. It may take some time to assemble an accurate and thorough packet, and working with a professional may be necessary. If the plan does not meet the regulations, it will be returned for modification.
4. Inquire with the Minnesota Department of Labor and Industry, the local fire marshal, and the local zoning authority as to whether they need to review the plan. Ask whether a building permit is needed, as well. If a Seasonal Permanent Food Stand is being built, it likely needs a building permit and an accompanying review by these agencies.
5. Submit the Plan Review packet to the licensing authority along with the Plan Review fee.
6. Await approval. If the plan meets the regulations, it will be approved. If there are problems it will be returned for modification.
7. Do construction. Construction may begin only after the plan has been approved.
8. Get inspected. After construction is complete, the food stand or food truck must be inspected. This process assures everything was installed as planned.

9. Receive the license. After a successful inspection, submit your license fee and the license will be issued.
10. Ensure that food service staff receive appropriate training and appoint a Person in Charge to take responsibility for food safety at times when you are absent from the operation.

### Goal Example 5:

My vision is for a more traditional farm café or restaurant. I want to be able to serve food frequently, and I don't want to move from place to place. I might be interested in serving complex and innovative dishes that require special equipment. What might be the best license for me?

#### Answer:

A regular Food Establishment License may meet these goals.

#### Similar Examples:

- Hosting pizza nights and farm dinners year-round or multiple times per week over the summer.
- Serving farm dinners that highlight new chefs and challenging or trendy cooking techniques.
- Opening a regular full-time farm café that serves sandwiches and other prepared foods.

## Food Establishment License

If your vision includes regular food service, a Temporary Food Establishment license won't work. For food service at a permanent location for more than 21 days of service during the year, a regular Food Establishment License is typically needed. Also, if you want to prepare very complex dishes, the types of equipment required may not be feasible in a temporary establishment.

The process for planning a licensed on-farm facility for food service isn't so much difficult as it is time-



consuming. You will need to know what you intend to serve and to how many guests, and how frequently. The menu and the scale of your operation will dictate the type of equipment needed, the volume of storage space, and the size of the coolers, countertops, and more. If you think you would prefer to get a kitchen installed first and figure out the menu later, you will find the process frustrating. The process for planning and construction is driven by the menu.

After you have a good idea of what will be served, when, and to how many individuals, your conversation with the local licensing authority will identify the necessary equipment and space needs.

The water source for food service operations will need to be considered. If your food establishment serves at least 25 people on at least 60 days per year, it must use a public water supply. If your water source is a private well, it may be possible to get that well re-classified as a non-community public water supply in order to satisfy the requirement for a public water source. See the sidebar on page 12 for more information.

### **As a general overview, the following equipment will likely be needed:**

- A commercial grade refrigerator or walk-in cooler with enough capacity for your envisioned food service operation. (If your farm's production side is a produce operation with a modified or homemade cooler, that cannot do double duty for the food service operation.)
- A commercial grade stove and oven are necessary for a wide variety of menus, although many a restaurant operates with just a flat-top grill and a fryer.
- If you will hold ingredients for preparing dishes (such as sliced tomatoes for sandwiches or pizza, shredded cheese, spreads, and meats), the ingredients must be held in a refrigerated unit; generally with a roll-top lid and slots for each ingredient container.
- Utensils, food storage containers, pots, pans, and cutting boards must all be made of approved materials.
- The kitchen must have a three-basin sink for

washing, rinsing, and sanitizing.

- Countertops, tables, and cabinetry must be made of approved materials and there must be enough space to prepare foods and air-dry equipment.

All equipment must be manufactured for the purpose for which it is used. Homemade and modified equipment is not acceptable. Find more detailed information about construction specifications and equipment requirements in the Minnesota Food Code: Minnesota Rules 4626  
[www.revisor.mn.gov/rules/4626/](http://www.revisor.mn.gov/rules/4626/)

You may find it challenging to meet some of the plumbing, fire code, and water source requirements for a food service kitchen, especially if you are remodeling a farm building. Expensive remodeling might be needed to meet the codes. However, if the remodeling is coupled with development of a new packing shed, employee washrooms, or other upgrades, it might be more cost effective. It may be useful to work with a building contractor who knows the relevant codes already.

The process for receiving a Food Establishment license includes most of the same steps as for a Temporary Food Establishment license. The Plan Review Application may request many items such as a copy of the intended menu, detailed blueprints, information sheets on all equipment used, details on construction finishes, and more.

While it can seem overwhelming, it is mainly a matter of going step-by-step through the process. If you are unfamiliar with food service, you may need to seek expert advice to prepare an application that will be approved and that you can abide by. After the plan is approved, construction may begin. After the construction is finished, the facility is inspected. If it passes the inspection, the operator receives the license. Food establishments are inspected on a regular schedule, with the frequency of inspection based on their "risk category" as defined in Minnesota Statute 157.20:  
[www.revisor.mn.gov/statutes/cite/157.20](http://www.revisor.mn.gov/statutes/cite/157.20)

### **Certified Food Protection Manager and Training of Food Service Staff**

Minnesota Rules 4626.2010  
[www.revisor.mn.gov/rules/4626.2010/](http://www.revisor.mn.gov/rules/4626.2010/)

Regular Food Establishments have additional requirements beyond those of Temporary Food Establishments to ensure that food service staff are trained in food safety practices. Each Food Establishment must have a Certified Food Protection Manager (CFPM) on staff. The CFPM doesn't have to be the owner, but it often is. This person is in charge of training staff in food safety and monitoring food safety conditions.

To become a CFPM, a person must pass an approved food safety exam and then submit their exam completion certificate to the Minnesota Department of Health. See the sidebar on page 10 for information about available courses. Some of the approved courses are available online, but the test is taken in person at a testing location. Although each establishment needs a CFPM, the CFPM does not have to be on-site during operation at all times. To ensure the safety of food when a CFPM is not present, a Person In Charge (PIC) must be present each time food is served. A PIC is an individual trained by the CFPM to know the food safety rules and ensure they are followed.

## Steps involved in getting a Food Service Establishment License:

1. Determine the appropriate licensing authority for the type of food sale and location where the food preparation will take place. The licensing authority may be the local Minnesota Department of Agriculture inspector; or the city, county, or state department of health. See the sidebars on pages 9 & 11 for information about how to find the right inspector by your location and by food type.
2. Inquire with the regulatory agency about the Plan Review Process. The agency may have a Plan Review Application of their own or they may use MDH's application.
3. Determine if the water source will comply with state drinking water regulations. If the food service enterprise serves enough people on enough days, it must use a public water supply. If necessary, initiate the process for re-classification of a private well to a non-community public water supply. See page 13 for the section on approved source of water.
4. Prepare all elements of the Plan Review Application. The packet will require blueprints, information sheets on equipment, a menu, and many other elements. It may take some time to assemble an accurate and thorough packet, and working with a professional engineer or contractor may be necessary. If the plan does not meet the regulations, it will be returned for modification.
5. Inquire with the Minnesota Department of Labor and Industry, the local fire marshal, and the local zoning authority as to whether they need to review the plan as well. If a food establishment is being built, it likely needs a building permit and review by these agencies.
6. Submit the completed food establishment Plan Review packet to the licensing authority.
7. Await approval. If the plan meets the regulations, the plan will be approved. If there are problems it will be returned for modification.
8. Do construction. Construction may begin only after the plan has been approved.
9. Get inspected. After construction is complete, the food service facility must be inspected. This process assures everything was installed as planned.
10. Receive the license. After a successful inspection, submit your license fee and the license will be issued.
11. Ensure that food service staff, including yourself, receive the required food safety training and that you have a Certified Food Protection Manager.

## Conclusion

Farmers and their customers share an interest in safe food service. To help meet this goal, those who offer food to the public are required to comply with specific standards as to where the food is sourced, how it is prepared, and the conditions under which it is served. By working together with your local inspector, you can integrate food service into your farm safely and efficiently.

## Chapter 2

# *Beyond the Kitchen*

### **Risk Management and Legal Concerns Beyond the Kitchen**

Spot ways a farm food service operation might violate the local zoning code.

Understand how farmers might become liable for their guests' injuries.

Determine the best insurance policies to protect against slip-and-fall injuries as well as food safety injuries.

Identify the differences between agricultural labor and non-agricultural labor, including the different minimum wage and workers' compensation laws that apply to the different types of labor.

Be familiar with the farm's obligation to make public services accessible to folks with varying abilities.

Know the role business entities play in protecting personal assets from business liabilities.

## Introduction

The decision to integrate food service into a farm business should not be taken lightly. While there may be economic and community benefits, there are also risks and legal concerns that must be considered. Understanding these risks can help guide decision-making so that any plans you make comply with relevant regulations, and steps are taken to make your event safe for guests.

Mitigating risks and complying with laws and regulations will take some time, money, and effort. There will be some things that just cannot be done legally, while others may be too cost-prohibitive to make sense from a business perspective. While an ostrich can bury its head in the sand, the wise entrepreneur will take the time and effort to understand what is involved from a legal and safety perspective.

This chapter discusses a few significant risks but it is by no means comprehensive. Entrepreneurs should continue their exploration through conversations with insurance agents, local government, business partners, lenders, and experienced food service entrepreneurs.

## Zoning

Whether hosting a white table cloth event or a pizza dinner on the farm, zoning may be a significant legal issue. Traditional zoning separates land uses into different geographic regions. For example, residential homes are in a different location than businesses. In theory, separating the two uses will make both homeowners and business owners happier. Neither will have to deal with the concerns of the other. Minnesota cities, towns, and counties each have the authority to zone lands under their jurisdiction. When a unit of government chooses to zone, it does two things. First, it creates a map that delineates different geographic zones. Then, it writes ordinances describing the uses allowed within each zone. Although the framework of the zoning code is universal, the details within the code vary tremendously from location to location. For example, one county's agricultural zone may allow activities that a neighboring county's agricultural zone does not allow. Zoning is very location specific. You will have a hard time generalizing from the experience of other farmers if you are not located in the exact same zone.

Many communities welcome the increased revenue from farm food service and would love to see an on-farm café or pizza shop in the neighborhood. Other neighbors, though, may not appreciate the increased traffic, noises, or interruption of pastoral views that they expect from agricultural and residential communities. If your farm food venture attracts hundreds of guests, you may become a victim of your own success when the neighbors call the local zoning or law enforcement authorities. The zoning authority, in turn, may decide the event violates the code and order you to stop. This would be a devastating turn of events, especially if you have invested in infrastructure or marketing for an on-farm food service enterprise.

You may ask, why are zoning codes relevant to on-farm dinners, pizza farms, and parties? Your local zoning code may prohibit your farm from hosting a food-related event or starting a food service operation. Admittedly, rare is the zoning code that says something like, "farm dinners are not allowed." Instead, a restriction on food events generally occurs in two ways.

### 1. Restriction on food service in agricultural zones

Food-related ventures may not be seen as an agricultural use of the land. Many zones define agriculture as the production and marketing of crops and livestock. While a dinner that showcases farm-raised produce may seem like a marketing strategy, that may not be how the local authority defines marketing of crops. That authority may define marketing of crops as the sale of the crop in raw or unprocessed form to a wholesale or retail buyer. Farm dinners and other on-farm food service events may be considered commercial, retail, or restaurant uses rather than agricultural uses. Zoning restrictions are generally enforced through the building permit process. You should be aware of the use restrictions on your property generally, as zoning agents can and do enforce the rules even when no new construction occurs.

### 2. Restriction on food service in residential zones

If your farm is located in residential or suburban zone, you may also run into problems. Residential zones are even more likely than agricultural zones to prohibit commercial, retail, or restaurant uses. Even when residential zones allow agricultural uses, the allowance doesn't usually extend to food service. Instead, only the production or marketing of crops

and livestock are allowed.

Farms located in commercial or retail zones are much less likely to run into zoning problems with on-farm food service. It is wise to do your homework ahead of time to learn if your plans fit within current zoning codes.

## **Determine who has zoning authority over the exact location of your planned food service venture.**

To start the process, first determine the correct zoning authority from amongst the city, town, or county in which you are located. This is very important! Some farmers make the mistake of checking with the wrong authority, and that can be a disaster. If your farm is located within a town or township that has elected to zone, asking about the county zoning code will not help.

Many townships and counties have websites with maps and descriptions of their jurisdiction. You can also determine which zoning authority covers your farm by calling the local offices and asking. Zoning offices go by various names such as the Planning and Zoning Office, Building and Zoning Department, or simply the Planning Office. Once you identify the correct office, the staff there should be able to look up your address and determine if it is within their jurisdiction.

## **Determine which zone your farm is located within.**

Some local governments have their zoning maps online. If the map is not online, farmers may need to go to the zoning office to consult a map. Having your street address or the tax identification number of your property can be helpful in looking up what zone your farm is in. The zone designation will likely be a combination of letters and numbers. For example, agricultural zones may be called “A-1” while residential zones generally begin with an R.

## **Find the allowed activities within that zone.**

Many governments have their ordinances posted online and each Minnesota county has a law library which

should have local ordinances on the shelf.

While trying to decipher the code yourself is an option, it will likely be easier to call or visit the zoning office, give details of your proposed venture, and ask as to whether it will be allowed. Local attorneys can also offer perspective on how local codes are interpreted or enforced.

## **Conditional Use Permits**

It is useful to know that the zoning ordinance will often prohibit a farm food service venture unless you receive a Conditional Use Permit. Conditional Use Permits may require you to show that you have plans to put the necessary traffic, parking, restroom, trash, and crowd control accommodations in place. The Conditional Use Permit process requires a public hearing where neighbors can voice concerns about a Conditional Use Permit application. There is usually a fee for a Conditional Use Permit, in addition to any building permit fee. The investment of time and energy required to obtain a Conditional Use Permit may be worth it only if you are confident that the food service venture will be financially viable.

## **Variations**

If the local zoning ordinance appears to prohibit farm events entirely, all is not lost. You might ask for a variance, which provides an exception to the rules. Variances are granted for many different reasons.

## **Changing the zoning rules**

If no other options seem to work, and you are very determined, you could consider an effort to get the zoning ordinance amended. Community-based farmers are in a position to make this happen by recruiting neighbors to attend meetings or write letters. Changing the zoning ordinance may seem like an onerous task — but it certainly has happened in the past. Many urban agriculture organizations have advocated for zoning changes to allow food production within city limits. Food truck operators have also managed to change the local ordinances to allow food sales from parking lots and curbsides. As noted earlier, though, not everyone will agree with your proposed changes and you may encounter local opposition as well as support. The experiences of other groups will be valuable if you see a need to change the zoning ordinances before offering

on-farm food service. For additional information and an example of a successful effort to change local ordinances, see *A Guide to Regulations for Local Food Entrepreneurs*. Further Resources, below.

## Manage Zoning Risk Checklist

1. Investigate your local zoning ordinances, to learn how the zoning authorities will treat a proposed farm food service venture: read the code, call the office, or consult a professional.
  - a. If the venture is allowed, it can move forward within the zone's constraints.
  - b. If the venture is allowed only with a Conditional Use Permit, determine what you need to show, have, or do to receive the permit.
2. If the venture is not allowed, research the possibility of a variance from the zoning ordinance.
3. As a last resort, if other avenues seem closed, you might consider starting a campaign to change the local zoning ordinance.

## Further Resources on Zoning:

Minnesota State Law Library: Minnesota County and Municipal Ordinances Online. [mn.gov/law-library/research-links/ordinances.jsp](http://mn.gov/law-library/research-links/ordinances.jsp)

*A Guide to Regulations for Local Food Entrepreneurs*. 2013. Megan O'Hara, Endowed Chair in Agricultural Systems. [www.misa.umn.edu](http://www.misa.umn.edu)

## Injuries

After you invite customers onto your farm property, especially if those customers include children, injuries are usually a matter of "when," rather than "if." This isn't to say that your farm is particularly hazardous. Rather, customers' unfamiliarity with farms in general makes them especially blind to your farm's natural hazards. Further, hosting a food service event means creating an intimate space where people are encouraged to share in your home and livelihood. That intimacy is

exactly what many customers want. But coziness also has a negative side: folks feel more comfortable taking liberties with your farm space, equipment and facilities. To put it another way- visitors do things they shouldn't. Injuries, no matter how they happen, are a legal concern deserving of close attention.

After spending any amount of time on a farm, a person acquires a kind of sixth sense about farm risks. This keeps you safe but it also makes you conscious of natural hazards. Visitors are much quicker to trip over rough ground, fall into depressions or holes, or fail to recognize the dangers associated with equipment and livestock. You can manage these risks, but the first step is realizing that these risks are real for visitors.

From a legal perspective, you aren't necessarily responsible every time a visitor trips or falls. The primary (but by no means exclusive) way that you might become legally liable for a guest's injury is through negligence. Negligence is a complex legal concept but suffice it to say, negligence is the failure to be as careful and prepared as any other farmer would have been under similar circumstances. For example, say a guest falls through rotting floorboards in a barn during a potluck dinner. If most farmers would have roped off the rotting boards, replaced the boards, or held the dinner elsewhere, and you didn't do those things, you may be negligent. If your negligence led to the guest's injury, you may be responsible in whole or in part.

As you might guess, using other farmers as a yardstick for anything makes for a very unpredictable measuring device. This is why personal injury lawsuits are expensive and time consuming ~ they require detailed analysis on subjects over which reasonable people can disagree. This is also why many businesses exercise an abundance of caution. If negligence is being less careful than others, the best way to avoid negligence is to be more careful than others. As the bar goes higher, everyone exercises more caution. This can be a good thing for customer safety but it can be hard for you to identify a reasonable limit.

## Buy an appropriate insurance policy

When it comes to injuries and negligence, the single most important step you can take is to buy an appropriate insurance policy. When a covered injury occurs, the insurance company steps in to handle the legal matters. If the case comes back with a judgment

against your business, the insurance company pays the bill up to the limits of the policy. You might be tempted to think, “I don’t need insurance because I won’t be negligent.” The harsh reality is that you can be sued even if you did nothing wrong. Innocent people can be hauled into court to establish their innocence. That takes time and money, which an insurance policy provides. You need insurance even if you take every precaution to protect guests.

The insurance company will inspect your property in order to protect their ability to defend and win lawsuits. Insurance agents are (ideally) trained to understand where risk exists and to help you minimize it. If they find conditions considered too hazardous (or simply difficult to quantify in terms of risk) the insurance company may choose not to offer or renew your policy. If you have particular risks - including derelict buildings or some types of processing operations - this can present a very difficult situation. Insurance companies will be very hesitant to insure your operation because the conditions will likely be seen as negligence in court. If you have uninsurable conditions, you can ask around to several insurance companies, but you may need to fix the risky situation first.

## How can you know if you have the right insurance policy?

Getting the right policy for an on-farm food service venture can be tricky. Most farmers carry only farm liability insurance. Farm liability insurance acts as a homeowner’s policy by covering both your residence and injuries to personal guests. It also acts as a business policy by covering your farm operation’s facilities or buildings and injury to business guests. You might mistakenly think that food service guests will be covered by a farm liability policy. Unfortunately, this is often not the case. The business portion of a farm liability policy will usually only cover the risks extending from the production and marketing of crops or livestock- not from food service.

If you are relying on a farm liability insurance policy to cover food service events, you are taking a risk: food service-related injuries may not be covered by the insurance company. To resolve this risk, you should communicate in detail with your insurance provider about your food service operations. This communication should be in writing. Communicating over email and

maintaining a regular phone log are good ways to create records of important communications.

