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# Retail Food Program Annual Report

Fiscal Year 2024

A look at Retail Food Program data and services across Minnesota

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## Retail Food Program Overview

The Minnesota Department of Agriculture's (MDA) Retail Food Program is responsible for conducting periodic inspections of food establishments to assess their food safety plans, facilities, employee knowledge, and performance to verify they have the necessary capacity to protect retail food and consumer health. Preventing illness from the consumption of unsafe food is a shared objective between the Retail Food Program and food establishments. Managing risks to health through sound food safety practices, sanitary facilities, and informed consumers is the most reliable way to reach that goal.

A retail food establishment sells food directly to the consumer or indirectly through a delivery service or online sales. Some examples of retail food establishments include, but are not limited to:

- Grocery stores
- Meat markets
- Convenience stores
- Bakeries
- Mobile food units
- Wineries/taprooms
- Vending machines/micro markets
- Farmers' market stands

In addition to food safety inspections at retail food establishments, the Retail Food Program also conducts the following activities:

- Retail Construction Plan Review – This involves an evaluation of documents to assess the design, construction, and processes within a retail food establishment before building and/or licensing.
- Hazard Analysis Critical Control Plan (HACCP) Review – This is an assessment of specialized food processing done at retail food establishments to ensure specific food safety hazards are controlled. Operators must have their HACCP plans approved prior to conducting the specialized process. The MDA Plan Review team implemented a consultative approach to HACCP plan reviews to assist operators in building their HACCP plans.
- Country of Origin Labeling (COOL) Review - The MDA conducts COOL reviews on behalf of the United States Department of Agriculture's (USDA) Agricultural Marketing Service. The reviews are assigned under a cooperative agreement each year.
- Delegation Oversight - The MDA delegates its licensing and inspection authority to, and provides support for, seven local health agencies. Oversight involves administrative and technical support, annual training, and formal program evaluations.
- Quality Management System – The MDA Retail Food Program is enrolled in the Voluntary National Retail Food Regulatory Program Standards designed by the U.S. Food and Drug Administration (FDA). The program continuously works to improve services to accommodate both traditional and emerging approaches to food safety.

## Program Resources

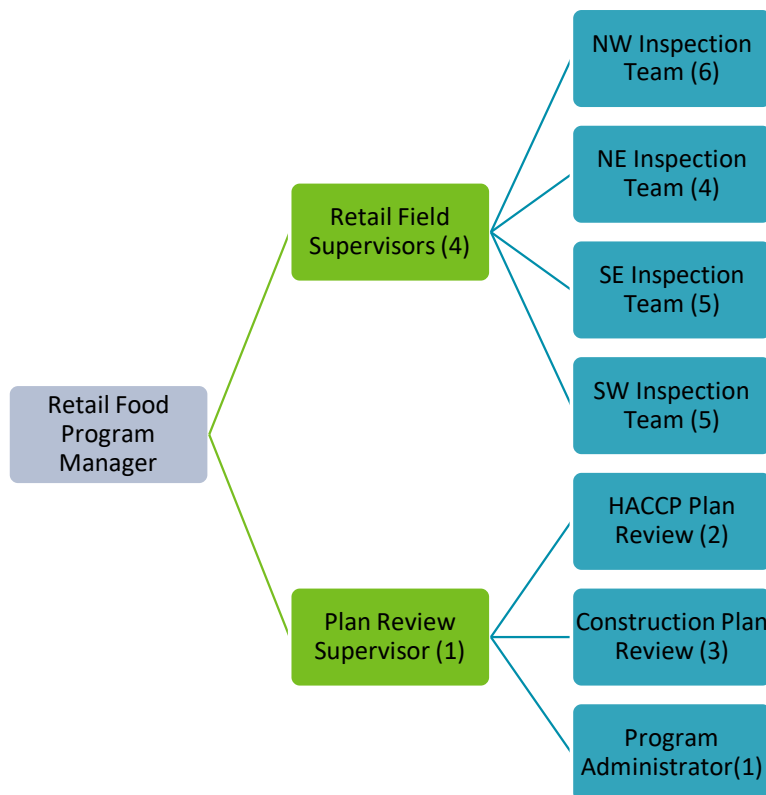
### Staffing

The MDA’s Retail Food inspectors are well-trained professionals who use their experience and food safety expertise to evaluate risks to the food supply and consumer health during processing and storage of food throughout the state of Minnesota. Inspectors assess and evaluate food safety using a risk-based approach to inspections. They assist food establishments in identifying reasonable solutions to comply with state food safety regulations and focus on education during each inspection.

