



## Providing Safe, Locally-Grown Produce to Commercial Food Establishments & the General Public in Minnesota

### ◆ Can commercial food operators\* buy produce directly from the grower?

Yes, if the person is selling produce that they have grown on their own land. A license would not be required, as indicated by:

- Constitution of the State of Minnesota, Article 13, Section 7.
- Minnesota Statutes, Chapter 28A.15, Subdivision 1.
- Minnesota Rules 4626.0130 (B).

### ◆ If a grower is selling produce to commercial food establishments, is the grower considered an approved source?

Yes, this is considered an approved source if the food is not processed and is grown on the farm or garden occupied and cultivated by the grower as long as the food has not been prepared or stored in the private home.

### ◆ Would a grower be required to have a license for foods that are processed?

Yes, a license would be required if foods are processed, such as cutting, heating, canning, freezing, drying, mixing, coating, bottling, etc., or if foods are purchased for resale. Processing would not include sorting, trimming as part of the harvesting process, or preliminary washing to remove extraneous soil and debris.

\* Typical commercial food operators (retail) include restaurants, caterers, school foodservice, institutions, daycares, grocery stores, food markets, cooperatives, bakeries, convenience stores, temporary food stands, etc.

In addition, if a person buys produce from another grower for resale, that person may need to be licensed as a Minnesota Wholesale Produce Dealer. Further questions on this should be directed to the Minnesota Department of Agriculture.

### ◆ If a grower does not need a license, does that mean they do not have to comply with good agricultural and management practices?

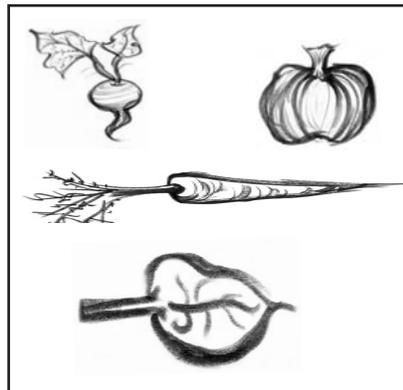
No, even though a grower may not be required to have a food handler's license, they are still bound by various federal and state laws. For example, the Environmental Protection Agency (EPA) has chemical restriction requirements, such as what can be used, amounts, and how and when the chemicals can be applied. Additionally, state

agencies regulate fertilizer and pesticide use, irrigation waters, application of manure or sludge, etc.

The Minnesota Department of Agriculture's Dairy and Food Inspection Division's Food Inspection staff periodically spot check growers at roadside stands, "u-pick" farms, and farmers' markets by collecting food samples for laboratory analyses for residues and other possible contaminants.

### ◆ How can a buyer or user become more knowledgeable about produce?

- Identify the source of the product (ask for an invoice, etc. that identifies the supplier's or grower's name and address). Good record



keeping is particularly important in cases where a trace-back of a product due to illness or injury is required.

- Visit the farm or ask for more information on production practices (if applicable).
- Examine the transportation vehicle for chemicals, cleanliness, odors and obvious debris.
- Look at pallets, packages and boxed stored foods for cross-contamination.
- Inspect the produce for signs of insects, disease, bruising and damage, freshness, over-ripeness and immaturity.
- Examine packages of food products to make sure that they are intact and not leaking, and for signs of contamination by rodents, insects or birds.
- Check proper transport temperatures for potentially hazardous foods.
- Wash produce before using it to remove soil and surface contamination.
- If the produce is advertised as “organic,” ask for documentation that references the USDA Certifying Agent.

## **A note on potential changes**

As of December 2009, this fact sheet is current for Minnesota. But at this writing the U.S. Congress is in the midst of revising food safety regulations, which may change food handling guidelines for farmers.

## **Food safety resources**

Below is a list of websites that contain further information about produce and a variety of other food safety topics:

- **National Food Safety Programs** (a lot of information on produce) [www.cfsan.fda.gov/~dms/fs-toc.html](http://www.cfsan.fda.gov/~dms/fs-toc.html)
- **Cornell University’s Good Agricultural Practices Project** (excellent food safety information — grower’s guide, farm checklist, PowerPoint presentations, etc.) [www.gaps.cornell.edu](http://www.gaps.cornell.edu)

- **Centers for Disease Control and Prevention (CDC) Food Safety Office** (information on foodborne diseases) [www.cdc.gov/foodsafety](http://www.cdc.gov/foodsafety)
- **USDA’s National Organic Food Program** (organic food law, certifying agents and more) [www.ams.usda.gov/nop](http://www.ams.usda.gov/nop)
- **Minnesota Food Code** (regulations for retailers) [www.health.state.mn.us/divs/eh/food/code/index.html](http://www.health.state.mn.us/divs/eh/food/code/index.html)
- **Minnesota State Laws** (statutes) [www.leg.state.mn.us/leg/statutes.asp](http://www.leg.state.mn.us/leg/statutes.asp)
- **Minnesota Food Code Fact Sheets** (food safety fact sheets on the Minnesota Food Code, including information on approved sources and receiving safe food) [www.health.state.mn.us/divs/eh/food/fs/index.html](http://www.health.state.mn.us/divs/eh/food/fs/index.html)
- **Minnesota Department of Agriculture** [www.mda.state.mn.us](http://www.mda.state.mn.us)
- **Minnesota Department of Health** [www.health.state.mn.us](http://www.health.state.mn.us)
- **University of Minnesota Extension Service** [www.extension.umn.edu](http://www.extension.umn.edu)

For questions or more information, please contact the Minnesota Department of Health at **651-201-4500** or [www.health.state.mn.us](http://www.health.state.mn.us). More information is also available from the Minnesota Department of Agriculture’s Dairy and Food Inspection Division at **651-201-6027** or [www.mda.state.mn.us/about/divisions/dairyfood.aspx](http://www.mda.state.mn.us/about/divisions/dairyfood.aspx).

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*The sources for this fact sheet are the Minnesota Department of Agriculture, the University of Minnesota Extension Service and the Minnesota Department of Health. The fact sheet was coordinated by the Land Stewardship Project, with support from the North Central Sustainable Agriculture Professional Development Program (SARE PDP).*