You should ask your insurance agent the following questions before hosting any type of food service:

1. “Will an injury that extends from my event be covered under my current insurance package?” You should describe the event in detail. For example, it may not be enough to ask, “Is a potluck covered under my insurance policy?” An end-of-season “potluck” party for 200 Community Supported Agriculture members, for example, will be handled quite differently than a potluck with a few volunteers. You should note whether the event is free or for a charge, whether and how alcohol will be available, how many people will be attending, and whether the guests have an existing relationship with your farm or not; for example, whether they are existing farm customers or suppliers.
2. “Do I need an event endorsement or a commercial policy to cover injuries from my food service event?” Very likely, an additional insurance product will be necessary to cover a food service venture. If your food event is only occasional, an event endorsement added to the farm liability policy may be adequate. For more regular events, a full commercial policy is probably necessary.
3. “Does my policy require that I follow any specific procedures for hosting this event?” The insurance policy or event endorsement may set specific conditions for coverage such as posting warning signs or restricting access to certain areas.
4. “Does my policy provide coverage for legal defense and judgments for potential injuries?” As discussed above, an insurance policy is valuable in part because it pays for a defense in court. Even perfectly safe farms need this kind of protection. Make sure your policy offers it.

Insurance is a worthwhile expense when it covers the risks a farm incurs. Commercial policies can be cost effective as an addition because most of the farm’s risks are still covered under the existing farm liability policy. Farms working with another entity- such as a farm-to-table event management company- have another option. The farm can ask the other company to add the farm as an “additional insured” on the company’s insurance

## Use a waiver as a communication tool

Although enforceability isn't necessarily an efficient goal, waivers may still be worthwhile as a communication mechanism. A waiver demands the kind of attention that signs and verbal instructions can't compete with. Putting a signature on a document might inspire guests to pay more attention to the risks and rules. This can be a positive thing for preventing injuries.

policy. For a one-time event, this may be a more affordable option.

## Create a safe on-farm environment

Of course, you do not want an injury to occur even if your insurance policy will cover it. Injuries are sad, bad for your farm's reputation, and will likely result in higher insurance premiums going forward. Be proactive. Create safe environments and help guests protect themselves. Here are several steps you can take to reduce the risk of injury.

- Clearly communicate with customers about safety procedures to prevent accidents. Use verbal instructions and signage.
- Put hazardous areas off-limits, and make this abundantly clear with physical barriers and signage.
- Assume that guests do not have any basic understanding of farm safety and will not recognize hazards. Just like toddler-proofing a house, you should guest-proof all guest areas. Remove, block, or secure anything that could hurt guests.
- Separate food service and any contamination sources while providing basic sanitation facilities to guests.



## Waivers

Should you be using a waiver to release yourself from liability if a farm visitor is injured? The short answer is that legally effective waivers are difficult to write. The law does not look fondly on the waiver of one's rights and scrutinizes any attempt of a party causing injury to disclaim responsibility. When it comes to youth under 18 years of age, it is highly unlikely that a waiver will be effective at all. Although a parent may be able to waive a child's rights, it isn't easy. If a legally sound waiver is still desired, you might talk with your insurance agent. As the insurance company is familiar with the exact contours of liability for your farm's situation, the company may have a recommended waiver. An attorney is another option for creating a waiver. Attorneys are the best possible source for a specific and legally binding waiver, but the service comes at a cost.

Even if the waiver is legally sound, the farmer will still need to establish in court that the waiver complies with the standards for a legally permissible waiver of liability. For this reason alone, farms still need an insurance policy that covers the food service venture. Insurance will provide a defense in court and will pay on a judgment if the waiver is proved invalid. If legal protection is the goal, waivers are generally not the most efficient way to achieve it.

### Manage Injury Risks Checklist:

1. The first line of defense against the legal aspects of injury is preventing injury itself. Install barriers, repair hazards, and generally adopt high standards for site safety. Use communication tools such as signs and verbal instructions to warn visitors of the farm's safety expectations.
2. As the second line of defense, buy an insurance policy that will cover slip-and-fall type injuries that relate to the farm food service operation. The right insurance policy may be one of these:
  - current farm liability policy
  - current farm liability policy plus an event endorsement
  - inclusion as an additional insured on another enterprise's commercial policy
  - separate farm commercial insurance policy.

## Further Resources on Injuries:

Farm Commons Insurance Resources  
[www.farmcommons.org/insurance](http://www.farmcommons.org/insurance)

## Food Safety Incidents

It goes without saying that you will strive to provide safe food to your guests, whether it's a fresh apple or a farm-prepared meal. When you work directly with customers, and especially when you are using the products of your own farm, you feel directly responsible and highly motivated to protect the quality of the food you serve.

But accidents still happen. Even if it's not your fault, a food safety incident is a tremendous liability. From a marketing perspective, even a suspicion that your food is unsafe can damage your business. If it is a situation where you are, in fact, at fault, legal liability can make things much worse. As with slip-and-fall injuries, it is important to be proactive and focus both on prevention and on insuring against such incidences.

Can you become legally responsible for a food safety incident when other people have prepared the food (such as a potluck, a business that implements on-farm dinners, or a food truck offering food on site?) In a word, yes. Although the liability possibilities are multiple, perhaps the most likely avenue for liability is negligence (just as with physical injuries.) If you are negligent in how the event is structured, you may become liable for food poisoning that results.

### Negligence

You may be legally negligent if your food service structure makes cross contamination likely. As an example, suppose you are hosting an apple fritter fry-off. To add to the fun, you arrange a goat petting area right next to the fritter sampling station. People, and especially children, may consume harmful bacteria if there is little physical distance and insufficient opportunity to wash up between the goats and the fritters. Individuals who get ill as a result could claim that any reasonable farmer would have provided a handwashing station and would have separated the petting areas from the eating areas.

The same argument could be made if you host a potluck for guests. If your event schedule or set-up fosters unsafe

practices, you may be legally liable (in whole or in part) for an injury that results. For example, if guests bring their prepared dishes to a potluck and you have scheduled a three-hour tour of the gardens before the meal on a warm day, dishes that can support rapid bacterial growth may have become unsafe to eat by the time the meal takes place. A reasonable person could argue that you should have been aware of that possibility and scheduled the meal first, tour later.

This isn't to say you are automatically liable for all contamination accidents or that the law prohibits offering food in the vicinity of animals. But, when your actions make it more likely that contamination will occur, you can expect to be held at least partly responsible when it occurs. These are just a couple of examples of the kinds of problems you may be expected to prevent. Even if you aren't supplying the food, it's important to think about event structure and timing to avoid foodborne illness.

Agritourism Resources from Upper Midwest Agricultural Safety and Health (UMASH).  
[umash.umn.edu/agritourism/](http://umash.umn.edu/agritourism/)

## Culpability

When you are the one preparing or serving food, the legal landscape changes. Your liability potential is much greater as compared to food supplied by guests or other businesses. You may be responsible for negligently causing contamination while serving the food. You may be responsible for any injury resulting from the product itself. Foreign objects might fall into the food or the items may be contaminated with allergens, chemicals, bacteria, or viruses. The basis for liability under these circumstances is different than negligence, and simply adopting high standards may not be enough to avoid legal liability. Depending on the exact injury, you may be liable simply because it occurred. The bad news is that legal liability for food products is complex, variable, and far beyond the scope of this resource.

## Protecting yourself: food safety and insurance

The good news is that you can protect yourself in two ways. You should learn and implement careful food safety practices. Especially where the applicable food service license requires a procedure, you should make certain the procedure is followed every time. Not

following legal obligations might easily be negligent. Going above and beyond the legal standards is always a good idea. You should talk with inspectors and food safety professionals to learn the latest food safety techniques. (See page 10 in the previous chapter for more information about training courses.)

Insurance is just as important as good food safety practices. Even if you offer perfectly safe food and structure an event to reduce contamination risks, you can still be hauled into court to prove that you did exactly that. Defending yourself is expensive, time consuming, and beyond the skills of most non-attorneys. Insurance addresses this problem by providing a defense as soon as the incident is reported. If a judgment results, you are covered up to the limits of the policy. The peace of mind from a good insurance policy can be worth the cost.

Farm liability policies are not intended to cover food service ventures. Some farm liability policies may offer some protection under very narrow circumstances. For example, it may cover bacterial contamination that results from a tornado. This is not the kind of risk that you will frequently encounter. You should talk with your insurance agent about each of the insurance questions discussed in the above section. Don't be surprised to learn that insurance coverage for farmer-provided food is either non-existent or uncertain. A commercial restaurant insurance policy is much broader and is intended to cover the many risks unique to a restaurant, such as disease transfer from employees to customers. If you are dedicating resources and effort to building a food service venture, a commercial policy may be a wise investment.

## Manage Food Safety Legal Risks Checklist:

1. If you are hosting an event with food supplied and served by others such as a potluck, catering business, or food truck:
  - a. Create a clean environment where sanitation is readily available and cross contamination potential is limited, and
  - b. Contact your insurance company to verify that any liability for food safety incidences will be covered under your farm's current liability policy.
2. If you are preparing or serving food yourself, you should contact your insurance company to purchase coverage for the unique risks of preparing food. You may need to purchase a business endorsement or a

full commercial policy for the broadest protection from the increased liability exposure.

## Further Resources on Injuries:

Farm Commons Food Safety Resources.  
[www.farmcommons.org/food-safety](http://www.farmcommons.org/food-safety)

Farm Commons Value-Added/Tourism Resources.  
[www.farmcommons.org/value-added-tourism](http://www.farmcommons.org/value-added-tourism)

## Employment Law

If you are considering diversifying your farm operation with food service, you should read this section carefully. Different rules affect farm labor as compared to food service labor. The law often treats agriculture differently than non-agriculture. For example, this chapter has already discussed how agriculture and non-agriculture are handled differently under zoning and insurance policies. Employment law is a third area where the rules change as a farm broadens beyond just the production of crops or livestock. If you are not aware that the rules change once food service operations begin you may expose yourself to enforcement action. This section explores the shifting overtime, unemployment insurance, and workers' compensation requirements as new ventures are added to your farm, such as food festivals, dinners, and pizza nights.

This section does not discuss many important employment law concerns. For the sake of space, a host of other vital concerns are not addressed at all: minimum wage, youth employees, family employees, hiring procedures, and discrimination issues. These issues are very important, but as this resource is specifically intended for the diversifying farmer, the focus is solely on the transition point between farm and food service. It is not a general summary of farm employment laws.

### Overtime pay

As a farmer, you may know that you don't have to follow the same overtime rules as non-farm businesses. However, if your farm is taking advantage of any exemption from overtime, you must be very cautious about using the same employees for food service. A farm employee who also does food service work is not eligible for an exemption. Instead, standard overtime rules apply.

The standard overtime rules depend on the business size and sales. If your farm's products are sold across state lines or your farm has annual gross sales of more than \$500,000, you must pay overtime for all hours over 40 in one week. If your farm's products are sold entirely within the state of Minnesota and your farm grosses less than \$500,000 annually, you must pay overtime for all hours exceeding 48 in the work week.

There is an agricultural exemption to overtime rules that is based on the farm employee's salary: you are exempt from paying overtime for a work week only if 1) your farm employee is paid the guaranteed salary rate specified by state law; AND, 2) your farm worker performs exclusively agricultural labor in that week. See the fact sheets listed in the Further Resources section below for more detail on the agricultural exemptions.

Labor relating directly to a food service venture is not agricultural labor. If you have been claiming an agricultural exemption from overtime, once you venture into food service you cannot claim those same exemptions for employees who work in the food service. You should note that careful records are required to demonstrate compliance with the rules. For example, your farm employee timesheet should show more than just the hours worked- it needs to show which tasks were performed as well. Clear, complete records will show regulators that your farm is within an agricultural exemption or that you are properly applying overtime pay to non-exempt employees.

Employment law can be easier to understand with examples. Pretend for a moment that you want to host a pizza night once per month at your vegetable farm. You currently employ two friends to help plant, cultivate, and harvest vegetables at your farm. You have high tunnels and deep winter greenhouses, and operate year-round. You pay them the applicable guaranteed salary rate and you do not pay overtime. If you have these two employees help out with pizza night on your farm, the exemption no longer applies. You must now follow regular overtime rules for all the hours those employees worked during the week of the pizza night. If the friends happened to work a total of 50 hours that week, their pay would be at least time and a half for the overtime hours. The overtime hours total either 10 or 2 hours, depending on where your products are sold and your farm's gross revenue. You cannot say, for example, that the extra hours were for farm labor and avoid overtime. All hours over the threshold must be paid at time and a half if any non-

farm labor was performed in that week.

The key question is, does your farm use its regular farm employees for the food service venture?

- If no, agricultural overtime exemptions may apply.
- If yes, regular overtime rules apply.

Note that these categories are only a limited illustration of an on-farm food service venture's effect on overtime. Overtime is a complex legal issue and many other factors are not presented here. See Further Resources on Employment Law to find fact sheets with more detail about agricultural exemptions from overtime.

## Unemployment Insurance

As with overtime pay and workers' compensation, you need to be aware of your changing unemployment insurance responsibilities as you diversify into food service. Unemployment insurance is a state-run system for compensating individuals who, through no fault of their own, are let go from their jobs.

Generally, you must begin contributing to unemployment insurance when:

- Your farm pays \$20,000 or more in wages during any calendar quarter of the year; OR
- Your farm pays wages to 4 or more employees in any 20 calendar weeks of the year.

Two examples may help illustrate these requirements. If four employees work on your farm each Monday for 20 weeks, you must pay into the unemployment insurance program. Alternatively, your farm might hire three employees who earn a total combined payroll of \$22,000 between July and September. Generally speaking, both these situations would be subject to unemployment insurance. As this guide is not a thorough introduction to farm employment laws, you should seek more information to confirm whether your farm must contribute to the unemployment insurance program for non-food service activities.

When you diversify into food service, you may be responsible for unemployment insurance well before your farm meets the above thresholds for payroll and total number of employees. This is because the rules for farms technically only apply when farm labor

is performed. Hosting a food service operation has not historically been a farm activity and isn't seen as agricultural labor. For non-agricultural labor, businesses have to register and pay into unemployment insurance as soon as they pay any wages to even a single employee.

What if your farm's employees spend part of their time on farming and part of their time on food service? Does your farm owe unemployment insurance? First, the answer is "yes" if your farm crosses either of the two thresholds above involving 4 employees or \$20,000 in payroll.

If your farm is under both thresholds, whether unemployment insurance is owed depends on the proportion of time an employee spends on agricultural and non-agricultural tasks, per pay period.

- If your farm employee spends less than fifty percent of his or her time on non-agricultural labor, unemployment insurance tax doesn't apply in that pay period.
- If your farm employee spends fifty percent or more of his or her time on non-agricultural labor, your farm needs to pay unemployment insurance tax on all wages paid to that employee during that period.

Your farm's unemployment tax rate depends on factors specific to your farm, farming as an industry, and on the economy as a whole. Businesses paying unemployment insurance tax for the first time often pay a rate of 2% or less.

If you think you may need to pay unemployment insurance tax, you should contact the Minnesota Department of Employment and Economic Development (DEED), Unemployment Insurance Program for more information. [www.uimn.org/uimn/](http://www.uimn.org/uimn/)

## Workers' Compensation

Workers' compensation is another important focus area for any farmer considering diversification into food service. Minnesota's workers' compensation laws allow some small farm operations to go without workers' compensation if the farm carries a liability insurance policy that covers employees. If your farm is relying on this exemption, you should be cautious as you diversify. The more that your farm is involved in activities that are not the production of crops and livestock (such as food

service), the more you should follow the rules for non-farm businesses. Non-farm businesses are required to have workers' compensation when they have one employee.

If you are relying on the small farm exemption from workers' compensation you should know that covering farm employees through a liability insurance policy may require a commercial policy. As with a farm liability policy and injuries to guests, farm liability coverage for workers only extends to farm activities. Food service is likely not considered a farm activity. If your employees are injured while preparing food or running the food service event, your farm liability policy may not cover their injuries. A general commercial policy covers the broader risks of food service, but not all policies will cover employees. Generally, a commercial policy will only cover the risk of injury to a seasonal and temporary employee. If your farm's employees are employed year-round, a workers' compensation policy may be the only option. If you don't get the right policy, not only does this leave you exposed to liability for the injury itself, but you also may be exposed to a steep fine for violating workers' compensation laws. It is essential to make certain that employee injuries are covered whether you do that through workers' compensation or a commercial policy.

### Employment Legal Issues Checklist:

1. Determine the appropriate overtime rate for agricultural and food service workers
2. Determine your obligations for filing and paying unemployment insurance for your workers.
3. Implement careful record-keeping practices to demonstrate compliance with employment laws.
4. Consider an investment in workers' compensation insurance to ensure coverage for employee injuries

### Further Resources on Employment Law:

Minnesota Department of Labor and Industry (MN DOLI), at 1-800-284-5005, [www.dli.mn.gov](http://www.dli.mn.gov)

Agricultural Workers. MN DOLI.  
[www.dli.mn.gov/business/employment-practices/agricultural-workers](http://www.dli.mn.gov/business/employment-practices/agricultural-workers)

*Farmers' Guide to Farm Employees: Federal and Minnesota Labor and Employment Law for Small-Scale Family Farms.*

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Minnesota Department of Employment and Economic Development (DEED, Unemployment Insurance Program). [www.uimn.org/uimn/](http://www.uimn.org/uimn/)

## Sales Tax

When you begin a food service venture, you are wading headlong into the issue of sales tax. If you sell only fresh or raw agricultural products, you do not need to collect Minnesota sales tax. That doesn't hold true for prepared food products. Food service is subject to sales tax. The line between "food" and "prepared food" can be thin. Four general guidelines lay out when a food becomes "prepared" and is subject to sales tax.

1. Foods sold with napkins, plates, forks, straws, cups, or other utensils are taxable.
2. Food items that are mixes of ingredients (for example: fruit salad, sandwiches, ice cream on a cone) are taxable.
3. Foods heated by the seller and then given to the customer are taxable.
4. Foods sold ready for display and serving, such as vegetables arranged on a tray, are taxable.

The details certainly add some complexity. As for utensils (the first guideline), simply setting out napkins on the counter is enough to make food taxable. You do not have to go as far as placing a fork in a to-go box for food to be considered "prepared." Regarding mixed ingredients (the second guideline), even salad mix, jam, and cheese are taxable when sold by the same person who made the item. Anything that is a combination of two or more ingredients is taxable when sold by the preparer. If a separate business prepares the food item and you subsequently sell it, the item is not taxable under the second guideline. However, if the fruit salad, sandwich, etc. is sold with a fork it becomes taxable under the first guideline even if it's prepared by a different business. Each of the guidelines above is a separate basis for taxability. For example, if you heat a dish for sale but do not also include utensils the item is

still taxable.

You may choose to set up your food event with an admission or cover charge. Even though the sale is for access to an event rather than for an item itself, these sales are subject to sales tax. For example, your farm might host several food trucks on the farm and sell tickets to customers for entry. The ticket sales are taxable.

If you are new to taxable sales you will need to apply for a sales tax permit. The process is quite easy and can be done over the phone or with a paper application. Contact the Minnesota Department of Revenue to begin the process. After the application has been filed, the department will issue your farm a sales tax account number and permit. Sales tax is collected by your business and then reported to the state either by phone or online. The sales tax payment can be sent by check, or paid online by direct withdrawal from a checking account. Your business's average taxable sales for each month in the previous year determine whether you must pay sales tax to the state on a monthly, quarterly, or annual basis. Detailed information on registering for, collecting, and remitting sales tax is at the Minnesota Department of Revenue's website (see below.)