The Retail Food Program Manager supervises four Retail Field Supervisors, and one Plan Review Supervisor. Each Retail Field Supervisor supervises a team of four to five inspectors based on geographical location across the state. The Plan Review Supervisor supervises a HACCP Plan Review Team consisting of two individuals, a Construction Plan Review Team consisting of three individuals, and one Program Administrator.

The Retail Food Program continues to experience staff turnover in the food inspector role. The program currently has 17 of 22 inspection territories filled with fully trained inspectors. Three territories have inspectors in training, and two territories are currently vacant.

Retail Food inspectors in Minnesota work towards obtaining a professional credential for regulators. The Registered Environmental Health Specialist/Registered Sanitarian (REHS/RS) credential is a nationally recognized program, and inspectors with this credential have demonstrated competency in a wide range of environmental health topics including food safety, water quality, hazardous materials, and emergency response. Currently, 19 individuals in the MDA Retail Food Program hold this credential.



## Program Funding

In 2023, a new Agriculture Fund Food Handler License account was approved, which funded over 65% of the Retail Food Program’s activities in FY24. This provides the program with greater flexibility to plan program improvements and therefore to support public health. Additional funds to support program activities come through other Agriculture and General Fund appropriations, including plan review, delegation oversight, as well as contracts and grants from federal agencies to support country-of-origin labeling and Retail program standards.

## Retail Program Annual Highlights

### Inspections

The Retail Food Program conducts a variety of inspections such as licensing, routine inspections, follow-ups, re-inspections, complaints, investigations, and sampling. These inspections assess compliance with the applicable rules and regulations to ensure a safe food supply for consumers.

Table 2: Retail Food Program Inspections

Consultations	Plan Review	Licensing	Routine	Sampling	Follow-up and Reinspections	Complaint and Investigations	Total Inspections
128 (3%)	140 (3.2%)	428 (9.9%)	3072 (70.9%)	60 (1.4%)	320 (7.4%)	184 (4.2%)	4332

### Recall audits and hemp-derived cannabis program work

In FY2024, the MDA entered into an interagency agreement with the Minnesota Department of Health (MDH) to support the Hemp-Derived Cannabis Program. In November 2023, the Retail Food Program conducted an emergency recall of edible hemp-derived cannabis products that were significantly above the legal limit of THC. In less than 48 hours, the Retail Food Program received the assignment, trained field inspectors, and conducted audits at 40 locations to remove illegal, high-dose products from sale. The Retail Food Program continued to inspect hemp-derived cannabis product at MDA-licensed businesses until the end of the interagency agreement in June 2024, conducting approximately 30 inspections per month during that period.

The Retail Food Program also conducted two recall effectiveness checks in coordination with the FDA and local partners. MDA inspectors verified lead contaminated applesauce products linked to over 500 cases of lead exposure in children across the country were properly removed from commerce. Retail Food Program staff conducted site visits at 29 locations in November 2023 and 101 locations in December 2023. These were the first two recall effectiveness checks the Retail Food Program has conducted for over eight years.

### Plan review and HACCP updates

Plan Review continued modernization efforts by completing a fee restructuring project, with the goal of assigning fees that more closely align with the actual cost of completing plan review services without delays. The Plan Review team hired one new Plan Review Officer and completed 460 plans in FY24.

The HACCP team continued a consultative approach to work with operators, processing 49 HACCP plans in FY24. The team continues to evaluate the risks associated with specialized processes such as canning, freeze drying, fermentation, and dehydrating food at retail to ensure the food is safe for consumption. Any specialized processes to prepare food is complex with inherent risks if performed incorrectly. Establishments preparing any food to render refrigerated food shelf stable or extend the shelf life should receive written documentation from a Process Authority to verify their recipe and process is safe before seeking approval from the MDA. A list of nationwide Process Authorities can be found on the Association of Food and Drug Officials [Processing Authority Directory webpage](#).

Additionally, the HACCP team also started hosting quarterly HACCP Community of Practice meetings to engage with other food regulators from the MDH and local jurisdictions across Minnesota. The intent of these meetings is to share information, discuss best practices, and improve understanding of specialized food processing activities in Minnesota.

### Voluntary National Retail Food Regulatory Program Standards (VNRFPS)

The Retail Food Program enrolled in the VNRFPS on September 14, 2001, and achieved its goal of meeting all nine standards on April 29, 2024. The Retail Program Standards are designed to help food regulatory programs enhance the services they provide to the public. These standards provide confidence the services provided by the Retail Food Program are consistent and equitable throughout the state.

The MDA’s Retail Food Program is one of three programs in the country that meets all nine standards in a current self-assessment cycle. This achievement highlights the Retail Food Program’s dedication to continuous improvement and emphasizes Minnesota’s role as a leader in food safety in the country. Moving forward, the Retail Food Program will strive to continue compliance with all standards, remaining dedicated to maintaining food safety in Minnesota. The Retail Food Program also hosts VNRFPS workshops for the other regulatory agencies in Minnesota that work with retail foods to promote excellence and compliance with the standards.

