

Serving Locally Grown Produce in Food Facilities

Minnesota Department of Agriculture; Minnesota Department of Health; University of Minnesota Extension

Introduction

Can food facilities like restaurants, grocery stores, and school lunch programs legally buy or accept donated produce from a farmers' market or directly from a grower and serve it to their clients, students, or customers?

The answer is "Yes." In fact, this trend has been on the rise since 2003. This fact sheet provides answers to some frequently asked questions about how food facilities can use locally grown produce safely and legally.

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, cooperatives, bakeries, convenience stores, temporary food stands, warehouses and wholesale food processors and manufacturers.

Growers: farmers, school gardens, community gardens, or gardens at food facilities.

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).

Can food facilities buy or accept donated produce directly from growers?

Yes, produce growers are an "approved source" if the food is grown on a farm or garden that is occupied or cultivated by the grower, and has not been prepared or stored in a private home.

Growers are responsible to ensure that all produce (food) that they sell or donate complies with applicable regulations. Responsibility includes proper handling and that the food is safe, wholesome, and unadulterated. For assistance on obtaining information about Good Agricultural Practices (GAP), water potability, organic and related items, please contact the Minnesota Department of Agriculture (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 that they rent or own are exempt from licensing.

This includes growers selling their own whole produce or produce with "limited processing" (as described below). (Minnesota Statutes 28A.15 and MN Constitution Article 13, Section 7.)

- ◆ People who sell or donate produce that is "processed" (as described below) are normally required to be licensed.
- ◆ People who wish to sell produce that they have not grown themselves must be licensed to sell to any customer.
- ◆ In other circumstances, a Wholesale Produce Dealer license may also be required (e.g., if a person buys produce from a farmer for resale).

All producers, processors, handlers, and vendors of food, whether or not they are required to be licensed, must comply with other food safety rules and requirements.

Contact the Minnesota Department of Agriculture at 651-201-6062 for additional information on licensing, and specific product or processing requirements.

What is considered "processing" of produce?

MDA refers both to "processing" and "limited processing" of produce:

Processing includes slicing, heating, canning, freezing, drying, mixing, coating, bottling, enrichment, or similar actions. Any addition of off-farm ingredients (e.g., salt) prior to use or sale is also considered processing.

Limited processing includes sorting or trimming (e.g., topping carrots or husking corn) as part of the harvesting process, or washing (e.g., to start the cooling process or to remove extraneous soil and debris).

Growers that choose to process their food by canning, bottling etc., must use an inspected and approved kitchen or processing facility, and follow all other applicable regulations.

What are the requirements for an inspected and approved retail kitchen or processing facility?

There are a number of requirements that must be met whether you are beginning a new business or expanding an existing business. Contact MDA (651-201-6027) before you begin processing. MDA will provide details about licensing, kitchen standards, or approval to use a facility for a new purpose. Also note the following:

- ◆ An approved kitchen or processing facility must have a certificate of occupancy with documented approval from local building, plumbing, fire, electrical, and zoning inspectors as required by state and local laws.
- ◆ Equipment must meet National Sanitation Foundation International standards, or its commercial equivalent. The facility must have adequate storage space for ingredients, equipment, packaging materials, and finished goods.
- ◆ Plan review is required at least 30 days prior to starting business. Find plan review information and other requirements for food facilities at: <http://www.mda.state.mn.us/en/food/business/plan-review.aspx>

What are the roles of persons-in-charge and community volunteers involved in produce processing at a licensed facility?

The person-in-charge (PIC), generally a Minnesota Certified Food Manager, must be well-informed about the food safety concerns and requirements relating to the food facility's operation. PIC duties include directing food preparation activities and correcting conditions that may lead to health risks for the consumer.

Under PIC supervision, community volunteers may help to process produce in an inspected and approved kitchen facility. For example, parents can help to process food from a school garden.

What are some 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 by using new foods or methods. They can help you determine whether there are training, licensing or permit requirements that you must follow before expanding your business or menu.
- ◆ Visit the farm or ask questions about the food production, handling, and storage.
- ◆ Inspect the transportation vehicle. Inspect 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 recordkeeping is particularly important if illness or injury prompts the need to trace product back to the supplier.

What kind of receipt should food facilities get from the grower?

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

Date: _____ Received by: _____

Donated: _____ Purchased: _____ Purchase price: _____

Description and amount of produce: _____

Date harvested: _____

Harvest location: _____

Name of grower: _____

Address: _____

Phone: _____ Email: _____

[www.http://www.mda.state.mn.us/food.aspx](http://www.mda.state.mn.us/food.aspx)

(651) 201-6027 • 1-800-967-AGRI

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

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