## Sales Tax Checklist

1. Determine if your food service operation will be making taxable sales.
2. If taxable sales will be made, apply for a sales tax permit and implement a system to track and remit sales tax.

## Further Resources on Sales Tax:

Minnesota Department of Revenue at 651-282-5225 or visit their website at [www.revenue.state.mn.us](http://www.revenue.state.mn.us)

Food and Food Ingredients Fact Sheet. Minnesota Department of Revenue. [www.revenue.state.mn.us/businesses/sut/factsheets/FS102A.pdf](http://www.revenue.state.mn.us/businesses/sut/factsheets/FS102A.pdf)

Prepared Food Fact Sheet. Minnesota Department of Revenue. [www.revenue.state.mn.us/businesses/sut/factsheets/FS102D.pdf](http://www.revenue.state.mn.us/businesses/sut/factsheets/FS102D.pdf)

## Americans with Disabilities Act

The Americans with Disabilities Act (the ADA)

requires that places of public amusement be accessible to those with disabilities. The ADA is a federal law that prohibits discrimination and ensures folks with a range of abilities can participate fully in American life. This law affects farmers, too. If your farm offers events open to the public, you must accommodate disabled individuals as much as is reasonable. For example, a person in a wheelchair may not be able to roll from the parking lot to the meal site if the ground is deeply rutted. If more accessible routes can be reasonably installed, the law may require it. The ADA does not require that every individual feature be fully accessible, and it does not require that business owners completely remodel at great expense.

Minnesota has also adopted a state law that prohibits businesses from denying protected individuals the same enjoyment of the business's services as are provided to other guests. The Minnesota law is similar to the federal law in many respects. Both laws clearly prohibit places of public accommodation from failing to make reasonable accommodations for disabled persons. "Places of public accommodation" includes farms that offer food service to the public. For example, you cannot prohibit blind or deaf individuals from coming to your on-farm food event if there are safety practices that might easily protect that person. Generally, the requirements of the ADA are put into place when a business applies for a building permit, whether for new construction or remodeling. Then, the permit-granting agency will check the building plans to see that they meet accessibility standards. However, it is important to note that the law is enforceable even against public farm events that have not done any remodels or gone through the building permit process.

Exactly what your farm should do to satisfy the ADA and Minnesota requirements depends on when you began your food service operation, the nature of the event, and the cost of retrofitting facilities. At a minimum, you should make sure that people in wheelchairs are not prevented from attending the event or using a restroom. Installing smooth, wide pathways accomplishes the first part of this goal. (At the same time, this is also a good practice to avoid injuries to people who are not disabled.) You could consider meeting the second part of the goal by renting at least one handicapped-accessible portable restroom. You can consider other techniques to ensure people of all abilities can enjoy the event. For example, benches or chairs placed throughout the property will allow guests with limited mobility to rest.

Disabilities accommodations are always a good idea. But when does a good idea become a legal obligation? With such uncertain requirements, the starting point is recognizing that the ADA may apply to on-farm events if they are open to the public and it might be useful to do some research. Unfortunately, it can be hard to figure out exactly what you must do to comply with the ADA. You should review the Department of Justice’s “ADA Guide for Small Businesses.” You can call the Department of Justice’s toll-free hotline at 800-514-0301 or the Minnesota Department of Human Rights with specific questions. The Small Business Administration (SBA) also helps businesses understand how to comply with the ADA. See the “Further Resources on the ADA” section on this page.

### **ADA Issues Checklist:**

1. Consider whether the food service operation is accessible to individuals with a wide range of abilities. If it is not, create a plan to make it more accessible.
2. Contact the Small Business Administration and the Minnesota Department of Human Rights for more information on whether the accessibility plan meets the law’s requirements.

### **Further Resources on the ADA and the Minnesota Human Rights Act:**

U.S. Department of Justice at 202-514-2000; or [www.justice.gov/contact-us](http://www.justice.gov/contact-us)

ADA Guide for Small Businesses. Department of Justice. [www.ada.gov/smbusgd.pdf](http://www.ada.gov/smbusgd.pdf)

Minnesota Human Rights Act. Minnesota Department of Human Rights. 800-627-3529; [mn.gov/mdhr/](http://mn.gov/mdhr/)

Small Business Administration, Minnesota District Office. [www.sba.gov/offices/district/mn/minneapolis](http://www.sba.gov/offices/district/mn/minneapolis)

## **Business Structure**

Choosing the right business entity can help you achieve your risk management objectives as you diversify into value-added enterprises like food service. Across the United States, the majority of farmers organize

their businesses as sole proprietorships or general partnerships. Although these entities are easy to establish and have fewer paperwork concerns, they come at a cost. The sole proprietorship and the general partnership both leave your personal assets available to satisfy a business judgment. For example, if you have a sole proprietorship, buy seed on credit, and then fail to pay your bill, the seed company could demand both your business assets and your personal assets to get paid back (assuming the seed company gets a successful legal judgment against you). By contrast, the LLC (Limited Liability Corporation) and corporation business entity shield your personal assets from business judgments.

The protection offered by LLCs and corporations are important but should not be overstated. In terms of risk management, insurance is far more important than establishing an LLC or a corporation. Even if your business is organized as an LLC or corporation, a disgruntled individual or creditor may still argue that you as the owner are personally liable for the judgment. If you haven’t followed best practices in managing the LLC or corporation (including keeping separate bank accounts, following established procedures, fully capitalizing the business, and more), the court may look right past the entity and take your personal assets anyway. When it comes to creditors, many will require a personal guarantee before extending any credit to a farmer. An LLC or corporation provides no protection when a debt has been personally guaranteed. Lastly, some protections for personal assets would be extended to you, even if your farm is a sole proprietorship or partnership, through the bankruptcy process. Some farmers see diminishing value in an LLC or corporation in comparison to the fee and accounting costs. You should also note that business assets are always available to satisfy business liabilities. Creating an LLC won’t protect farm items like tractors, planters, or washing equipment as those items are clearly assets of the business. Successful creditors can get at those assets to satisfy debts.

Organizing as an LLC or corporation may be a smart move for starting a food service venture. An LLC or corporation is an excellent last line of defense. For example, you may not have purchased the correct insurance policy or might have violated terms of the insurance policy, thus losing coverage. If you also lost your case in court, you could be at risk of losing your personal assets. Further, separate entities can help manage risk in diverse enterprises. You can cordon off the risks of the food enterprise to just the food enterprise’s assets. As explained above, business assets

**Sec. 36. [604A.40] AGRITOURISM; IMMUNITY FROM LIABILITY.**

**Subdivision 1. Definitions.**

(a) For the purposes of this section, the terms in paragraphs (b) to (g) have the meanings given them.

(b) “Agricultural products” means livestock, aquacultural, poultry, horticultural, floricultural, viticultural, silvicultural, or other products of a farm or ranch.

(c) “Agritourism activity” means activity carried out on a farm or ranch that allows organizations or members of the general public, for recreational, entertainment, charitable, or educational purposes, to view, enjoy, or participate in rural activities, including, but not limited to: farming; viticulture; winemaking; ranching; and historical, cultural, farm stay, gleaning, harvest-your-own, or natural activities and attractions. An activity is an agritourism activity whether or not the participant pays to participate in the activity.

(d) “Agritourism professional” means a person who is engaged in providing one or more agritourism activities, whether or not for compensation.

(e) “Farm or ranch” means one or more areas of land used for the production, cultivation, growing, harvesting, or processing of agricultural products.

(f) “Inherent risks of agritourism activity” mean dangers or conditions that are an integral part of an agritourism activity including but not limited to:

- (1) natural hazards and conditions of land, vegetation, and waters including surface and subsurface conditions;
- (2) the behavior of wild or domestic animals; and
- (3) ordinary dangers of structures or equipment ordinarily used in farming or ranching operations.

(g) “Participant” means a person, other than an agritourism professional, who engages in an agritourism activity and who has the capacity to understand the inherent risks of agricultural tourism.

**Subd. 2. Liability limited.**

(a) Except as provided in paragraphs (b) and (c), an agritourism professional is not liable for injury, damage, or death of a participant resulting from the inherent risks of agritourism activities.

(b) Nothing in paragraph (a) prevents or limits the liability of an agritourism professional if the agritourism professional:

(1) commits an act or omission that constitutes negligence or willful or wanton disregard for the safety of the participant, and that act or omission proximately causes injury, damage, or death of the participant;

(2) has actual knowledge or reasonably should have known of a dangerous condition on the land or in the facilities or equipment used in the activity, or the dangerous propensity of a particular animal used in such activity;

(3) intentionally injures the participant; or

(4) fails to comply with the notice requirement of subdivision 3.

(c) Nothing in paragraph (a) affects a claim under chapter 340A, or a claim arising out of the sale or use of alcohol at an agritourism facility.

**Subd. 3. Posting notice.**

An agritourism professional shall post plainly visible signs at one or more prominent locations in the premises where the agritourism activity takes place that include a warning of the inherent risks of agritourism activity.

**EFFECTIVE DATE.**

This section is effective August 1, 2015, and applies to actions arising from incidents occurring on or after that date.



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*from*  
**FARMS**

Toolkit for Direct Purchasing of Local Food

# FOOD from FARMS

## Toolkit for Direct Purchasing of Local Food

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### Appendix F: Example of Program Data Collection

# Introduction

This toolkit is intended for use by school districts and child and adult nutrition programs, as well as other types of institutional food service, for procurement of local food directly from farmers. Most of the materials in this toolkit were developed in Aitkin County, Minnesota and tested in the Aitkin Public Schools, Hill City School, and Riverwood Healthcare Center in 2015 – 2016. Some items have been added to address best practices or legal requirements that were put in place after the original toolkit was developed.

If you want to start sourcing local food from farmers in your area but aren't sure how to start, this toolkit offers an example and templates to start up a community-based local food procurement process.

This Toolkit was developed for use by a school, but it is adaptable to other situations. Elements of it have been used for local food procurement by a hospital and a non-profit organization. Feel free to use only the parts of it that make sense for your situation, and to adapt anything that needs adapting.

The Toolkit generally follows United State Department of Agriculture – Food and Nutrition Service (USDA-FNS) guidelines for informal procurement by Child and Adult Nutrition Programs (CNPs), but it borrows some tools and documents from the formal procurement process. Use of some formal procurement procedures was a choice made by

the developers of the program. It enabled them to have a transparent process that involved school administration and community members, made sales opportunities available to the widest variety of local farmers possible, and built community support. If those goals resonate with you, this toolkit may be valuable. However, be aware that some specific procedures documented in it are not required by USDA-FNS for informal procurement of local food by school districts. This is noted throughout the document.

Food programs run by private entities that are not subject to the USDA-FNS guidelines for CNPs can substitute their own program guidelines in place of any stated USDA-FNS requirements.

Templates and sample documents are based on actual documents created for the Aitkin County programs or other school districts in Minnesota, but names have been changed to protect the privacy of individuals.

This toolkit does not discuss the reasons for local food procurement. It assumes the decision has already been made to source local food. This toolkit also does not provide information about how to do publicity and promotion of local food programs. Publicity and promotion can be as individual as the people involved in the programs and there are many resources available for these activities. What this toolkit covers are the nuts and bolts of establishing a legal and workable process for local food procurement with community involvement and support.

## Adapt This Toolkit!

We really mean it – everything in here is open-source, publicly available material. You are under no obligation to use it exactly as it appears here. Make any adaptations you need in order to make it work for your situation. You do not need to ask anyone's permission to adapt and use these materials.

# Steps to a Local Food Procurement Program

## Determine what procurement procedures are required

If your food service is not subject to USDA-FNS Child and Adult Nutrition Program rules, you can use this Toolkit and adapt it to any other types of guidelines you have for your food service.

The USDA Food and Nutrition Service (USDA-FNS) has procurement requirements that must be met when Child and Adult Nutrition Programs, such as schools or child care providers, are sourcing local foods. Some aspects of procurement, such as dollar thresholds or food licensing requirements, may be different at the state or local level than the federal level. The most-restrictive requirements must be followed when there are differences between federal, state, and local laws.

Non-governmental organizations in Minnesota are not subject to the Minnesota municipal contracting requirements shown below.

1. If you are subject to USDA-FNS requirements, refer to USDA-FNS’s Decision Tree to determine if your purchase should follow informal or formal procurement based on USDA-FNS requirements.<sup>1</sup>
2. Minnesota’s Municipal Contracting Law<sup>2</sup> sets different dollar thresholds than the USDA. Minnesota school districts or other governmental units must follow these dollar limits to determine which purchasing procedure to use.

### Micro-Purchases under USDA-FNS Rules

Food services subject to USDA-FNS Child and Adult Nutrition Program rules can make some local purchases without getting multiple quotes, using the “micro-purchase” method. This can be used for purchases under \$3,500 that have a specific rationale. You cannot split up larger purchases arbitrarily to have them come under the \$3,500 threshold. Micro-purchasing is intended for use in special circumstances only. Routine procurement of local foods, even in amounts less than the \$3,500 threshold, should be done using informal procurement procedures.

Make sure you understand the rules for micro-purchases if you want to use this option. It will not be covered further in this document.

See: Conell, Christina, ed. Procuring Local Foods for Child Nutrition Programs. USDA-FNS. August 2015. [https://www.fns.usda.gov/sites/default/files/f2s/F2S\\_Procuring\\_Local\\_Foods\\_Child\\_Nutrition\\_Prog\\_Guide.pdf](https://www.fns.usda.gov/sites/default/files/f2s/F2S_Procuring_Local_Foods_Child_Nutrition_Prog_Guide.pdf). Pages 40-41.]

Dollar amount of purchase in MN	USDA-FNS Purchasing procedure	Minnesota municipal contracting requirement
\$25,000 or less	Informal procurement; obtain three quotes	Obtain at least two quotes so far as practicable
\$25,001 to \$100,000	Informal procurement; obtain three quotes	Request bids or quotes; obtain at least two bids or quotes; public notice not required
>\$100,000 to \$150,000	Informal procurement; obtain three quotes	Provide public notice of request for sealed bids
>\$150,000	Formal procurement; provide public notice of request for sealed bids	Provide public notice of request for sealed bids

<sup>1</sup>Decision Tree: How will you bring local foods into the cafeteria with your next food purchase? USDA-FNS. [https://www.fns.usda.gov/sites/default/files/f2s/FactSheet\\_Decision\\_Tree.pdf](https://www.fns.usda.gov/sites/default/files/f2s/FactSheet_Decision_Tree.pdf)

<sup>2</sup>Uniform Municipal Contracting Law. Minnesota Statutes chapter 471.345. <https://www.revisor.leg.state.mn.us/statutes?id=471.345>

Although Minnesota municipal contracting under \$100,000 requires obtaining a minimum of two quotes from different suppliers, the USDA-FNS Child and Adult Nutrition Program rules require a minimum of three quotes for each product<sup>3</sup>, and that is what you should follow if your program is subject to those rules.

If you are subject to the USDA-FNS procurement requirements and your purchase amounts go over the limit for informal procurement, you will need to pursue a formal procurement process. The formal procurement process is beyond the scope of this publication. See *Procuring Local Foods for Child Nutrition Programs*, cited below, for more information.

**Example 1:** You operate a school food service using federal funds at a privately-owned school. You are subject to USDA-FNS requirements, but not subject to Minnesota's Municipal Contracting Law. Purchases up to \$150,000 can be done with informal procurement procedures.

**Example 2:** You are a city government that operates an adult day care program using federal funds. You are subject to both USDA-FNS requirements and Minnesota Municipal Contracting Law. Purchases up to \$100,000 can be done with informal procurement procedures.

**Example 3:** You operate a food service in a hospital that is owned by a non-profit organization. You are not subject to either USDA-FNS requirements or Minnesota Municipal Contracting Law. Your procurement process requirements are set by your organization's management team or board of directors.

## What is Required for the USDA-FNS Informal Procurement Process?

### Documentation!

Recordkeeping is essential when using either the informal or formal procurement method. Although issuing a written solicitation is not required when using the small-purchase procedures, it is important to write down specifications to ensure each potential vendor receives the same information.

With all bids, proposals and solicitation documents, recordkeeping ensures that communication with vendors is documented, regardless of how the communication took place (e.g. in person, via email, or over the phone). Some schools may operate completely via email and create an email folder with each offer. Others may prefer hard copies and keep physical files of all specifications and solicitations.

Keep information for each procurement together in one place for easy reference.

Schools must document each stage of the evaluation process and who conducted the evaluation. Although schools may not always be asked to justify their evaluation and awarding of a contract by providing documentation, they must still keep records showing their objective evaluation criteria and selection process. If a vendor protests the awarding of a contract, the school should be prepared to respond with this information within thirty days. Schools must be able to document how their procurement procedures meet procurement requirements during a state agency oversight review of procurement activities.

This text box is an excerpt from Conell, Christina, ed. *Procuring Local Foods for Child Nutrition Programs*. USDA-FNS. August 2015. [https://www.fns.usda.gov/sites/default/files/f2s/F2S\\_Procuring\\_Local\\_Foods\\_Child\\_Nutrition\\_Prog\\_Guide.pdf](https://www.fns.usda.gov/sites/default/files/f2s/F2S_Procuring_Local_Foods_Child_Nutrition_Prog_Guide.pdf). Pages 47 & 48.

<sup>3</sup> Conell, Christina, ed. *Procuring Local Foods for Child Nutrition Programs*. USDA-FNS. August 2015. [https://www.fns.usda.gov/sites/default/files/f2s/F2S\\_Procuring\\_Local\\_Foods\\_Child\\_Nutrition\\_Prog\\_Guide.pdf](https://www.fns.usda.gov/sites/default/files/f2s/F2S_Procuring_Local_Foods_Child_Nutrition_Prog_Guide.pdf)



# Establish a Procurement Committee

The procurement committee serves as the advisory committee for your local food program. The procurement committee should consist of people willing to help adapt a Request for Quotes (RFQ) to your institution's needs, to assist with making connections to farmer groups, and to be advocates for the program within the institution and within the community.

The procurement committee will review, discuss, and score the quotes received from farmers.

The procurement committee should include representatives from your organization as well as other stakeholders and members of the community. Potential sources of committee members:

- Board of directors of your organization
- Administration staff
- Food service staff
- Local and regional public health staff

## **Request for Quotes Document is Not Required by USDA-FNS for Informal Procurement Process**

Sending out a Request for Quotes is not required by USDA-FNS for Child and Adult Nutrition Programs. However, the Request for Quotes can be a useful tool for local food procurement:

- Allows community involvement in deciding product specifications
- Describes product specifications for good communication with farmers
- Gives farmers an opportunity to provide information about their products
- Saves time spent tracking down individual farmers
- Provides a system for documentation of information required for the USDA-FNS informal procurement process.

- Statewide Health Improvement Partnership (SHIP) staff
- Your institution's food inspector
- Clients or consumers of food at your institution
- U of MN Extension educators
- Local food distributors or food hubs
- Local farm organizations. In some cases, statewide organizations have local chapters and you can contact the state-level office to obtain local contact information.
  - o Farmers' markets, [www.mfma.org](http://www.mfma.org)
  - o Farmer cooperatives
  - o Sustainable Farming Association, [www.sfa-mn.org](http://www.sfa-mn.org)
  - o Minnesota Farm Bureau, [www.fbm.org](http://www.fbm.org)
  - o Minnesota Farmers Union, [www.mfu.org](http://www.mfu.org)
  - o Minnesota Cattlemen's Association, [www.mnsca.org](http://www.mnsca.org)

# Develop Draft Menus

Menu development should begin very early in your process. Having an idea of what foods you want to serve will help you create an RFQ that brings in quotes for the types of foods your program can really use. It will help avoid wasted effort in asking for information about food types you are not likely to use.