Table 3: List of Voluntary National Retail Food Regulatory Program Standards

Standard	Title	First Compliance Date	Current Status
Standard 1	Regulatory Foundation	3/3/2003	Standard met
Standard 2	Trained Regulatory Staff	6/15/2017	Standard met
Standard 3	Inspection Program Based on HACCP Principles	6/21/2016	Standard met
Standard 4	Uniform Inspection Program	4/29/2024	Standard met
Standard 5	Foodborne Illness and Food Defense Preparedness and Response	8/24/2016	Standard met
Standard 6	Compliance and Enforcement	3/30/2021	Standard met
Standard 7	Industry and Community Relations	6/21/2016	Standard met
Standard 8	Program Support and Resources	12/19/2016	Standard met
Standard 9	Program Assessment	2/17/2021	Standard met

### Strategic directions

The Retail Food Program participated in a program-wide, facilitated exercise to identify strategic directions in support of the One Minnesota Plan to implement over the next several years. Areas of emphasis for further

development included food waste reduction, identifying ways to better serve underserved communities, and developing an understanding of emerging retail food business models.

The Retail Food Program decided to prioritize development of a food waste reduction workgroup. Retail Food Program members created a project charter and have started engaging with other state and local agencies and non-profit partners to examine how the Retail Food Program can best support food waste reduction efforts in Minnesota. Initial efforts will be focused on how to best connect food businesses with existing food waste reduction resources. The program plans to incorporate the other strategic direction priorities into its workflow in upcoming years.

### **Process improvement - active managerial control of foodborne illness risk factors**

The Retail Food Program has conducted a project to improve long term control of foodborne illness risk factors since 2022. In FY22, the Retail Food Program implemented corrective action plans (CAPs) and risk control plans (RCPs) were utilized in a more intentional and structured approach to reduce foodborne illness risk factor violations, which are specific food handler practices that contribute to majority of the foodborne illness outbreaks. These tools are used to help gain compliance by building a food establishment's long-term control, rather than addressing only immediate corrective actions. In FY23, the Retail Food Program partnered with the University of Minnesota within the Minnesota Integrated Food Safety Center of Excellence to evaluate the effectiveness of the CAP and RCPs. A student worker was hired to assess the current procedures to determine if these efforts make an impact on risk factor violations. As part of the study, over 5,000 reports were analyzed.

The study found Corrective Action Plans were issued approximately one-third of the time, and Risk Control Plans were issued minimally. The study was unable to conclusively show that these tools significantly decreased risk factor violations in future inspections. However, significant variation in the implementation of these tools among different inspectors was observed, which led to further examination of the Retail Food Program's efforts using these tools. Inspection staff were surveyed to identify challenges and best practices, and Retail Food Program leadership are currently assessing how to use these tools even more effectively in the future.

### **Mentorship project**

In 2023, the Retail Food Program was awarded a National Environmental Health Association - FDA Retail Flexible Funding Model grant to develop a structured mentorship program for recently hired food inspection staff to facilitate connection to the work, promote retention, and assist with a more effective method of knowledge transfer. From December 2019 through November 2023, 23% of inspectors with less than 3 years of experience had left the inspection program. As of December 2023, 45% of retail inspectors had less than one year of experience and 55% of retail inspectors had over 5 years of experience. The MDA retail inspection staff is comprised of inspectors and supervisors who are staffed remotely throughout the state of Minnesota and have no shared office space, making more frequent connections with experienced staff increasingly more important to facilitate connection to the work, promote retention, and assist with a more effective method of knowledge transfer. Interactions between a mentee and a mentor provides additional space for creating connections between staff, assists with accelerated learning, develops more in-depth understanding of the regulatory nuances of the Food Code and public health principles.

The project team began work by holding a facilitated brainstorming session to create a shared vision for how to structure a successful inspector mentorship program. The brainstorming session included experienced and new inspection staff and recent mentors and mentees. The session started with a facilitated discussion to identify



successes and challenges with the current mentoring setup and concluded with a consensus workshop which resulted in defining six key components of the newly structured mentoring program.

The project team then utilized a variety of methods for researching and developing the materials for the program. The team networked with other agencies to understand the resources they had developed, attended training on onboarding strategies, mentorship and internship programs, and researched and summarized online resources from other mentorship programs throughout the country. The team is currently developing a guidance document and an electronic training module that communicates the key components of the program to new inspection staff and experienced staff who volunteered to be mentors and/or onboarding buddies.

