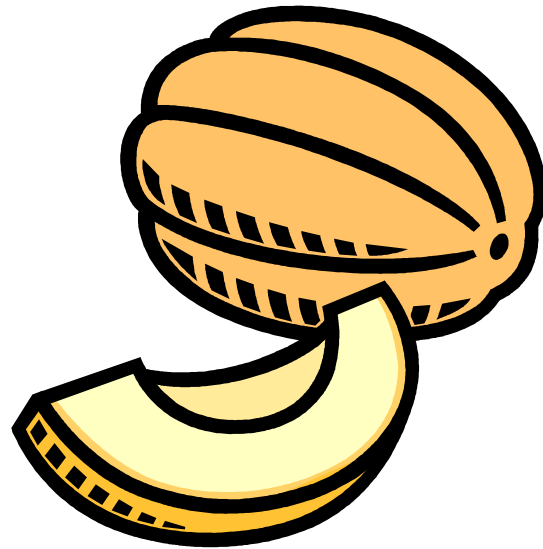




**An Analysis of the Impact that  
Minnesota State Constitution, Article  
XIII Sec. 7 *No License to Peddle* has  
on the Minnesota Department of  
Agriculture's Ability to Regulate the  
Produce Supply**

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# Background

- Fresh produce production and handling is a public health concern
- Industry and regulatory interactions promote food safety
- Consumer & social demand for local produce 
- Guidance for production and handling (GAPs)
- FDA Food Safety Modernization Act
- Constitution of the State of MN: *no license is required to sell products of the farm or garden by the person who cultivates them.*

# Research Question

**What is the impact of Minnesota State Constitution, Article XIII Sec. 7 *No License to Peddle* on the Minnesota Department of Agriculture's ability to regulate the produce supply?**



## Policy Analysis

Collins, T. (2005, March). Health policy analysis: a simple tool for policy makers. *Public Health* , 192-196.

- 1) Evidence
- 2) Policy Options
- 3) Project Outcomes
- 4) Evaluation Criteria
- 5) Weigh Outcomes
- 6) Make Decision



# Methodology



## Evidence

- **Dual role of MDA to promote and regulate**
- **Incentive programs assist with direct farm sales**
- **Programs encourage sales to targeted populations**
- **“Product of the Farm or Garden” definition**
- **Effectiveness of registration for exempt processors**

# Methodology

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## Policy Options

- **Status Quo – Do not seek change**
- **Education/Outreach – Increase producer knowledge**
- **Policy Change – Revise Licensing Exemption Policy**



# Results



## Status Quo

- Food Safety Modernization Act
- Regulatory Authority in MN?
- Projected Outcome

Does not address current gap

Need for adoption of regulation  
and enforcement powers

## Education / Outreach

- GAPs
- MDA Loan Programs
- Minnesota Grown Program
- Projected Outcome

Increased Training

Increased Knowledge



# Results



## Policy Change

- Licensing Exemption Policy Memo
- Farm Processor Registration
- Utilize Minnesota Grown Application
- Projected Outcome

Increased Registration

Increased Inspection

# Results

## Evaluation Criteria:

- Relevance – Improve Food Safety
- Progress - Measures
- Efficiency – Time vs. Resources
- Effectiveness – Increase in GAPs and Regulatory Oversight
- Impact – Assurance of Food Safety



# Results

Criteria	Education / Outreach	Policy Change
<b>Relevance</b>	An increase in the knowledge of produce growers regarding good agricultural practices for fresh produce production and handling will help minimize the risks of exposure to sources of foodborne illness.	An increase in the consistency of regulatory enforcement of food safety requirements for produce processing will reduce potential sources of foodborne illness that cause produce-related outbreaks.
<b>Progress</b>	Completion of standard curriculum for GAPs by fresh produce growers and processors as well as increased awareness of the foodborne illness risks associated with produce production would indicate an increased likelihood of adherence to GAPs by producers.	An increased number of identified farm processors that are routinely inspected for food safety practices and sanitation would indicate an increased impact of the DFID Licensing Exemptions Policy (i.e., no-fee registration and inspection of farm processors).
<b>Efficiency</b>	Increasing grower awareness of GAPs as well as adding leverage to ensure completion of GAPs curriculum through loan assistance programs would require approval from MDA Commissioner, coordination of multiple MDA programs, as well as subject experts and educational staff.	Increased identification of farm processors exempt from licensing would require coordination of DFID with Minnesota Grown program as well as additional food regulatory staff for follow-up, but would leave unprocessed fresh produce sales unchanged.
<b>Effectiveness</b>	Increasing grower awareness of GAPs would encourage improved producer production and handling practices by a large number of fresh produce processors in Minnesota prior to federal standards being finalized.	Altering how the Licensing Exemptions Policy is implemented would address the lack that currently exists in oversight for farm processors but would fail to address the current regulatory gap associated with produce sales that are not processed.
<b>Impact</b>	Increasing grower awareness of GAPs in the short-term would impact the largest number of fresh produce growers in Minnesota and subsequently consumers exposed to potential sources of foodborne illness related to produce production and handling. Leverage for curriculum completion with future financial assistance would add additional accountability for implementing practices to reduce risks associated with fresh produce.	Increased identification of farm processors excluded from licensing would have the greatest impact for compliance with current regulations regarding produce processing in Minnesota and subsequently reduce the food safety risk to consumers purchasing directly from farmers.

# Conclusions

- Current gap in regulatory oversight for fresh produce
- Increased registration of farm processors of produce
- Produce standards for raw agricultural commodities



# Recommendations

- Collaborate with current direct farm marketing programs
- Review Licensing Exemption Policy Memo
- GAPs training survey for current curriculum and development
- Inter-relate Licensing Exemption Policy with other MDA programs
- Determine FSMA produce standards oversight in MDA divisions for future resource planning



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# Questions