You can use the sample menu spreadsheet in Appendix A as the basis to start your menu planning:

[http://misadocuments.info/AppendixA\\_LocalFood\\_Menu\\_Example.xlsx](http://misadocuments.info/AppendixA_LocalFood_Menu_Example.xlsx)

- Consult with the farmer members of your procurement committee to get an idea of what kinds of products are available locally, and roughly their season of availability.
- Include the food service staff in the menu-drafting process. Find out from the food service staff:
  - o which locally-available products they are familiar with
  - o which products they are interested in trying

## Help to plan a Farm to School Program AND Help to purchase equipment

Schools and childcare providers can apply for grants from the Minnesota AGRI Farm-to-School fund: <http://www.mda.state.mn.us/grants/grants/mnfarmtoschool.aspx>

- Planning grants can be used to develop menus and local food procurement plans.
- Equipment grants can be used to purchase the kitchen and cafeteria equipment needed to prepare and serve local foods.

- o what equipment is available to accept and prepare local foods
- o budget and labor time available
- o what skills the foodservice staff have in preparing or accepting local foods
- o Will the food safety/HACCP plan need to be updated?
- Create a draft menu for every local food meal you intend to offer during the period covered by your procurement process. You can change your draft as much as you need to later on.

Notice that the draft menus often contain a mix of locally-sourced and non-local foods. That's okay. A 100% local food meal may be a goal, but it's something to work toward and not necessarily something you should expect to achieve every time. This is Minnesota, after all – seasonality happens! Starting small is okay.

# Adapt the sample Request for Quotes (RFQ) to your needs

The RFQ is a document that describes your program and provides farmers with information about what you want to purchase locally. It provides the farmers with a way to respond with information about their products and pricing. It provides you with documentation of your procurement process. The RFQ is a useful document, but it is not required under USDA-FNS informal procurement rules (see sidebar, page 7.)

Schedule a meeting of the Procurement Committee at least two weeks before you intend to distribute the RFQ.

Use the sample RFQ provided in Appendix A of this toolkit as the basis for this meeting. Download it here: [http://misadocuments.info/AppendixA\\_LocalFood\\_Purchasing\\_RFQ.docx](http://misadocuments.info/AppendixA_LocalFood_Purchasing_RFQ.docx)

The committee should go through the sample RFQ and decide on changes needed to customize it to your program's needs and timeline. Areas you will need to change are highlighted in the sample document. While other changes are optional, adaptation is encouraged.

- Page 1A – Change the name to your program's name. Change the due date.
- Page 2A - Change due dates in the timeline chart. Replace names and affiliations of procurement committee members.
- Page 3A - Replace sample text with background information about your program.

## Farmers Only? Maybe Not.

This Toolkit is focused on direct procurement from farmers and uses the term “farmer” throughout, but there may be other options for sourcing local food.

In some Minnesota communities there are food hubs that aggregate farmers’ products into larger batches for sale to schools, hospitals, grocery stores, etc.

Some communities have farmers who supply produce to larger distributors, and there are options for ordering local produce from those distributors.

Work with your procurement committee to decide if you will make the RFQ available to these intermediaries and accept quotes from them. In the informal procurement process, you are allowed to choose whom you ask for quotes.

*(Note: In a formal procurement process under USDA-FNS rules, you cannot choose who receives or responds to the RFQ and the bidding process must be open to all potential suppliers. Seek more information about USDA-FNS requirements if you must use a formal procurement process. See: Conell, Christina, ed. Procuring Local Foods for Child Nutrition Programs. USDA-FNS. August 2015. [https://www.fns.usda.gov/sites/default/files/f2s/F2S\\_Procuring\\_Local\\_Foods\\_Child\\_Nutrition\\_Prog\\_Guide.pdf](https://www.fns.usda.gov/sites/default/files/f2s/F2S_Procuring_Local_Foods_Child_Nutrition_Prog_Guide.pdf))*

- Pages 3A & 4A – Decide whether to keep or alter the six considerations for the program:
    - o Availability of the item in the area
    - o Children’s (or clients’) food preferences
    - o Foods representative of the local food economy
    - o Foods commonly grown in area gardens
    - o Nutrient-dense foods
    - o Versatility of the food item
  - Page 4A – Decide whether to keep or alter the specifications for produce.
    - o See the Sourcing Local Produce and Other Products section in Appendix B for more information about legal requirements for sourcing these products. Download Appendix B here: [http://misadocuments.info/AppendixB\\_LocalFood\\_Sourcing\\_Produce\\_Other.pdf](http://misadocuments.info/AppendixB_LocalFood_Sourcing_Produce_Other.pdf)
    - o Decide on your requirements for on-farm food safety practices. Food safety does not depend on farm size. Small farms and large farms can produce food that is equally safe, but food safety practices may look different between farms. For instance, Good Agricultural Practices (GAPs) certification is a voluntary food safety verification program, but few small farms have it because of the cost.
- Some produce farms are subject to the “Produce Rule” under the Food Safety Modernization Act, and some farms are exempt. Figuring out which is which can be very tricky<sup>4</sup>. Requiring FSMA documentation from all farms might limit competition for contracts by exempt farms.
- You can set requirements to assure food safety, so long as those requirements do not unreasonably exclude some farms from supplying local product<sup>5</sup>. It is okay to specify some FSMA-based food safety practices as criteria in the RFQ. Recommended practices for all produce farms:
- Written on-farm food safety plan
  - Handwashing station(s) in field and produce packing areas; clean and stocked restroom facilities
  - Employees or volunteers trained on hygiene and food safety
  - Well water tested annually
  - Harvest tools, totes, and equipment regularly cleaned and sanitized
  - Measures to limit domestic or wild animals in the produce fields and packing areas
- On-farm food safety plan development information for farmers: <http://safety.cfans.umn.edu/>
- Training materials for farm employees or volunteers: Pack Shed Rules, <https://www.misa.umn.edu/publications/packshedrules>

<sup>4</sup> Food Safety Modernization Act – Produce Safety Rule, 21 Code of Federal Regulations 112. <https://www.federalregister.gov/documents/2015/11/27/2015-28159/standards-for-the-growing-harvesting-packing-and-holding-of-produce-for-human-consumption#p-2070>

<sup>5</sup> Conell, Christina, ed. Procuring Local Foods for Child Nutrition Programs. USDA-FNS. August 2015. [https://www.fns.usda.gov/sites/default/files/f2s/F2S\\_Procuring\\_Local\\_Foods\\_Child\\_Nutrition\\_Prog\\_Guide.pdf](https://www.fns.usda.gov/sites/default/files/f2s/F2S_Procuring_Local_Foods_Child_Nutrition_Prog_Guide.pdf). Full and Open Competition, p. 34.

- Pages 5A & 6A – Do not change the requirements for meat. All meat purchased by a food facility must be slaughtered and processed under inspection. In Minnesota, inspected slaughter and processing is offered at USDA plants and at Minnesota Equal-To plants.

- o See the Sourcing Local Meat & Eggs section in Appendix C for more information about legal requirements for sourcing meat. Download Appendix C here: [http://misadocuments.info/AppendixC\\_LocalFood\\_Sourcing\\_Local\\_Meat\\_Eggs.pdf](http://misadocuments.info/AppendixC_LocalFood_Sourcing_Local_Meat_Eggs.pdf)
- o Update the list of Minnesota Equal-To plants, because it changes over time. The current list can be found on the Minnesota Department of Agriculture website, and you can copy and paste it from there: <http://www.mda.state.mn.us/licensing/inspections/meatpoultryegg/state-inspection/equal2plants.aspx>

You only need to list the Equal-To plants that Slaughter & Process. Processing-only plants do not take in live animals from farmers.

- Pages 6A & 7A – Do not change the requirements for eggs.

- o See the Sourcing Local Meat & Eggs section in Appendix C for more information about legal requirements for sourcing eggs. [http://misadocuments.info/AppendixC\\_LocalFood\\_Sourcing\\_Local\\_Meat\\_Eggs.pdf](http://misadocuments.info/AppendixC_LocalFood_Sourcing_Local_Meat_Eggs.pdf)

- Pages 8A & 9A – Decide whether to keep or alter the scoring used to award points to quotes from farmers.

- o If you are a school district or other nutrition program subject to USDA-FNS procurement rules, consider whether to keep the “Meets Geographic Specification” scoring item #2.

If you are seeking to procure products with multiple ingredients or processing that doesn’t allow use of geographic preference, you should remove the “Meets Geographic Preference” scoring item.

See Appendix B and Appendix C for more information about products that do or do not qualify for USDA-FNS geographic preference.

Appendix B: [http://misadocuments.info/AppendixB\\_LocalFood\\_Sourcing\\_Produce\\_Other.pdf](http://misadocuments.info/AppendixB_LocalFood_Sourcing_Produce_Other.pdf)

Appendix C: [http://misadocuments.info/AppendixC\\_LocalFood\\_Sourcing\\_Local\\_Meat\\_Eggs.pdf](http://misadocuments.info/AppendixC_LocalFood_Sourcing_Local_Meat_Eggs.pdf)

- You can still procure these processed or multi-ingredient products locally under USDA-FNS informal procurement rules, by targeting only local suppliers with your request for quotes<sup>6</sup>.
  - o Decide whether to include production system attributes for produce in scoring category #5.
  - o Decide whether to include production system attributes for livestock in scoring category #5.
- Do not put a “No Hormones” option in the Pork/Poultry/Rabbit column for meat production practices. Growth hormone use is not allowed in any pork or poultry raised for meat in the United States. Farmers are not permitted to claim “no hormones” in the marketing of their pork or poultry products. That claim is considered deceptive and disparaging toward other pork and poultry because it falsely implies that other pork or poultry may be produced using hormones.

### Balance Choices of Production System Attributes with Requirements for Fair and Open Competition

USDA-FNS rules allow consideration of fruit and vegetable production system attributes; for example, no pesticide use, Integrated Pest Management (IPM), and hand-harvesting. Similar consideration of livestock production system attributes is allowed. These considerations can help you target the local farmers you want to reach.

However, specification of production system attributes must avoid unduly restricting competition among farmers. If your criteria for production system attributes are so limiting that you cannot obtain at least three quotes from different farmers, you may need to drop some of the production system attributes, or reduce how much they contribute to the total score, in order to open up the opportunity to a big enough pool of local farmers.

Conell, Christina, ed. *Procuring Local Foods for Child Nutrition Programs*. USDA-FNS. August 2015. [https://www.fns.usda.gov/sites/default/files/f2s/F2S\\_Procuring\\_Local\\_Foods\\_Child\\_Nutrition\\_Prog\\_Guide.pdf](https://www.fns.usda.gov/sites/default/files/f2s/F2S_Procuring_Local_Foods_Child_Nutrition_Prog_Guide.pdf)). Full and Open Competition, p. 34. Product Specifications and Technical Requirements that Target Local Products, p. 54.

<sup>6</sup> Conell, Christina, ed. *Procuring Local Foods for Child Nutrition Programs* USDA-FNS. August 2015. [https://www.fns.usda.gov/sites/default/files/f2s/F2S\\_Procuring\\_Local\\_Foods\\_Child\\_Nutrition\\_Prog\\_Guide.pdf](https://www.fns.usda.gov/sites/default/files/f2s/F2S_Procuring_Local_Foods_Child_Nutrition_Prog_Guide.pdf). Page 44, “Approaching Only Local Sources.”

- Page 10A – Adjust the warnings against collusion as needed, and change wording to refer to your program.
- Page 11A – Adjust contract terms as needed, and change wording to refer to your program.
- Pages 12A – 16A – Adjust the chart of requested products to meet the needs of your program. Use the draft menus you created with the food service staff, and request product types that fit into those menus. The Aitkin School District based their RFQ on the quantities needed to serve approximately 600 local food meals, once per month, to K-6th grade students.
  - o See the USDA's Child Nutrition Program Food Buying Guide<sup>7</sup> for information about quantities of raw product needed to produce serving-ready quantities.
- o Consider including information about your willingness to accept “seconds.” Often, farmers have fruits or vegetables that are perfectly edible and wholesome; but either too small, too large, or with minor flaws that make them difficult to sell at retail. If the fruits and vegetables will be served peeled and sliced, or cooked and mashed, you can both save money and give the farmers a market for their seconds by accepting these cosmetically imperfect items.<sup>8</sup>
- Page 17A – Change the information about where and when to submit the application.

## Issue and Advertise your RFQ

Using the connections of people on your Procurement Committee and direct connections with farmer groups, get the RFQ distributed out to farmers in your area. The RFQ should be issued at least two weeks before the due date. Advertising the RFQ can happen in advance of issuing the

RFQ. It's a good idea to communicate with farmer groups during the RFQ revision process and keep farmer groups updated about the process, so that people are aware of the program and prepared to fill out the RFQ as soon as they get it.

## Answer farmers' questions about your RFQ

The RFQ should identify a designated person who will be available to answer farmers' questions in between the time the RFQ is issued and the deadline for questions. If you are in an area where there have not been similar projects in the past, you should expect to answer a lot of basic questions about the concept and the contractual obligations.

Common questions from farmers:

- What happens if I have crop failure and can't deliver on my contract?

*You could set a deadline for notification of crop failure and cancel the contract if it can't be filled, or find other local farmers to supply the product and require the contracted farmer to pay any difference in price.*

- What happens if I don't have my product ready at the specified time?

*You could set a deadline for notification and then cancel the contract if it can't be filled on time, or change the date of the local food meal, or find other local farmers to supply the product and require the contracted farmer to pay any difference in price.*

- How should I set my price?

*Resources are available to help farmers figure out their pricing. Some resources you could refer them to:*

- Marketing Local Food. [www.misa.umn.edu/publications](http://www.misa.umn.edu/publications)
- Extension enterprise budgets (from Iowa State University). [www.extension.iastate.edu/agdm/](http://www.extension.iastate.edu/agdm/)

<sup>7</sup> Food Buying Guide for School Meal Programs. USDA-FNS. <http://www.fns.usda.gov/tn/food-buying-guide-school-meal-programs>

<sup>8</sup> Berkenkamp, J. 2016. *Beyond Beauty: The Opportunities and Challenges of Cosmetically Imperfect Produce*. National Good Food Network, Wallace Center, Winrock International. <http://ngfn.org/resources/ngfn-cluster-calls/beyond-beauty>

crops/html/a1-17.html

- USDA-Agricultural Marketing Service price reports.  
[www.ams.usda.gov/market-news](http://www.ams.usda.gov/market-news)
- Fearless Farm Finances. Midwest Organic and Sustainable Education Service (MOSES). [www.mosesorganic.org](http://www.mosesorganic.org)
- How can I demonstrate that I'm a good supplier if I haven't had a contract before?

*You could allow farmers to submit evidence of other types of contracts fulfilled, or submit references from other buyers, or ask them to describe their operation and how they will ensure they can fulfill the contract.*

- What are the regulations for selling my product?

*Refer farmers to the Local Food Sales Resources on the Minnesota Institute for Sustainable Agriculture website: <http://www.misa.umn.edu/resources/local-food-sales-resources>*

## Receive quotes back from farmers

You may have quotes coming back via mail, email, and dropped off in person. Establish a system for recording receipt of quotes and have a secure place for storing them until it is time for scoring.

Download the Appendix D spreadsheet: Record of Quotes [http://misadocuments.info/AppendixD\\_LocalFood\\_record\\_quotes.xlsx](http://misadocuments.info/AppendixD_LocalFood_record_quotes.xlsx)

Delete the example information from the spreadsheet and change column headings as needed for your program. As you receive quotes, enter information from them into this spreadsheet. Note there are separate tabs for Meat, Fruit & Veggies, and Other Products. You can put all product types on a single tab if you prefer. You will use this spreadsheet during the scoring of quotes, to keep track of which farms offered to supply which product types.

Because the production system attributes are complex, you might find it helpful to enter that data from quotes into a separate spreadsheet for ease of scoring:

Download the Appendix D spreadsheet: Production System Attributes [http://misadocuments.info/AppendixD\\_LocalFood\\_production\\_system\\_attributes.xlsx](http://misadocuments.info/AppendixD_LocalFood_production_system_attributes.xlsx)

Delete the example information and change column headings as needed for your program. Enter all the farms into this spreadsheet, and mark the production practices they claimed. Note that there are separate tabs labeled for Produce, Ruminants (beef, goat, lamb, bison, deer, elk) and PoultryPorkRabbit. Ruminant and non-ruminant production practices are different, and it may get confusing to try to put all livestock practices on one worksheet – especially if one farm submits information about both ruminant and non-ruminant meats.

## Hold Procurement Committee Meeting to Discuss and Score Quotes

The school districts that developed this RFQ process chose to make it very open and transparent, and the public – including all farmers who submitted quotes – were invited to attend and observe the committee's work. Complete transparency of process had the advantage that farmers who were not selected understood the reasons why they were not. Feedback about the process and individuals' applications is valuable for learning and could help potential vendors succeed with an application in future procurement rounds. If you choose to have a closed-door process, consider providing written feedback to farmers who were not selected.

### Prepare for the Scoring of Quotes

For each product type that you will be scoring, create a worksheet that shows the farmers who offered to supply it.

- Use your Record of Farmer Quotes spreadsheet to find the information about which farmers can supply which product.
- Create a worksheet for each product type using the template in the "Informal Procurement Log Example": [http://misadocuments.info/AppendixD\\_Informal\\_Procurement\\_Log\\_Example.docx](http://misadocuments.info/AppendixD_Informal_Procurement_Log_Example.docx)

This Informal Procurement Log will serve as your documentation that your program obtained at least three quotes for purchasing each type of local product.

Put as much information as you can in the “Discussion” column of the Informal Procurement Log. The information provided on the Informal Procurement Log should match, as much as possible, the Procurement Categories and Points Criteria.

Revise language in the following Appendix D documents so that it is specific to your program:

- Procurement Categories and Points Criteria  
[http://misadocuments.info/AppendixD\\_LocalFood\\_procurement\\_categories\\_points\\_criteria.docx](http://misadocuments.info/AppendixD_LocalFood_procurement_categories_points_criteria.docx)
- Product Procurement Scoring Sheet  
[http://misadocuments.info/AppendixD\\_LocalFood\\_product\\_procurement\\_scoring\\_sheet.docx](http://misadocuments.info/AppendixD_LocalFood_product_procurement_scoring_sheet.docx)

## At the appointed day and time for the procurement committee meeting

- Provide each committee member with:
  - One copy of Procurement Categories and Points Criteria.
  - A complete set of Informal Procurement Log worksheets, one sheet for each product type, already filled out with information about the farmers who offered to supply the product. These are for the convenience of the committee members and can be recycled after the meeting.
  - One copy of the Production System Attributes spreadsheet, including all tabs.
  - Product Procurement Scoring Sheets: one for each product type under consideration.
- Bring an additional complete set of Informal Procurement Log worksheets. These will be your official set of Informal Procurement Logs that you will keep on file. As contracts are awarded for each product type, mark the scores and awardee on this set of official Logs.

### Scoring Meeting is Not Required by USDA-FNS for Informal Procurement Process.

This particular scoring process is not a requirement under the USDA-FNS informal procurement process.