## Delegated agency audits

The Retail Food Program delegates its licensing and inspection authority to seven local health agencies across Minnesota under authority granted in MINN. STAT. 28A. Oversight involves administrative and technical support, annual training, and formal program evaluations. The Retail Food Program began program evaluations of its delegated agencies in June 2024. These audits ensure food safety standards are upheld at retail food facilities across the state. Administrative evaluations are scheduled to be completed October 2024 and field audits will start in spring 2025.

## Outreach

Retail Food Program staff engaged with the public, industry, and other regulators at all levels this fiscal year. Retail staff delivered presentations at local, state, and national events and conferences, including the following:

- Presented about foraged food regulations at the Minnesota Environmental Health Association (MEHA) Spring 2024 meeting.
- Presented at a Pipestone Kiwanis Club meeting about MDA structure and food safety regulation in Minnesota.
- Attended University of Minnesota School of Public Health Practice Day.
- Attended the Minnesota Association of Meat Processors (MAMP) meeting in St. Cloud, MN.
- Presented about effective communication of data at the National Environmental Health Association Region 4 Conference in West Fargo, ND.
- Presented about food licensing in Minnesota at the 2024 Agritourism Workshop.
- Presented at the annual National Environmental Health Association (NEHA) education conference about consultative approach to HACCP plans.
- Presented about Cottage Foods and Food Preservation at the Roseau Garden Expo.

Retail food program staff also participated in professional organizations at the state and national level. In Spring of 2024, two retail staff members were elected to the roles of Vice-President and three-year Director in the MEHA. The Retail Food Program Manager currently serves as the NEHA Region 4 Vice President and several other staff members also participate in MEHA, NEHA, the Association of Food and Drug Officials (AFDO), and the Conference for Food Protection (CFP).

The Retail Food Program also continued the quarterly [Retail Food for Thought Newsletter](#), providing valuable updates and resources to licensed food establishments. The newsletter includes a survey for direct and ongoing feedback from food establishments to ensure the newsletter provides relevant information.

## Retail Food Program Priorities and Planned Activities

The Retail Food Program will further the success from the past year by continuing to provide quality protection services while focusing on specific aspects of program support and services to improve outcomes for applicants, food establishments, and consumers. The RFP plans to conduct the following activities in the next fiscal year:

- Hire and train two new Agricultural Specialists/Advisors to fill the territories that were vacant at the end of FY24 to bring inspection staffing levels to 100%.
- Conduct on-time, routine inspections in inspection territories which are currently staffed by a fully trained inspector.
- Increase emphasis on conducting inspections of mobile food vendors at itinerant events.
- Continue to develop strategic direction projects to fully support the One Minnesota Plan and agency directives.
- Conduct surveillance sampling of prepackaged foods sold in Minnesota as part of the Laboratory Flexible Funding Model FDA grant.
- Finish development of training modules for inspection staff and external partners as part of a two-year National Environmental Health Association - FDA Retail Flexible Funding Model grant.

## Challenges and Recommendations

Challenge #1: Increasing food establishment inventory, need for consultative and educational services, and emerging business models place a considerable demand on the Retail Food Program's limited resources. Increasing funding streams or changing the food licensing structure may allow the MDA to better serve its partners and increase its ability to protect public health.

Challenge #2: The Retail Food Program continues to experience staff turn-over at the Agricultural Specialist and Advisor levels. The MDA faces competition from other regulatory agencies and industry to hire and retain the most qualified individuals. Increasing resources for staff development, such as the mentoring project that was started this year, will help the Retail Food Program maintain high levels of staff engagement and retention.

## Industry Spotlights

“Our inspector helped us get better with some issues when we started our store. He assisted in getting us licensed and let us know what we needed to start. We are happy to work with him as he speaks Spanish and we can have a conversation to help us understand the regulations. We are happy with the help he has given us.”

Sonia Campos, Owner

El Ranchito Market, Pipestone, MN



“My name is Ryan Schmidt, and I am the third-generation owner of Schmidt’s Meat Market, Inc. in Nicollet, Minnesota. Our family-owned business is a custom exempt slaughter and retail exempt facility. We process local livestock for area farmers along with making many varieties of fresh and smoked sausage and meat products for sale in our retail store. We have always had a great working relationship with the MDA retail staff and inspectors over the years. Our current inspectors are very professional, thorough and are also very helpful whenever we need some advice or clarification relating to new products, procedures, or Minnesota Food Code regulations. The MDA retail staff have also been helpful in the process of obtaining variances to Minnesota Food Code when necessary.”

Ryan Schmidt

Owner / President

Schmidt’s Meat Market, Inc.



# Resources

[Retail Food Program Website](#)

[Retail Food for Thought Newsletter](#)

[Association of Food and Drug Officials Food Processing Authority Directory](#)