The scoring process described in this Toolkit is an example that you may choose to use to facilitate community involvement and support for the program, provide documentation of your procurement practices, and ensure fairness and transparency in the awarding of contracts.

See the sidebar on page 6, “**What is Required for the USDA-FNS Informal Procurement Process?**”

- Have supplemental information handy:
  - The farmers’ applications: in case there are questions about items, such as their past performance on contracts or their use of approved meat processors.
  - The spreadsheet record of farmers’ applications: for cross-checking if there’s a discrepancy in other paperwork.
- Have a whiteboard or flip-chart and markers, for quick compiling and averaging of scores.

## Score Product Types

Here’s how the Aitkin Public Schools process worked. Adapt this to fit your own needs and preferences.

- Announce a product type. Each committee member finds their Informal Procurement Log sheet for that product type.
- Committee members also refer to their copy of the Production System Attributes spreadsheet. Each committee member takes a Product Procurement Scoring Sheet and fills it in for the product under consideration. There is space to score three farms on each Product Procurement Scoring Sheet.
- Use a whiteboard or a flip chart to quickly tally scores from each committee member and calculate averages.
- Discuss the scores and the farms, and award the contract for the product.
- Mark the chosen farmer on the official Informal Procurement Log for that product.
- Move on to the next product type and repeat the scoring process.

# Meet with food service staff to establish viable menus based on awarded contracts

Go back through the draft menus and make adjustments based on availability of product. You might find that seasonal availability is different than you anticipated, and you'll need to adjust the timing of certain meals.

You might find there are more opportunities to use local products than you originally thought. For instance, sometimes the first monthly local meal is such a success that more local meals per month are added to the schedule. In

some cases, it might be possible to accept more than one of the quotes for the product (e.g. if the farmer awarded the first contract doesn't have enough product to fill the additional demand).

If you are subject to USDA-FNS Child and Adult Nutrition Program rules, however, you will need to ensure that at least three farmers have the opportunity to compete for any additional opportunities to supply local product.

# Have conversation with produce farmers about their on-farm food safety practices and delivery expectations

On the RFQ, farmers supplying produce were asked to describe their on-farm food safety practices. On-farm food safety has a lot of nuances, though, and it is really beneficial to have a conversation with farmers about how they operate. Different farmers can take different approaches to the same goal of protecting food safety, and talking through it can help both farmers and food service staff understand each other better.

Consider facilitating a meeting or conference call between farmers selected for produce contracts and the food service staff, before contracts are sent out.

Ask farmers to describe their on-farm food safety practices in more detail, using the list of practices from page 20A

**Facilitated conversation between farmers and food service staff is not required by USDA-FNS.**

Following up the awarding of contracts with a conversation between farmers and food service staff is not required for Child and Adult Nutrition Programs, but it's a helpful tool for building good communication and relieving anxiety for both buyers and sellers.

of the RFQ as a conversation starter. Give food service staff an opportunity to ask questions of the farmers.

This is also a good time to discuss delivery expectations. Simple things can make a big difference in how smoothly the deliveries take place. Farmers need to know:

- What door to come to
- Whether to call ahead
- What hours someone is available to take delivery
- Preferred packaging
- Emailed or printed invoice preferred



# Send contracts and sample forms to farmers

## Contracts and W-9 Forms

Download the sample contract form in Appendix E:

[http://misadocuments.info/AppendixE\\_LocalFood\\_Sample\\_Contract.docx](http://misadocuments.info/AppendixE_LocalFood_Sample_Contract.docx)

Download the W-9 form from Appendix E:

[http://misadocuments.info/AppendixE\\_LocalFood\\_fw9.pdf](http://misadocuments.info/AppendixE_LocalFood_fw9.pdf)

Adapt the contract with wording, names, logos, etc. for your program.

Fill in a contract form with the information for each contract awarded. Send the contract forms and W-9 forms to the farmers, with a request for them to complete and return the forms by a chosen date.

When signed contracts are received from the farmers, file those along with your Informal Procurement Logs. The farmers' completed W-9 forms should be provided to the person or entity who will make payments to farmers.

### Written, Signed Contracts are Not Required by USDA-FNS for Informal Procurement Process

As with the RFQ, the written contract with farmers is not a requirement under the USDA-FNS informal procurement process.

However, contracts are a useful tool for good communication with farmers and ensuring timely delivery of product. Even if a signed contract is not required and not strictly enforceable, having both farmers and buyers put their signature on a form typically causes both sides to pay close attention to delivery dates and requirements.

See the sidebar on page 6, "**What is Required for the USDA-FNS Informal Procurement Process?**"

At this point you can make a public announcement about contracts awarded.

## Letterhead and invoice samples for farmers

Some of the farmers involved in your program may have little prior experience with invoicing and delivery of product. If their previous sales experience has been as a farmers' market vendor, for instance, their transactions have been face-to-face with customers and cash-based.

Appendix E includes an example invoice on farm letterhead, and instructions on how to create letterhead with a word processing program. You can

download these documents and provide them as examples to any farmers who have questions about invoicing.

[http://misadocuments.info/AppendixE\\_LocalFood\\_Sample\\_Invoice\\_Letterhead.docx](http://misadocuments.info/AppendixE_LocalFood_Sample_Invoice_Letterhead.docx)

# Monitor deliveries and deal with any issues

Inevitably, issues will arise. Most farmers will make a good faith effort to meet their obligations, but farmers may encounter problems; for example, crop failures, delayed ripening of a crop, or insect or hail damage. Livestock farmers may have trouble getting processing scheduled because butchers are often booked far in advance.

Flexibility on all sides will be helpful. Some options for dealing with delays, crop failures, and scheduling problems include:

- Delay a planned local meal by a week or two
- Contact some different farmers to see if they can make up a shortfall in product
- Swap a planned local food menu with a different planned local food menu
- Supplement with non-local product

Have a plan in place to deal with contract performance issues:

- Intentional breaking of contract by the farmer
- Poor quality of delivered product
- Required standards are not met

Meat deliveries require particular monitoring. All meat packages must have the USDA or Minnesota Equal-To inspection symbol. A good practice is to take photos of the package labels to verify the presence of the inspection symbol. In Minnesota, any meat delivered without the inspection symbol on the package is not an approved source and must be rejected.

For more information on meat deliveries, see Appendix C: Sourcing Local Meat and Eggs. [http://misadocuments.info/AppendixC\\_LocalFood\\_Sourcing\\_Local\\_Meat\\_Eggs.pdf](http://misadocuments.info/AppendixC_LocalFood_Sourcing_Local_Meat_Eggs.pdf)

# Document and celebrate success

School boards and other organization administrators want to know if the extra money and effort they have approved for local food procurement is worthwhile. Starting early to collect benchmark data and documenting the program as it unfolds can be useful activities for building a long-term program with strong support.

## Some types of data to collect

- Number of students or clients choosing to eat the local lunch
- Number of staff choosing to eat the local lunch
- Other income from the local lunch (e.g. community members paying the adult meal price to eat a local lunch at a school)
- Plate waste
- Surveys of eater satisfaction with the meal
- Cost of the meal
- Volunteer hours associated with sourcing and preparing local food
- Grant funds received
- Dollars returned to the local economy through payment to farmers for local food

### **Documentation of Local Food Program Activities Other Than Procurement is Not Required by USDA-FNS.**

The USDA-FNS Child Nutrition Program rules do not require local food meal programs to document number of students or staff served, or other factors such as eater satisfaction. Organizations may choose to document those types of items in order to inform administrators and community members of program outcomes.

See the sidebar on page 6, “**What is Required for the USDA-FNS Informal Procurement Process?**”

See Appendix F for an example of some data collected early in the Rippleside Elementary Farm2School program in Aitkin, MN: [http://misadocuments.info/AppendixF\\_Farm\\_to\\_School\\_data.pdf](http://misadocuments.info/AppendixF_Farm_to_School_data.pdf)

## Share the story with your community

- Present the data and ask farmers, parents, and other advocates to attend and speak to their experiences with the program.
- Make a video.
- Show a PowerPoint.
- Put up posters and hand out brochures.
- Write an article for the local paper.
- Perform an interpretive dance (Just kidding. Unless you want to, of course.)

Congratulate and thank all involved!

Go back and start the procurement process again for your next round of local meals.

# Farm2School

## REQUEST FOR QUOTES FOR THE 2016-2017 FARM2SCHOOL LUNCH PROGRAM

RIPPLESIDE ELEMENTARY SCHOOL ISD#1

225 2nd Ave SW,  
Aitkin, MN. 56431

**FARM FRESH GROWN FOOD**

PROPOSALS DUE:

NOT LATER THAN 1:00 PM, March 18, 2016

LATE PROPOSALS WILL NOT BE ACCEPTED

# 1 OVERVIEW

## 1.1 INTRODUCTION

Rippleside Elementary School [RES] seeks proposals from farmers and ranchers for food as part of the Farm2School Lunch Program.

## 1.2 TERM OF CONTRACT

The contract term shall be the 2016-2017 school year with products being procured for the once a month Farm2School Lunch Program [F2S]. Months include September through May.

## 1.3 CONTRACT PROVISIONS & TIMELINES

Proposers are advised to read and become familiar with RES's standard terms and conditions provided in section 5.

### TIMELINES

ACTIVITY	DATE
Issue and Advertise RFQ	3/7/2016
Deadline for Questions	3/14/2016
Proposals Due	3/18/2016
Procurement Committee Meeting	3/24/2016
Anticipated Contract Award	3/30/2016

NOTE: RES reserves the right to deviate from this schedule.

## 1.4 PROCUREMENT COMMITTEE MEMBERS

Amy M. Wyant	Healthy Northland, Aitkin County Public Health
Jesse Peterson	Principal, Rippleside Elementary School, ISD#1
Kevin Hoge	School Board Member, ISD#1
Michelle Leitinger	Aitkin County Environmental Services
Wanda Blakesley	Head Cook, Rippleside Elementary School, ISD#1

## 2 SCOPE OF WORK

### 2.1 STATEMENT OF WORK

The selected Contractors/Farmers/Ranchers will provide and deliver Farm Fresh Produce and Meat. Individual product specifications are listed on Attachment D, Cost Proposal.

RES began implementing the Farm2School Lunch Program in September 2015. The program provides lunch once a month which introduces farm fresh grown food to students. The Farm2School Lunch Program promotes healthy eating habits, supports neighboring small and mid-sized farmers and help builds the local economy, The program offers important learning opportunities for students, staff and guests. The school cafeteria is a model for health, wellness and food system sustainability. At RES, the cafeteria is viewed as a learning laboratory to introduce students to locally sourced food. RES is interested in purchasing products from farmers whose production practices support environmental sustainability goals, such as, [but not restricted to], reduced use or elimination of chemical pesticides and fertilizers, use of organic fertilizers, fewer transport miles between farm and RES, and environmentally friendly packaging.

Featured RES products will be promoted through the Food Service Department. In addition, RES may choose to provide supplemental educational activities during the Farm2School lunches.

RES used the following in determining which products to feature in the 2016-2017 Farm2School Program.

1. **Availability** of the item in the area where students live such that the featured item is more likely to also be offered outside the school environment.
2. Consideration was given to **children's food preferences** and how much children generally like each item selected for F2S.

3. Foods were selected to represent the **diverse** bio-cultural landscape and food economy in which **RES** is located. Considerations included foods both associated with traditional farming and those that honor the local hunting traditions.
4. To promote **home garden connections**, foods were selected that are also likely to be grown in local gardens.
5. **Nutrient dense** foods were selected.
6. So that kitchens may incorporate the products into a variety of dishes, the **versatility** of the selected item was considered.

### **Product Quality of Produce**

Fresh fruit and vegetables shall be:

- Cool to the touch
- Of reasonably uniform color
- Free from foreign flavor and odor
- Normally developed
- Free from objectionable matter
- Clean and free from foreign material

Fresh fruit and vegetables shall be reasonably free from:

- Extraneous vegetable material
- Stem ends
- Rot
- Damage by insects or disease
- Insect infestation
- Mechanically damaged units
- Moderate amount of bruising
- Fibrous units and stems

## **Food Safety Requirements for Produce**

Farmers shall have a written on-farm food safety plan, which shall address:

- Handwashing in field and packing area
- Health and hygiene training for workers
- Management of manure and compost as fertilizer
- Limiting animals in fields and packing area
- Cleaning of equipment, storage containers, and tools
- Testing of well water

Resource for on-farm food safety plans:

<http://safety.cfans.umn.edu>

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## **Product Quality and Requirements for Meat**

All meat purchased by **Rippleside Elementary School** must be processed at either a Minnesota State “Equal to” plant or a USDA-inspected plant.

## **MN Equal-To Meat Slaughter Facilities: Plants that slaughter and further process**

<b><u>meat only Establishment Name</u></b>	<b><u>Address</u></b>	<b><u>City</u></b>	<b><u>Phone</u></b>
A & M Processing	34825 - 170th Street	Hamburg	(952) 467-3261
Belgrade Meat Center Inc.	408 Washburn Avenue	Belgrade	(320) 254-8287 Blue
Ribbon Quality Meats LLC	7124 Jason Avenue NE	Monticello	(763) 295-2025
Foley Locker Inc.	270 4th Avenue	Foley	(320) 968-7267
Fox Farm Processing	27887 County Road #14	Browerville	(320) 533-1100
French Lake Butcher Shop	17497 Cty Rd 37 NW	South Haven	(320) 286-5345
Hancock Quality Meats	966 - 6th Street	Hancock	(320) 392-3143
Heart O' Lakes Quality Meats	14 Industrial Park Drive	Pelican Rapids	(218) 863-6328
Klinder Processing 1	1515 Klinders Lane NE	Carlos	(320) 852-7742
Lakes Area Cooperative	459 - 3rd Ave SE	Perham	(218) 346-6245
Odenthal Meats	18189 - 320th Street	New Prague	(507) 364-8040
Pep's Pork	29769 325th Avenue	Melrose	(320) 987-3368
Plantenberg Food Pride-Meat	36 Main Street West	Richmond	(320) 597-3620
Ruck's Meat Processing	121 North Willow	Belle Plaine	(952) 873-2848
Schaefers Market Inc.	411 Sinclair Lewis Ave.	Sauk Centre	(320) 352-6490
Schroeders Meats	17425 - 62nd Street	New Germany	(952) 353-2228
Taylor Meats	2930 Highway 25	Watertown	(952) 955-1155
U of M, Meat Science Lab	1354 Eckles Ave. RM 36	St. Paul	(612) 624-9260

## **MN Equal-To Poultry/Rabbit Processors: Plants that slaughter and process poultry only**

Callister Farm	52237 - 170th Avenue	West Concord	(507) 527-8521
Hector Poultry	801 Hwy 212 East	Hector	(320) 848-2622
Nelson Shine	2911 - 145th Avenue	Brainerd	(218) 828-0357
Vernon Center Market	300 Hilltop Street	Vernon Center	(507) 549-3172
Wild Acres Processing Inc.	7443 Wild Acres Road	Pequot Lakes	(218) 568-5748



USDA Processing Plants can be found on the website of the Food Safety and Inspection Service:

<http://www.fsis.usda.gov/wps/portal/fsis/topics/inspection/mpi-directory>

The list is searchable by state. Type “MN” into the box marked “State” to find plants in Minnesota. This list includes very large plants that do not process for individual farmers.

Refer farmers to the “Ask MISA” blog for advice on finding the right MN Equal-to or USDA plant for their needs: <https://askmisa.wordpress.com/2017/01/06/how-can-i-find-a-meat-processor-for-my-livestock/>

### **Product Quality and Requirement of Eggs**

A retail egg license is required if a farmer distributes eggs from other farms, not their own; or has more than 3,000 hens in production. Otherwise, farmers need to register with the MDA using the form found on the next page. Farmers selling eggs from their small flocks need to follow the grading, candling, packing and labeling requirements. This fact sheet lays out the requirements for food facilities accepting locally grown eggs from farmers:

<http://www.mda.state.mn.us/licensing/inspections/~media/Files/food/foodsafety/egg-sales.ashx>



625 Robert St. N., St. Paul, MN 55155-2538  
www.mda.state.mn.us

Dairy and Meat Inspection Division, Ph: 651-201-6300, Fx: 651-201-6116

**Egg Grading and Sales for Small Producers Exempt from Licensing Poultry Slaughter and Sales Direct to Consumers Exemption**

Date of Application:		Establishment E-mail:	
Name of Applicant:			
Address:			
City:		State:	Zip:
Establishment Phone:		Establishment Fax:	

Name / Title	Present Home Address

**Exemption Requested**

I (we) are applying for an exemption to slaughter and process poultry for direct sales to consumers. I (we) understand that we are limited to the number of poultry we can sell and that the poultry products must only be

- Selling less than or equal to 1,000 poultry per calendar year
- Selling between 1,000 and 5,000 poultry per calendar year
- Selling between 5,000 and 20,000 poultry per calendar year
- Candling and grading shell eggs for sales to restaurants, grocery stores, or farmer’s markets.

**Agreement and Certification**

When an exemption is granted by the Minnesota Department of Agriculture to sell eggs without a food handler license, I (we) agree to conform to Minnesota Statutes Section 29 and Minnesota Rules 1520 in regard to the candling, grading and handling of eggs. We have a copy of the appropriate rules and regulations and will strictly adhere to them. I (we) are aware that any violations of state requirements may cancel this exemption.

**Signature and Title of Owner, Partner, or Authorized Officer making this application:**

_____	_____
Applicant’s Signature	Title
_____	_____
Printed Name	Date

**To Be Completed by MDA**

Date Received	_____	_____
	Signature of Area Supervisor	Date

In accordance with the Americans with Disabilities Act, this information is available in alternative forms of communication upon request by calling 651-201-6000. TTY users can call the Minnesota Relay Service at 711. The MDA is an equal opportunity employer and provider.

AG-02433  
5/18/16 Page 5 of 5

Toolkit for Direct Purchasing of Local Food. 2017.  
Appendix A: Request for Quotes. | Download this document:  
[http://misadocuments.info/AppendixA\\_LocalFood\\_Purchasing\\_RFQ.docx](http://misadocuments.info/AppendixA_LocalFood_Purchasing_RFQ.docx)

# 3 PROPOSAL FORMAT, EVALUATION AND SELECTION

3.1 All proposals will be uniform by completing the RFQ. [ATTACHMENT A]

3.2 The proposals shall be evaluated by the Procurement Committee. The Committee will assign scores to each proposal described under the Evaluation Criteria below.

CATEGORY	MAXIMUM SCORE
1. Meets Product Specification	20
2. Meets Geographic Preference	20
3. Experience & Capacity of Proposer/Past Performance	10
4. Cost	40
5. Production system attributes	10
TOTAL POSSIBLE SCORE	100

## 1. **Category:** Meets Product Specification

**Information required:** Meat products – processing receipt from “Equal-To” or USDA plant  
Produce – affirm that product quality specifications can be met  
Produce – provide 1-page summary of on-farm food safety plan

**Evaluation criteria:** Can provide amount and form of product requested

- Can provide 100% of requested amount: 20 points
- Can provide 80% of requested amount: 15 points
- Can provide 60% of requested amount: 10 points

2. **Category:** Meets Geographic Preference

<b>Information required:</b>	Address of farm	
<b>Evaluation criteria:</b>	Farm located within Aitkin County	20 points
	Farm located in bordering county	15 points
	Farm located in Minnesota	10 points

3. **Category:** Experience & Capacity of Proposer/Past Performance

<b>Information required:</b>	2015-2016 successful Farm2School contracts on file	
<b>Evaluation criteria:</b>	Met obligation of past contract	10 points
	Reference(s)/other evidence of past performance	10 points
	New to the Farm2School Program	5 points

4. **Category:** Cost

<b>Information required:</b>	Cost of products offered	
<b>Evaluation criteria:</b>	Lowest bidder:	40 points
	Second lowest bidder:	30 points
	Third lowest bidder:	20 points

5. **Category:** Additional information about production systems

**Information requested:** [from checklist on producer’s application]

Produce production systems	
No pesticide use	
Crop rotation	
Integrated Pest Management	
Organic certification	
Crop diversity	
Pollinator habitat	

Livestock production systems			
RUMINANTS (beef, bison, lamb, goat, deer, elk)			NON-RUMINANTS (pork, poultry, rabbit)
Grass-fed			Free-Range
Rotationally grazed			Cage- or Crate-Free
No grain ration			No grain ration
Non-GMO feed			Non-GMO feed
Pasture-Raised			Pasture-Raised
No antibiotics			No antibiotics
No hormones			

Evaluation criteria:

Category 5 items will be discussed by the procurement Committee and assigned points from 0 to 10.

## 4 PURCHASING REQUIREMENTS

### 4.1 PROPOSAL SUBMISSION

Farmers must submit the proposal electronically or in paper form to:

Amy M. Wyant, RES Farm2School Coordinator

ELECTRONICALLY: amy.wyant@co.aitkin.mn.us

PAPER FORM: Aitkin County Health & Human Services  
204 1st Street NW  
Aitkin, MN 56431

PROPOSALS MUST BE RECEIVED ON OR BEFORE 1 PM ON MARCH 18, 2016.

Note: Proposals will NOT be accepted at Rippleside Elementary School. Proposals are only accepted in paper form at Aitkin County Health & Human Services.

### 4.2 REJECTION OF PROPOSALS

RES reserves the right to reject any or all responses to this RFQ.

### 4.3 CLARIFICATION OF RESPONSES

RES reserves the right to request clarification of any item in a farmer's proposal or to request additional information necessary to properly evaluate a particular proposal.

### 4.4 PUBLICITY

News releases pertaining to the Farm2School Program will share the awarded contracts and profiles of each farm.

### 4.5 COLLUSION

A Proposer submitting a proposal hereby certifies that no employee of RES has a pecuniary interest in this proposal; that the proposal is made in good faith without fraud, collusion or connection of any kind with any other Proposer and that the Proposer is competing solely in its own behalf without connection with, or obligation, to, any undisclosed person or firm.

## 5 CONTRACT TERMS AND CONDITIONS

### 5.1 RIPPLESIDE ELEMENTARY SCHOOL FARM2SCHOOL STANDARD CONTRACT

Farmers awarded a contract will be notified and a Procurement Contract will be drawn up and sent to the Farmer. See ATTACHMENT B for a sample contract. Farmers will have 10 business days to sign and return the contract to Amy M. Wyant at Aitkin County Health & Human Services.

### 5.2 PAYMENT OF INVOICES

Wanda Blakesley will sign each contract and submit for payment to the District Business Office. Copies of the completed contract will be mailed or emailed to the awarded farmers. Farmers will receive payment after the product is delivered per awarded contract.

### 5.3 DELIVERY OF PRODUCT

The 2016-2017 Farm2School Lunches will be on the 3rd Thursday of each month beginning in September and ending in May. Products must be delivered on the Monday of Farm2School Lunch Week to Rippleside Elementary School kitchen. Deliveries shall be made between 7:00 AM and 11:00 AM.

### 5.4 DELAYS

If delivery delays are foreseen:

Rippleside Elementary Food Service must be notified within 24 hours of Contractor's knowledge of such delay. Contractor shall keep the school advised of the status of deliveries. Two failures to meet delivery dates will constitute a breach of contract by Contractor which may subject the Contractor to termination under terms and conditions of the resultant contract, and may further jeopardize future bidding opportunities with Rippleside Elementary. In the event of default by the Contractor of their obligations, Rippleside reserves the right to obtain the required products elsewhere. The Contractor would be responsible for any differences in price for the replacement products.

# ATTACHMENT A

## REQUEST FOR QUOTES

Farm Name: \_\_\_\_\_

Farmer's Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

In which county is your farm located? \_\_\_\_\_

Phone/cell #: \_\_\_\_\_

FAX: \_\_\_\_\_

Email: \_\_\_\_\_

Website: \_\_\_\_\_

### **DIRECTIONS:**

Indicate which product/s you can provide by completing the minimum weight, month and price per pound columns. If hand-writing the information, write legibly.

Some products indicate a minimum weight, others do not. These weights are listed as a guide to determine quantities desired by food service.

Questions regarding the RFQ **must be submitted via email on or before noon on Monday, March 14, 2016** to Amy M. Wyant at [amy.wyant@co.aitkin.mn.us](mailto:amy.wyant@co.aitkin.mn.us).

Questions submitted after the above deadline for questions will not be answered.

# Farm2School



Requested product	Minimum Weight	Which month can you provide the product?	Price per lb.
<b>Meat &amp; Livestock</b>			
Cattle/ground beef	150 lbs.		
Goat	100 lbs.		
Sheep/ground lamb	100 lbs.		
Swine/bacon	90 lbs.		
Swine/Breakfast bulk sausage	25 lbs.		
Swine/ground pork	100 lbs.		
Swine/pork roasts	110 lbs.		
Swine/smoked ham	160 lbs.		
<b>Poultry</b>			
Chicken/whole fryer or broiler	150 lbs.		
Ducks	130 lbs.		
Geese	130 lbs.		
Turkey	130 lbs.		
<b>Game Animals Domesticated</b>			
Bison/ground bison	150 lbs.		
Deer/ground venison	150 lbs.		
Deer/venison sticks	600 sticks		

**Note: Geographic Preference**

For schools and nutrition programs subject to USDA-FNS Child Nutrition Program rules, the highlighted items on this page do not qualify for geographic preference. Your scoring of quotes received for these or similar multi-ingredient or processed items should *not* include points for "Meets Geographic Specification."

See Appendix C for more information:  
[http://misadocuments.info/AppendixC\\_LocalFood\\_Sourcing\\_Local\\_Meat\\_Eggs.docx](http://misadocuments.info/AppendixC_LocalFood_Sourcing_Local_Meat_Eggs.docx)

Requested product	Minimum Weight	Which month can you provide the product?	Price per lb.
-------------------	----------------	--	---------------

**Fresh Produce**

Apples/Chestnut Crab	4 bushels		
Apples/Cortland	4 bushels		
Apples/Fireside	4 bushels		
Apples/Frost Bite	4 bushels		
Apples/Haralred	4 bushels		
Apples/Haralsen	4 bushels		
Apples/HoneyCrisp	4 bushels		
Apples/McIntosh	4 bushels		
Apples/MN 55	4 bushels		
Apples/Sweet 16	4 bushels		
Apples/Sweet Tango	4 bushels		
Apples/Wealthy	4 bushels		
Apples/Zestar	4 bushels		
Beets/Chioggia	20 lbs.		
Beets/Goldens	20 lbs.		
Beets/White	20 lbs.		
Broccoli Florets	15 lbs.		
Cabbage/White	20 lbs.		
Carrots/All colors	25 lbs.		
Celery	20 lbs.		
Corn/Sweet	570 cobs		
Cucumbers	20 lbs.		
Green Beans	48 lbs.		
Kohlrabi	40 lbs.		
Lettuce Green Leaf	30 heads		

<b>Requested product</b>	<b>Minimum Weight</b>	<b>Which month can you provide the product?</b>	<b>Price per lb.</b>
Lettuce/Green Leaf	30 heads		
Lettuce/Red Leaf	30 heads		
Lettuce/Romaine	25 heads		
Melon/Cantaloupe	150 lbs.		
Melon/Honeydew	150 lbs.		
Onions/Red	20 lbs		
Onions/Red Candy	20 lbs		
Onions/Sweet	20 lbs		
Peas/Snap	20 lbs		
Peppers/Bell	20 lbs.		
Pepper/Green	20 lbs.		
Peppers/Orange	20 lbs.		
Peppers/Red	20 lbs.		
Peppers/Yellow	20 lbs.		
Potatoes/Fingerlings	600 units		
Potatoes/Reds	150 lbs.		
Potatoes/Russets	150 lbs.		
Potatoes/Yellow	150 lbs.		
Pumpkins/Cinderella	90 lbs.		
Radish	15 lbs.		
Rhubarb	10 lbs.		
Spinach	20 lbs.		
Squash/Acorn	50 lbs.		
Squash/Buttercup	50 lbs.		
Squash/Butternut	50 lbs.		
Squash/Carnival	50 lbs.		

Squash/Delicata	50 lbs.		
Squash/Hubbard	50 lbs.		
Squash/Summer	50 lbs.		
Squash/Winter	50 lbs.		

Toolkit for Direct Purchasing of Local Food. 2017.

Appendix A: Request for Quotes. | Download this document:

[http://misadocuments.info/AppendixA\\_LocalFood\\_Purchasing\\_RFQ.docx](http://misadocuments.info/AppendixA_LocalFood_Purchasing_RFQ.docx)

<b>Requested product</b>	<b>Minimum Weight</b>	<b>Which month can you provide the product?</b>	<b>Price per lb.</b>
Tomatoes/Black Cherry	20 lbs.		
Tomatoes/Cherry	20 lbs.		
Tomatoes/Grape	20 lbs.		
Tomatoes,/Heirloom	30 lbs		
Tomatoes/Sun Gold	30 lbs.		
Tomatoes/Vine Ripened	30 lbs.		
Turnips	40 lbs.		
Watermelon	160 lbs.		
Zucchini	20 lbs.		

<b>Additional Products</b>			
Bread/Rolls made with local ingredients	560 Ham-burger/36 dozen rolls		
Eggs	5 dozen		
Wild Rice/MN originated	25 lbs.		

I affirm that I can meet product specifications for produce.

**One-Page Summary of Written On-Farm Food Safety Plan for Fruit & Vegetable Production: Briefly describe how you address each of the following food safety practices on your farm.**

- 1. Handwashing station(s) in the field and/or packing area.**
  
- 2. Clean and stocked restroom facilities available to workers.**
  
- 3. Hygiene, illness, injury and safety training for workers.**
  
- 4. Regular cleaning/sanitizing for equipment, tools, storage, and transport containers.**
  
- 5. Manure and/or compost management plan.**
  
- 6. Measures to keep wild and domestic animals out of fields and packing areas.**
  
- 7. Annual well water testing for generic E. coli and nitrites/nitrates.**

**Crop or Livestock Production System Attributes:**

<b>Check all that apply to your RFQ for produce.</b>	
No pesticide use	
Crop rotation	
Integrated Pest Management	
Organic certification	
Crop diversity (check if >6 types of crops)	
Pollinator habitat	

**More about your produce production practices:**

<b>Check all that apply to your RFQ for meat products.</b>			
<b>RUMINANTS (beef, bison, lamb, goat, deer, elk)</b>		<b>NON-RUMINANTS (pork, poultry, rabbit)</b>	
Grass-fed		Free-Range	
Rotationally grazed		Cage- or Crate-Free	
No grain ration		No grain ration	
Non-GMO feed		Non-GMO feed	
Pasture-Raised		Pasture-Raised	
No antibiotics		No antibiotics	
No hormones			

**More about your livestock production practices:**

Toolkit for Direct Purchasing of Local Food. 2017.

Appendix A: Request for Quotes. | Download this document:

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Is there anything else you'd like the 2016-2017 Farm2School Procurement Committee to know about your RFQ?



**SIGNATURE**

The undersigned has read the Overview, Scope of Work, Proposal Format, Evaluation and Selection, Purchasing Requirements, and the Contract Terms and Conditions, is familiar with and understands the information contained herein and agrees to furnish and deliver the goods in accordance with the aforementioned.

---

Signature

Date

**ATTACHMENT A**

must be completed and submitted to the  
Aitkin County Health & Human Services Office  
204 1st Street NW,  
Aitkin, MN 56431,  
Attention: Amy M. Wyant  
before 1:00 PM March 18, 2016.



# ATTACHMENT B SAMPLE CONTRACT

## Farm School

It is the intention of SHIP Healthy Northland [Amy M. Wyant] to purchase **Turkey** from **WillowSedge Farms**.

It is the intention of **WillowSedge Farms** to grow and sell the following product to Rippleside Elementary School Lunch Program [Wanda B. Wesley] through SHIP Healthy Northland.

Product name: **Turkey**

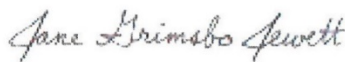
The total estimated quantity to be delivered is \_\_\_\_\_.

When it will be delivered to Rippleside Elementary School: **October 23, 2015**

Cost per unit paid to \_\_\_\_\_ \$\_\_\_\_\_ / lb

Total cost for product: \_\_\_\_\_

  
Amy M. Wyant, SHIP Coordinator



Jane Grimsbo Jewett, WillowSedge Farm

**Rippleside  
Elementary School**



healthy  
northland  
STATE OF MINNESOTA

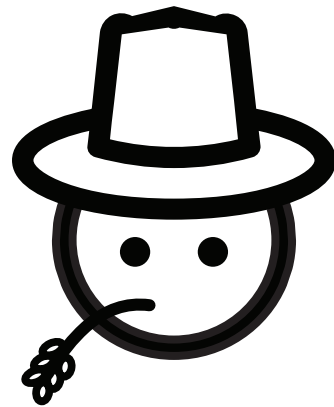
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# FOOD *from* FARMS

## APPENDIX B:

### Sourcing Local Produce and Other Products

*Buying local products  
from farmers is legal!*



# FOOD from FARMS

## Appendix B: Sourcing Local Produce and Other Products

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Megan LeClair, Minnesota Department of Education

Jodi Nordland, U of MN Extension

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### Collaborators:

Wanda Blakesley, Rippleside Elementary School

Sarah Gans, Wellspring Farm

Jane Grimsbo Jewett, WillowSedge Farm

Annie Harala, Healthy Northland

Erik Heimark, Maple Ridge Farm

Kevin Hoge, Aitkin Public Schools,  
School Board Member

Michele Leitinger, Aitkin County Environmental Services

Lynn Mizner, Chengwatana Farm

Jodi Nordlund, U of MN Extension

Jesse Peterson, Principal, Rippleside Elementary School

Markell and Roger Vogt, Gun Lake Potato Farm

### Contributors:

Carrie Frank, Dover-Eyota School District

John Peterson, Ferndale Market

Annalisa Hultberg, University of Minnesota

The original version of this Direct Purchasing Toolkit was developed to facilitate the launch of the Farm to School program at Rippleside Elementary School in the Aitkin Public School District, Aitkin, MN. Amy Wyant, then with Aitkin County Public Health and Healthy Northland/SHIP, spearheaded the effort. It was a learning experience that involved school administrators, school food service staff, county and regional public health staff, Extension educators, and not least, the farmers. Special thanks are due to Wanda Blakesley, head cook at Rippleside Elementary School, for her valiant efforts in both assisting with development of the protocols and getting the food on the trays.

The original development of this Direct Purchasing Toolkit and the associated protocols and materials was sponsored by Aitkin County Public Health, Healthy Northland, and Minnesota's Statewide Health Improvement Partnership (SHIP). Compilation of the toolkit was sponsored by Minnesota Institute for Sustainable Agriculture.

Staff members from the Minnesota Department of Education provided information and assisted with development and review of this document. This document is not an official publication of the Minnesota Department of Education.

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# Buying Local Products from Farmers is Legal.

School districts and other food facilities can purchase local produce, dry beans, grains, honey, maple syrup, and wild-harvested foods for use in their nutrition programs. These local products can be purchased directly from farmers, or through licensed food handlers.

The definition of “produce” comes from the Code of Federal Regulations, and includes fruits, vegetables, herbs, mushrooms, and nuts.<sup>1</sup>

Foods grown or raised by farmers on land they own or rent is “product of the farm.” Farmers can sell their own product of their farm without a license in Minnesota.<sup>2,3</sup>

Additionally, farmers can do certain kinds of processing to their own produce, grain, or dry beans with no licensing requirement. Peeling, slicing, cutting, grinding, dehydrating, bagging, and freezing are all allowed processes when no off-farm ingredients are added. See the “Selling Minnesota Produce” fact sheet, listed below, for more information.

## Produce

In some areas of the state, groups of farmers aggregate their produce for sale to schools or other institutions. Food hubs are one form of aggregation. Farmer cooperatives or less-formal farmer groups are another way this happens. Usually, these aggregation enterprises do require a food handlers license from the Minnesota Department of Agriculture.

Supporting documents for local produce purchases by all food facilities in Minnesota:

### **Selling or Serving Locally Grown Produce in Food Facilities**

<https://www.mda.state.mn.us/food/safety/~media/Files/food/foodsafety/fs-produce.ashx>

### **Selling Minnesota Produce**

[http://misadocuments.info/LFAC\\_local\\_produce.pdf](http://misadocuments.info/LFAC_local_produce.pdf)

<sup>1</sup> Food Safety Modernization Act – Produce Safety Rule, 21 Code of Federal Regulations 112. <https://www.federalregister.gov/documents/2015/11/27/2015-28159/standards-for-the-growing-harvesting-packing-and-holding-of-produce-for-human-consumption#p-2070>

<sup>2</sup> Constitution of the State of Minnesota, Article 13, Section 7 [https://www.revisor.mn.gov/constitution/#article\\_13](https://www.revisor.mn.gov/constitution/#article_13)

<sup>3</sup> Minnesota Statute 28A.15 Subd. 2, <https://www.revisor.leg.state.mn.us/statutes/?id=28A.15>

### **Geographic Preference and Local Food Sourcing**

In programs subject to USDA-FNS Child & Adult Nutrition Program rules, foods with added ingredients and some types of processed foods cannot be sourced using geographic preference.

Geographic preference can only be used for local sourcing of foods that are raw, or processed only in ways that don't change the character of the food.

Processed foods or foods with added ingredients can still be procured locally, but geographic preference points cannot be used as a basis for awarding contracts. Under informal procurement rules, local procurement of these multi-ingredient and/or processed products can be achieved by targeting only local suppliers when requesting quotes.

Geographic preference is explained on pages 63-75 of Procuring Local Foods for Child Nutrition Programs, [https://www.fns.usda.gov/sites/default/files/f2s/F2S\\_Procuring\\_Local\\_Foods\\_Child\\_Nutrition\\_Prog\\_Guide.pdf](https://www.fns.usda.gov/sites/default/files/f2s/F2S_Procuring_Local_Foods_Child_Nutrition_Prog_Guide.pdf).

The list of food processing techniques allowed for geographic preference can be found on page 65 of that document.

### **Selling Minnesota: Aggregation of Farmers' Produce**

[http://misadocuments.info/LFAC\\_aggregation\\_produce.pdf](http://misadocuments.info/LFAC_aggregation_produce.pdf)

Supporting documents for local produce and other food product purchases by school districts and other participants in USDA-FNS Child Nutrition Programs:

### **Procuring Local Foods for Child Nutrition Programs.**

USDA Food and Nutrition Service. Pages 84-86.

[https://www.fns.usda.gov/sites/default/files/f2s/F2S\\_Procuring\\_Local\\_Foods\\_Child\\_Nutrition\\_Prog\\_Guide.pdf](https://www.fns.usda.gov/sites/default/files/f2s/F2S_Procuring_Local_Foods_Child_Nutrition_Prog_Guide.pdf)

## Required Documentation

Unlike for meat or poultry, there is no mark of inspection on containers or packages of produce, honey, syrup, dry beans, or grains. There is no specific required use-by date like there is for eggs.

- Track the purchase by receiving an invoice from the farmer. The invoice must include the farmer's name, farm name and address.
  - o If a farmer doesn't have letterhead, provide the instructions for creating letterhead and the example invoice in Appendix E. Download Appendix E here: [http://misadocuments.info/AppendixE\\_LocalFood\\_Sample\\_Invoice\\_Letterhead.docx](http://misadocuments.info/AppendixE_LocalFood_Sample_Invoice_Letterhead.docx)
- If an MDA food handlers license is required because the sale is not made directly by the farmer who produced the product, ask for a copy of that license or ask the seller to put their license number on their invoice.

Licenses can be verified using the food license search tool on the MDA website: <http://www2.mda.state.mn.us/webapp/lis/default.jsp?food=y>

## Additional Documentation by Institutions

Schools and other Child and Adult Nutrition Programs must reference the USDA's Food Buying Guide for Child Nutrition Programs<sup>4</sup> to determine the amount of the product needed and the specific contribution the product makes toward the meal pattern requirements for Child and Adult Nutrition Programs. Food services not subject to USDA-FNS rules might find the Food Buying Guide useful for determining the yield of various types of foods when prepared for serving.

To determine the nutritional content of local products, including calories, fat and sodium, use the USDA Food Composition Database.<sup>5</sup>

<sup>4</sup> FUSDA Food Buying Guide for Child Nutrition Programs. <https://www.fns.usda.gov/tn/food-buying-guide-school-meal-programs>

<sup>5</sup> USDA Food Composition Database. <https://ndb.nal.usda.gov/ndb/>

<sup>6</sup> University of Minnesota Extension GAPs Education Program <http://safety.cfans.umn.edu>

## Additional Documentation from Farmers

The Food Safety Modernization Act (FSMA) Produce Rule includes best practices for on-farm food safety, and requirements for labeling of fresh produce to allow traceback of these foods in case of an illness outbreak. Not all farmers are subject to the FSMA Produce Rule, and figuring out which farmers are or are not subject to it is very complicated.

Food services and other buyers of produce can choose to require some on-farm food safety practices and FSMA labeling

practices from all farmers, whether or not they are subject to FSMA, in order to provide buyers with confidence in the safety of the product and to fulfill the buyers' needs for traceability of product.

Here are on-farm food safety practice recommendations from University of Minnesota Extension<sup>6</sup>:

- Written on-farm food safety plan
- Handwashing station(s) in field and produce packing areas
- Clean and stocked restroom facilities available to workers
- Employees or volunteers trained on hygiene and safety
- Well water tested annually
- Harvest tools, totes, and equipment regularly cleaned and sanitized
- Measures to limit domestic or wild animals in the produce fields and packing areas

A template for a farmer to provide a one-page summary of their on-farm food safety plan is included in Appendix A, the Request for Quotes, on page 20A. Download Appendix A here: [http://misadocuments.info/AppendixA\\_LocalFood\\_Purchasing\\_RFQ.docx](http://misadocuments.info/AppendixA_LocalFood_Purchasing_RFQ.docx)

Here are produce container labeling recommendations from the Minnesota Department of Agriculture:<sup>7</sup>

### Farm Letterhead is Not Required for Invoices

The USDA-FNS does not require that farmers' invoices be on letterhead.

However, it helps administrators, boards of directors, and the general public have confidence in the program if the invoices from farmers look professional.

- Date of delivery
- Received by: [name]
- Description and amount of produce
- Date harvested
- Harvest location
- Name of grower, address, phone number, and email address

## Grains & Beans

There are no specific supporting fact sheets from the MDA about regulations for local grain or dry bean sales in Minnesota. Sale of grains and dry beans by farmers can be done as product of the farm, with no licensing required. Sale of grain and dry bean products by someone other than the farmer who produced it will usually require a food handlers license from the MDA.

Grains and dry beans are not subject to the FSMA Produce Rule. This is because grains and dry beans are rarely consumed raw. The packaging of these items must be labeled with the name and address of the supplier, but need not list harvest date or location of harvest. Harvested grains and dry beans are often commingled and stored over a period of time, so the harvest date and location information is not meaningful for these items like it is for fresh produce.

Milling – grinding or rolling – and packaging of grains for sale can be done by farmers in approved facilities, either on their farm or at a different location.

## Documentation of sales:

- Use the same invoicing procedures as produce sales.
- Allergen labeling requirements apply. If the product contains wheat, that must be identified because wheat is a major food allergen.<sup>8</sup>
- If the grains or beans are being sold by an entity other than the farmer, ask for a copy of that entity’s food handler license, or ask them to put their license number on their invoice.

Licenses can be verified using the food license search tool on the MDA website: <http://www2.mda.state.mn.us/webapp/lis/default.jsp?food=y>

<sup>7</sup> Selling or Serving Locally Grown Produce in Food Facilities. 2016. Minnesota Department of Agriculture. <https://www.mda.state.mn.us/food/safety/~media/Files/food/foodsafety/fs-produce.ashx>

<sup>8</sup> Guidance for Industry: Questions and Answers Regarding Food Allergens, including the Food Allergen Labeling and Consumer Protection Act of 2004 (Edition 4); Final Guidance. U.S. Food and Drug Administration. <https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/ucm059116.htm>

<sup>9</sup> USDA Food Buying Guide for Child Nutrition Programs. <https://www.fns.usda.gov/tn/food-buying-guide-school-meal-programs>

<sup>10</sup> USDA Food Composition Database. <https://ndb.nal.usda.gov/ndb/>

Schools and other Child and Adult Nutrition Programs can use geographic preference to procure local grains and beans, so long as there has been no type of processing or added ingredients that would prevent using the geographic preference provision. See the Geographic Preference sidebar on page 3 of this appendix.

Schools and other Child Nutrition Programs must use the USDA-FNS Food Buying Guide<sup>9</sup> to determine quantities of grain or bean products needed to meet meal pattern requirements. Food services not subject to USDA-FNS rules might find the Food Buying Guide useful to help estimate quantities needed for their purposes. Grains are listed in the Grains section of the Food Buying Guide. Dry beans are listed in the Meat/Meat Alternate section.

To determine the nutritional content of local grain and dry bean products, including calories, fat and sodium, use the USDA Food Composition Database.<sup>10</sup>

## Honey & Maple Syrup

There are no specific supporting fact sheets from the MDA about regulations for local honey or maple syrup sales in Minnesota.

Honey and maple syrup are both considered product of the farm when sold by the farmer who produced it.

- Honey is product of the farm even if the hives are not always located on the farmer’s property; the hive itself is considered part of the farm.
- Maple syrup is product of the farm even if the farmer is harvesting sap from trees on another person’s property; that is considered a lease or rental situation.

Addition of ingredients to honey, such as flavorings or spices, means the farmer would have to be licensed by the MDA for manufacture and sale of that multi-ingredient product to a school or other food service. Sale of honey or maple syrup by someone other than the farmers who produced it would require a food handlers license from the MDA.

For schools and other nutrition programs subject to USDA-FNS rules for Child and Adult Nutrition Programs,

geographic preference can be used to procure raw honey but cannot be used to procure maple syrup. That is because maple syrup is processed by heating. Maple syrup can still be procured locally under USDA-FNS informal procurement rules, by targeting only local suppliers with the request for quotes. See the Geographic Preference sidebar on page 3 of this Appendix for more information.

## Documentation of sales:

- Use the same invoicing procedures as for produce sales.
- Packages of the product should be labeled as “honey” or “maple syrup,” and include the name and address of the producer. There are no other specific labeling requirements for honey or maple syrup.
- If the honey or maple syrup is being sold by an entity other than the farmer, ask for a copy of that entity’s food handler license, or ask them to put their license number on their invoice.

Licenses can be verified using the food license search tool on the MDA website: <http://www2.mda.state.mn.us/webapp/lis/default.jsp?food=y>

## Other Documentation:

Schools and other Child and Adult Nutrition Programs must reference the Other Foods section of USDA’s Food Buying Guide for Child Nutrition Programs<sup>11</sup> to determine the amount of product needed and the specific contribution the product makes toward meal pattern requirements. Food services not subject to USDA-FNS rules might also find the Food Buying Guide useful for estimating quantities to purchase for their needs.

To determine the nutritional content of local sweeteners, use the USDA Food Composition Database.<sup>12</sup>

## What about fruit syrups?

Fruit syrups are generally multi-ingredient products: they have sugar added, and sometimes pectin or flavorings as well. They are usually produced by heating the product. Because of the added ingredients and heating process,

schools and other Child & Adult Nutrition Programs cannot use geographic preference to procure locally made fruit syrups, jam, or jelly. See the Geographic Preference sidebar on page 3 of this appendix.

Schools and other food facilities could purchase multi-ingredient fruit syrups, jams, and jellies from licensed local manufacturers of those products. There are many farmers and food entrepreneurs around Minnesota who are licensed by MDA to manufacture these products, and they could legally supply their product to schools or other food facilities.

Ask a supplier of fruit syrups, jams, or jellies for a copy of their MDA food handlers or food manufacturers license, or ask them to put their license number on their invoice.

Licenses can be verified using the food license search tool on the MDA website: <http://www2.mda.state.mn.us/webapp/lis/default.jsp?food=y>

Be aware that farmers and others can make fruit syrups at home for sale to individual customers under Minnesota’s Cottage Food exemption<sup>13</sup>, but schools and other food facilities cannot procure Cottage Foods. See the Cottage Food sidebar on page 8.

# Wild-Harvested Foods

## Fruits, nuts, herbs

Wild-harvested produce can be purchased by schools and other food facilities under the same guidelines and requirements as other produce sales.

- If the harvester is collecting wild-growing produce on their own property, it is product of the farm.
- If they are harvesting on property they lease or rent, it is product of the farm.
- If they are harvesting on public property, it is not product of the farm and the harvester must have a food handlers license for sale of the produce.

Buyers should ask about where wild produce is harvested. Ask for a copy of the harvester’s license or ask them to put their license number on their invoice if harvest

<sup>11</sup> USDA Food Buying Guide for Child Nutrition Programs, Other Foods. [https://fns-prod.azureedge.net/sites/default/files/FBG\\_Section\\_5-OtherFoods\\_0.pdf](https://fns-prod.azureedge.net/sites/default/files/FBG_Section_5-OtherFoods_0.pdf)

<sup>12</sup> USDA Food Composition Database. <https://ndb.nal.usda.gov/ndb/>

<sup>13</sup> Cottage Food. <https://www.misa.umn.edu/resources/local-food-sales-resources/cottage-food>



is taking place elsewhere than their owned or rented property.

Licenses can be verified using the food license search tool on the MDA website: <http://www2.mda.state.mn.us/webapp/lis/default.jsp?food=y>

It is the harvester's responsibility to ensure they have all necessary permits for harvest on public lands.

## Mushrooms

Wild-harvested mushrooms are produce and can be purchased by schools and other food facilities, but only from individuals certified as wild mushroom identification experts. Their certification letter from an accredited wild mushroom identification course must be on file with the MDA.<sup>14</sup>

## Wild Rice

Wild rice is a grain and is subject to the same requirements as other grains. Because it is a whole grain and is listed in the USDA-FNS Food Buying Guide, schools and other Child & Adult Nutrition Programs can use geographic preference to procure local wild-harvested wild rice.

# Processed Food Products

“Processed” in the context of Minnesota food safety regulations and USDA-FNS rules on procurement usually means foods that have multiple ingredients, are heat-treated, fermented, or have vinegar or other acidifiers added; and may be canned or bottled.

There are farmers and food entrepreneurs across Minnesota who are licensed for this kind of food product manufacturing and are making products using local ingredients.

Some farmers are able to do on-farm processing of their own produce without a license under product of the farm regulations; see the introduction and Produce segments of this appendix beginning on page 3 for more information.

Schools and any other food facilities can buy processed foods from licensed food manufacturers. In the case of multi-ingredient processed foods, schools and other Child & Adult Nutrition Programs subject to USDA-FNS rules cannot use geographic preference for the procurement of these foods. See the Geographic Preference sidebar on page 3 of this appendix for more information.

Products from licensed food manufacturers will be labeled according to requirements for the product, and purchasing can be done using regular business invoicing. Ask a supplier of processed food items for a copy of their MDA food handlers or food manufacturers license, or ask them to put their license number on their invoice.

Licenses can be verified using the food license search tool on the MDA website: <http://www2.mda.state.mn.us/webapp/lis/default.jsp?food=y>

Be aware that some types of processed foods can be made by individuals in their home kitchens, for sale to individual customers only. This is done under the Cottage Food exemption<sup>14</sup>. Cottage Food cannot be purchased by schools or any other food facilities. See the sidebar on page 8 for more information.

<sup>14</sup> Minnesota Administrative Rules Chapter 4626.0155 3-201.16. Wild Mushrooms. <https://www.revisor.leg.state.mn.us/rules/?id=4626.0155>

<sup>14</sup>5 Cottage Food. <https://www.misa.umn.edu/resources/local-food-sales-resources/cottage-food>

## Cottage Food

Minnesota's Cottage Food Law was passed in 2015. It replaced older statutes that had been known as the "Pickle Bill," the "Bread Bill," or the "non-potentially hazardous food exemption."

The Cottage Food Law is an exemption from licensing that allows an individual to make non-potentially hazardous food items in a home kitchen and sell those foods to individual customers. Cottage Food sales can be done from the home, at farmers' markets or community events, or at other locations. The key point is that Cottage Food sales must be to individuals only. Food services and other food businesses cannot procure Cottage Food.

This can become confusing for buyers of local foods because many of the products made by Cottage Food operators are similar to products made by licensed food manufacturers.

Some examples of common types of locally-made processed foods that can be made under the Cottage Food exemption:

- Salsa
- Fruit sauces, jams, jellies, syrups
- Sauerkraut or kimchi
- Pickles and relishes
- Barbeque sauce, hot pepper sauce, other types of bottled sauces
- Prepared mustards and horseradish
- Flavored vinegars
- Flavored honey
- Breads
- Other baked goods (muffins, cookies, flatbread, rolls, donuts, etc.)

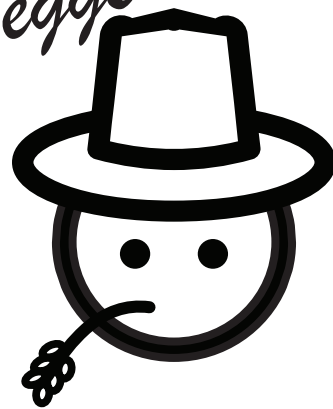
If you are purchasing these types of processed foods from a local producer, ask for a copy of their MDA license or license number to verify that they are a licensed food handler or food manufacturer (which license they have depends on the details of their business and is determined by the MDA.)

Licenses can be verified using the food license search tool on the MDA website:  
<http://www2.mda.state.mn.us/webapp/lis/default.jsp?food=y>

# FOOD *from* FARMS

## APPENDIX C: Sourcing Local Meat & Eggs

*Buying local meat and eggs  
from farmers is legal!*



# FOOD from FARMS

## Appendix C: Sourcing Local Meat & Eggs

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Annalisa Hultberg, University of Minnesota

The original version of this Direct Purchasing Toolkit was developed to facilitate the launch of the Farm to School program at Rippleside Elementary School in the Aitkin Public School District, Aitkin, MN. Amy Wyant, then with Aitkin County Public Health and Healthy Northland/SHIP, spearheaded the effort. It was a learning experience that involved school administrators, school food service staff, county and regional public health staff, Extension educators, and not least, the farmers. Special thanks are due to Wanda Blakesley, head cook at Rippleside Elementary School, for her valiant efforts in both assisting with development of the protocols and getting the food on the trays.

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# Buying Local Meat & Eggs from Farmers is Legal.

Farmers who get their animals slaughtered and processed under inspection in USDA or Equal-To plants are subject to the same federal and state food safety regulations as any other approved source of meat. Farmers in Minnesota who sell meat or poultry they raise are often not required to have a food handlers license from the Minnesota Department of Agriculture (MDA). An MDA food handlers license is required only if the farmer is selling meat products with ingredients added, such as sausage with added spices.

Supporting documents for local meat and egg purchases by all food facilities in Minnesota:

Approved Sources of Meat and Poultry for Food Facilities. 2011. Minnesota Department of Agriculture.  
<http://www.mda.state.mn.us/licensing/inspections/~media/Files/food/foodsafety/meatpoultry.ashx>

Sale of Locally Raised Eggs to Food Facilities. 2016. Minnesota Department of Agriculture.  
<http://www.mda.state.mn.us/licensing/inspections/~media/Files/food/foodsafety/eggssales.ashx>

## Supporting documents for local meat and egg purchases by school districts and other participants in USDA Child and Adult Nutrition Programs:

Local Meat in Child Nutrition Programs. 2016. USDA Food & Nutrition Service.  
[https://www.fns.usda.gov/sites/default/files/f2s/FactSheet\\_Local\\_Meat.pdf](https://www.fns.usda.gov/sites/default/files/f2s/FactSheet_Local_Meat.pdf)

Procuring Local Meat, Poultry, Game, and Eggs for Child Nutrition Programs. 2015. USDA Food & Nutrition Service.  
[https://www.fns.usda.gov/sites/default/files/cn/SP01\\_CACFP%2001\\_SFSP01-2016os.pdf](https://www.fns.usda.gov/sites/default/files/cn/SP01_CACFP%2001_SFSP01-2016os.pdf)

### Geographic Preference Does Not Apply to Meats with Added Ingredients

In programs subject to USDA-FNS Child & Adult Nutrition Program rules, foods with added ingredients and some types of processed foods cannot be sourced using geographic preference provisions.

Geographic preference can only be used for local sourcing of foods that are raw, or processed only in ways that don't change the character of the food.

Meats with added ingredients or processing can still be procured from local farmers, but geographic preference points cannot be used as a basis for awarding contracts. Under informal procurement rules, local procurement of these multi-ingredient and/or processed products can be achieved by targeting only local suppliers when requesting quotes.

Geographic preference is explained on pages 63-75 of Procuring Local Foods for Child Nutrition Programs, [https://www.fns.usda.gov/sites/default/files/f2s/F2S\\_Procuring\\_Local\\_Foods\\_Child\\_Nutrition\\_Prog\\_Guide.pdf](https://www.fns.usda.gov/sites/default/files/f2s/F2S_Procuring_Local_Foods_Child_Nutrition_Prog_Guide.pdf).

The list of food processing techniques allowed for geographic preference can be found on page 65 of that document.

Procuring Local Foods for Child Nutrition Programs. USDA Food & Nutrition Service. Pages 84-86.  
[https://www.fns.usda.gov/sites/default/files/f2s/F2S\\_Procuring\\_Local\\_Foods\\_Child\\_Nutrition\\_Prog\\_Guide.pdf](https://www.fns.usda.gov/sites/default/files/f2s/F2S_Procuring_Local_Foods_Child_Nutrition_Prog_Guide.pdf)

# Required Documentation

Statement<sup>2</sup> from the supplier of the product.

When purchasing local meat, schools are required to track the purchase and verify that the meat has an acceptable mark of inspection. In order to do so, the following steps should be completed.

- Track the purchase by receiving an invoice from the farmer. The invoice must include the farmer's name, farm name and address.
  - If a farmer doesn't have letterhead, provide the instructions for creating letterhead on page 5.
  - See the example invoice on page 6.
- Verify the mark of inspection by taking a photo of the label on the meat packages.

If meat purchased directly from a farmer includes ingredients the farmer didn't produce, such as salt or spices, the farmer must have an MDA food handlers license. In that case:

- Request a copy of the farmer's MDA food handlers license, or ask the farmer to put their license number on their invoice.

Licenses can be verified using the food license search tool on the MDA website: <http://www2.mda.state.mn.us/webapp/lis/default.jsp?food=y>

## Additional Documentation by Institutions

For raw meats, schools and other Child and Adult Nutrition Programs must reference the USDA's Food Buying Guide for Child Nutrition Programs<sup>1</sup> to determine the appropriate type of meat, the amount of the meat needed, and the specific yield contribution the meat makes toward the meal pattern requirements for Nutrition Programs. If a type of meat or meat product does not appear in the Food Buying Guide, then the school must receive a Product Formulation

### Farm Letterhead is Not Required for Invoices

The USDA-FNS does not require that farmers' invoices be on letterhead.

However, it helps administrators, boards of directors, and the general public have confidence in the program if the invoices from farmers look professional.

Other types of food services that are not subject to Child and Adult Nutrition Program rules might find the Food Buying Guide useful for estimating quantities to purchase for their needs.

To determine the nutritional content of local meat products, including calories, fat and sodium, use the USDA Food Composition Database.<sup>3</sup>

## Optional Documentation from Farmers

If a school district or other entity wants to have additional documentation from farmers who supply meat, farmers can be asked to supply a letter that provides detailed information about their product.

Farmers can use the example letter at the end of this section, shown on pages 6 and 7. Farmers should copy the letter on to their own farm's letterhead, and change wording so it matches their product. If a farmer doesn't have letterhead for their farm, provide the instructions for creating letterhead on page 5.

### Optional information to include in the letter:

1. Processor. Provide the name of the USDA or Minnesota Equal-To inspected processing plant, its location, and its establishment number. Find the establishment number inside the little mark of inspection on the product labels:



USDA



MN Equal-To

2. Product Description. Say what the product is, and add

<sup>1</sup> USDA Food Buying Guide for Child Nutrition Programs, Meat and Meat Alternates. <https://www.fns.usda.gov/sites/default/files/tn/fbgmma.pdf>

<sup>2</sup> Sample Product Formulation Statement (Product Analysis) for Meat/Meat Alternate (M/MA) Products. USDA-FNS. <https://www.fns.usda.gov/sites/default/files/PFSmma.pdf>

<sup>3</sup> USDA Food Composition Database. <https://ndb.nal.usda.gov/ndb/>

any factual information specific to how the animals are raised: their age at slaughter, use or non-use of medications, access to pasture, type of feed, etc. Only make claims that can be documented.

### 3. Product Composition.

- **Age:** Say how fresh the meat is. If it's frozen, say how long it went between slaughter and getting frozen. It's okay to say "less than X days" rather than an exact period of time. Farmers can find out from their processor the maximum length of time between when they slaughter and when they freeze the processed meat, and use that in place of "X."
- **Allergens:** State any allergens present in the product. The major causes of food allergies recognized by the Food & Drug Administration are:
  - Eggs
  - Milk
  - Wheat
  - Tree nuts
  - Peanuts
  - Soy ingredients
  - Fish
  - Shellfish
 If the product contains any of those allergens, the product label must list them.
- **Label.** List the things that appear on the product label. For example, the label may include the farm name, the product name, safe handling instructions, ingredients,

and the mark of inspection.

- **Packaging:** Describe how the product will be packaged when the buyer receives it.
  - **Physical:** Say what the product is expected to look, smell, and feel like. If it's a plain raw meat product with no additives, say "odors and appearance typical of raw [product type]." State that the product will be free of extraneous materials such as metal, wood, plastic, paper, etc.
  - **Temperatures:** State the storage temperature for the product and the temperature at the time of shipping. It is okay to say "less than" a certain temperature or within a certain range of temperatures.
4. **Shelf life.** If a frozen product, state the length of time the product is expected to still be good if it is kept frozen. One year is a reasonable estimate for a frozen meat product.
  5. **Lot coding.** If the farmer has a lot coding system they use for their product, explain what that is. If the farmer relies on the processing plant to assign lot numbers, say that and refer to the processing plant if there is a need to trace a lot number.
  6. **Include the farmer's signature.**

### Help! I don't have letterhead for my farm!

If you don't have a letterhead established for your farm, it is easy to create in a word processing program.

*At the top of a document, type in the following information:*

*Example:*

*Choose where you want to position the names, pick a font, and add a logo or image.*

Your farm name  
 Your name  
 Your street address  
 City/State/Zip  
 Your phone number(s)  
 Your website or Facebook page

Pretty Prairie Farm  
 Sally Flynn  
 90210 Bee Street  
 Anyville, MN 55555  
 320-333-1234  
 www.prettyprairie

 **Pretty Prairie Farm**  
 Sally Flynn  
 90210 Bee Street  
 Anyville, MN 55555  
 320-333-1234  
 www.prettyprairie

That's it! Save the document as "letterhead." If you don't have your own computer or printer, have a printing shop or a friend print blank copies of the letterhead for you. Then you can type or handwrite information on the blank letterhead sheets. If you have a computer and printer, then anytime you need to use letterhead, open the letterhead file and save it with a new filename that describes what you are writing; for example: "WholeTurkey\_cover\_letter." Then add your product information on the document, below the letterhead. Save the file when you are done.



# Pretty Prairie Farm

Sally Flynn

90210 Bee Street

Anyville, MN 55555

320-333-1234

www.prettyprairie.com

Invoice #: 1234  
Date of invoice: 10/24/15  
Purchaser: Anyville Elementary School  
10112 XYZ Ave.  
Anyville, MN 55555

Customer PO: 4567  
Terms: Net 30

Description	Quantity (lbs.)	\$/unit	Total
25 Whole Chickens	130.23	\$2.75	\$358.13
<b>TOTAL</b>			<b>\$358.13</b>

*Thank You!*  
*Sally*





Sally Flynn  
90210 Bee Street  
Anyville, MN 55555  
320-333-1234  
www.prettyprairie.com

**Product Name:**

Pretty Prairie Farm Whole Frozen Chicken

**Processor:**

Anyville Poultry Processor  
Anyville, MN  
Minnesota Equal-To Establishment #9999

**Product Description:**

Whole chicken with neck and giblets, no added ingredients, bone-in; from meat-type chickens < 9 weeks old at time of slaughter; free-range and pasture-raised. No antibiotics or other medications were given to the birds.

**Product Composition:**

- Age: Fresh chicken meat, chilled and frozen same day as slaughter
- Allergens: Product will be free of major food allergens, their by-products, or derivatives as a result of cross-contamination or as a component of a processing aid or incidental additive.
- Label: Product – “Whole Young Chicken;” product weight; safe handling instructions; processing establishment name and number, Minnesota Equal-To inspection bug; lot number.
- Packaging: Whole chickens in plastic shrink-wrap bags; one bird per package. Birds shall average > 5 lbs. per package.
- Physical: Typical colors and odors of fresh, raw whole chicken. Product shall be free of extraneous foreign material or objects (e.g. metal, plastic, wood, paper, etc.)
- Temperatures: Product is held frozen at temperatures -25 to -10 degrees F and < 0 degrees F at time of shipping.

**Shelf-Life:**

- 1 year frozen from date of slaughter.

**Lot coding:**

- The package label will contain a lot code assigned by the processing plant and able to be referenced to a slaughter date by the processing plant upon request.

*Sally Flynn*  
Sally Flynn, Owner-operator

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## Informal Procurement Log

Date completed: \_\_\_\_3/21/16\_\_\_\_

Item(s) to be purchased and specifications: \_\_\_\_Cucumbers, 20 lbs.\_\_\_\_

Supplier	Month needed	Method of Contact	Discussion	Bid Price	Negotiated
Plentiful Produce Farm	Sept 2016	Email	Located in county	1.00	
Violet's Veggies	Sept 2016	Email	Located in county	1.20	
Marvelous Gardens	Sept 2016	Phone	Located in adjacent county	0.95	

\*\*Annually, pricing of items must be documented from three different vendors and kept on file.\*\*

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# Procurement Categories and Points Criteria

1. **Category:** Meets Product Specification

- Information required:** Meat products - processing receipt of USDA or “Equal to”  
 Produce - can meet product quality specifications  
 Produce – provided summary of on-farm food safety plan
- Evaluation criteria:** Can provide amount and form of product requested
- Can complete 100% of requested amount **20 points**
  - Can complete 80% of requested amount **15 points**
  - Can complete 60% of requested amount **10 points**

2. **Category:** Meets Geographic Preference

- Information required:** Address of farm
- Evaluation criteria:** Farm located within \_\_\_\_\_ County **20 points**  
 Farm located in bordering county **15 points**  
 Farm located in Minnesota **10 points**

3. **Category:** Experience & Capacity of Proposer/Past Performance

- Information required:** 2015-2016 successful Farm2School contracts on file  
 OR references supplied from other buyer(s)
- Evaluation criteria:** Met obligation of past contract **10 points**  
 New to the Farm2School Program **5 points**

4. **Category:** Cost

- Information required:** Cost of products offered
- Evaluation criteria:** Lowest Bidder **40 points**  
 Second Lowest **30 points**  
 Third Lowest **20 points**

5. **Category:** Production System Attributes

**Information required:** [checks from list below on RFQ]

Produce (fruits, vegetables, herbs, mushrooms)			Ruminants (beef, bison, lamb, goat, deer, elk)			Non-ruminants (pork, poultry, rabbit)	
No pesticide use			Non-GMO feed			Free-Range	
Crop rotation			Grass-fed			Non-GMO feed	
Integrated Pest Management			No grain ration			No grain ration	
Organic certification			Pasture-raised			Pasture-raised	
Crop diversity			Rotationally grazed			No antibiotics	
Pollinator habitat			No antibiotics				
			No hormones				

Category 5 items will be discussed by the procurement committee and assigned points from **0 to 10**

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# Product Procurement Scoring Sheet

**PRODUCT:** \_\_\_\_\_

CATEGORY	MAXIMUM SCORE	PRODUCT SCORE
1. Meets Product Specification	20	
2. Sourcing	20	
3. Experience & Capacity of Proposer/Past Performance	10	
4. Cost	40	
5. Production system attributes	10	
TOTAL POSSIBLE SCORE	100	

Farm:

Awarded

CATEGORY	MAXIMUM SCORE	PRODUCT SCORE
1. Meets Product Specification	20	
2. Sourcing	20	
3. Experience & Capacity of Proposer/Past Performance	10	
4. Cost	40	
5. Production system attributes	10	
TOTAL POSSIBLE SCORE	100	

Farm:

Awarded

CATEGORY	MAXIMUM SCORE	PRODUCT SCORE
1. Meets Product Specification	20	
2. Sourcing	20	
3. Experience & Capacity of Proposer/Past Performance	10	
4. Cost	40	
5. Production system attributes	10	
TOTAL POSSIBLE SCORE	100	

Farm:

Awarded

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# Produce Production Practices

(fruits, vegetables, herbs, mushrooms)

download this document: [http://misadocuments.info/AppendixD\\_LocalFood\\_production\\_system\\_attributes.xlsx](http://misadocuments.info/AppendixD_LocalFood_production_system_attributes.xlsx)

Farm Name	No pesticide use	Crop Rotation	Integrated Pest Management	Organic certification	Crop Diversity	Pollinator habitat	Other
Marvelous Gardens		x	x	x	x	x	
Plentiful Produce Farm		x	x		x	x	
Violet's Veggies	x	x			x	x	Follows organic practices but not certified



# Poultry, Pork & Rabbit Production Practices

download this document: [http://misadocuments.info/AppendixD\\_LocalFood\\_production\\_system\\_attributes.xlsx](http://misadocuments.info/AppendixD_LocalFood_production_system_attributes.xlsx)

Farm Name	Free-Range	Cage/Crate free	No grain ration	Non-GMO feed	Pasture-raised	No antibiotics	Other
Longfellow Farm	x	x		x-certified organic feed-poultry and	x	x	Humane handling and slaughter
Axel's Acres	x	x		x	x	x	
Pretty Prairie Farm		x		x	x	x	and eggs
Rocky Patch Livestock Farm	x	x			x	x	

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## Record of Farmer Proposals -- Meat Products

download this file: [http://misadocuments.info/AppendixD\\_LocalFood\\_record\\_quotes.xlsx](http://misadocuments.info/AppendixD_LocalFood_record_quotes.xlsx)

Farm Name	Names of farmer/s	Street address	City	ZIP code	Phone number	email address	Date proposal received	ground beef	goat	ground lamb	bacon	breakfast bulk sausage	ground pork	pork roast	smoked ham	chicken	ducks	geese	turkey	ground bison	ground venison	venison sticks	
Axel's Acres	Axel Johnson		Anyville	55555			3/17/2016									x							
Longfellow Farm	Lydia Longfellow		Nearby	55554			3/1/2016			x						x							
Pretty Prairie Farm	Sally Flynn		Anyville	55555			3/15/2016	x								x							
Rocky Patch Livestock Farm	Luis Garcia		Nearby	55554			3/17/2016	x			x	x	x	x	x	x			x				



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# Farm to School Contract

It is the intention of **Anyville Middle School's Farm to School Program** to purchase \_\_\_\_\_ from \_\_\_\_\_.

It is the intention of \_\_\_\_\_ to grow and sell the following product to **Anyville's School Lunch Program [food service director's name]** .

Product name: \_\_\_\_\_

The total estimated quantity to be delivered: \_\_\_\_\_

When it will be delivered to **Anyville Middle School**: \_\_\_\_\_

Cost per unit paid to farmer: \_\_\_\_\_

Total cost for product: \_\_\_\_\_

## Signatures:

\_\_\_\_\_

**[food service director, Anyville Middle School]**

Date:

\_\_\_\_\_

**[farmer name(s)]**

Date:

**[insert institutional logos or wordmarks here]**

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# Sample Invoice & Farm Letterhead



Pretty Prairie Farm

Sally Flynn  
90210 Bee Street  
Anyville, MN 55555  
320-333-1234

[www.prettyprairie.com](http://www.prettyprairie.com)

Invoice #: 1234

Date of invoice: 10/24/15

Purchaser:

Anyville Elementary School  
10112 XYZ Ave.  
Anyville, MN 55555

Description	Quantity (lbs.)	\$/unit	Total
25 Whole Chickens	130.23	\$2.75	\$358.13
TOTAL	.		\$358.13

Toolkit for Direct Purchasing of Local Food. 2017.


Appendix E: Sample Invoice and Letterhead. | Download this document:

[http://misadocuments.info/AppendixE\\_LocalFood\\_Sample\\_Invoice\\_Letterhead.docx](http://misadocuments.info/AppendixE_LocalFood_Sample_Invoice_Letterhead.docx)

## Help! I don't have letterhead for my farm!

If you don't have a letterhead established for your farm, it is easy to create in a word processing program.

At the top of a document, type in the following information:	Example:
Your farm name	Pretty Prairie Farm
Your name	Sally Flynn
Your street address	90210 Bee Street
City/State/Zip	Anyville, MN 55555
Your phone number(s)	320-333-1234
Your website or Facebook page	<a href="http://www.prettyprairie.com">www.prettyprairie.com</a>

Choose whether you want that on the left-hand side, centered, or right-hand side of the page.	
Convert your farm name to a font style you like. Put it in a larger font size, or in bold-face or Italics.	
Add your farm logo or a design that symbolizes your farm, if you have one.	

Pretty Prairie Farm  
Sally Flynn  
90210 Bee Street  
Anyville, MN 55555  
320-333-1234  
[www.prettyprairie.com](http://www.prettyprairie.com)

That's it! Save the document as "letterhead." If you don't have your own computer or printer, have a printing shop or a friend print blank copies of the letterhead for you. Then you can type or handwrite information on the blank letterhead sheets. If you have a computer and printer, then anytime you need to use letterhead, open the letterhead file and save it with a new filename that describes the document; for example: "potatoes\_invoice\_Oct13\_2016" Then add your product information on the document, below the letterhead. Save the file when you are done.



healthy northland  
STATEWIDE HEALTH IMPROVEMENT PROGRAM

UPDATED 12/2/15

				<u>RIPPLESIDE</u>	<u>SHIP HN</u>	<u>T-SHIRT/HN DONATIONS</u>	<u>EDUCATION</u>	<u>SHIP HN</u>
<b>FOOD</b>								
<b>Thursday, September 24<sup>th</sup></b> 50 staff	Apples	600 units	Gilby's Orchard	\$0	\$550.00		Farm2School brochure	
	Chicken	110 lbs.	Willow Sedge Farm	\$0	\$346.50			
	Tomatoes	30 lbs.	Wellspring Farm	\$0	\$90.00			
	Fresh produce		SPROUT	\$196.70	\$0			
	green Peppers	20 lbs.	red peppers					
	onions	25 lbs.	tomatoes					
	romaine	30 heads						
<b>Thursday, October 29<sup>th</sup></b> 47 staff & 15 guests	Turkey	130 lbs.	Willow Sedge Farm	\$60.00	\$330.00		Farm2School advertisement, Oct. 7th	\$1,276.04
	Pumpkins	91 lbs.	Gilby's Orchard	\$0	\$117.39		Farmers' Booth	\$475.00
	Wild Rice	27 lbs.	Minnestalgia	\$0	\$121.50		Farmer lunch guest: Markell Vogt	
	Potatoes	6 bags	Gun Lake Potato Farm	\$0	\$90.00		Site visit from Hill City School Board: Joell Miranda	
	Fresh produce		SPROUT	\$42.00	\$0		"I Dig My Farmer" t-shirts	\$4,525.00
			kohlrabi				AgMag Jr magazines, teacher's guide, worksheets supplied to 6 classrooms	
							Farm2School Potato and Wild Rice educational info provided to K-6 teachers	
							Rippleside lunch menu-"Farm To School"-designation	
<b>Thursday, November 19th</b> 42 staff & 13 guests	Potatoes	600 units	Gun Lake Potato Farm	\$0	\$100.00		Front page news article, Nov. 4th	
	Chicken	152 lbs.	Willow Sedge Farm	\$358.17	\$0	\$100.00	Farm2School advertisement, Nov. 18th	\$1,276.04
	Apples	4 bushels	Gilby's Orchard	\$100.00	\$0		Farmer lunch guests: Jane Grimsbo Jewett & Roger Vogt	
							State/Regional feature in Healthy Northland newsletter, Nov. 24	
							Rippleside lunch menu-"Farm To School"-designation	
<b>Thursday, December 17th</b>	Lamb	75 lbs.	Chengwatana	\$0	\$975.00		"Look Inside Food" books for Kindergarten classes	\$86.73
	Lamb	15 lbs.	The Lamb Store/Hutchinson	_____			Invitations to K-1-2 parents to attend the F2S December lunch	
	[pending on the # parents who RSVP for lunch]						Food Service Staff Training with HN/Smarter Lunchrooms Movement	
							HN applying to MLEC Community Trust for \$3,000	
							Rippleside lunch menu-"Farm To School"-designation	
	<b>TOTAL INVESTMENTS</b>			<b>\$756.87/+</b>	<b>\$2,720.39</b>	<b>\$100.00</b>	<b>TOTAL INVESTMENT</b>	<b>\$7,638.81</b>
				<b>21%</b>	<b>79%</b>	<b>[Balance \$275]</b>		
	Total Farm2School Costs: \$3,577.26							

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