

Originator Community Development	Item Amendment of the MDA Delegation Agreement
Agenda Section CONSENT	Date 5/5/2014

Description

GENERAL INFORMATION

The City of Bloomington signed a delegation of authority agreement with the Minnesota Department of Agriculture (MDA) for licensing and inspecting retail food establishments on July 19, 2001. This contract allows the City to license, inspect and investigate complaints at grocery stores, convenience stores, farmers' markets, meat markets, bakeries and other retail food establishments in the City where more than 50 percent of the sales of food is to the consumer of the food (retail) and not to another reselling it (wholesale). MDA licenses and inspects all wholesalers and food manufacturers across the state.

At this time, MDA requests a minor amendment to this agreement to further clarify its responsibilities for oversight to the Food and Drug Administration (FDA) under the Code of Federal Regulations Title 21 as it relates to food establishments wholesaling seafood, juice, low acid canned foods, acidified foods, bottled drinking water and dairy products. This means that any amount of wholesaling of these products would shift the establishment to MDA for licensing and inspection. If an establishment is producing these types of products, but is entirely retail, the authority to license and inspect would stay with the City of Bloomington.

Establishment examples include:

- Sushi producers at grocery stores, if they make product for more than one location
- Fresh squeezed juice producers that make product for anything other than direct to consumer sales (juice bars that sell to restaurants or other stores, stores that make fresh orange juice and sell to stores)
- Producers of salsa, certain types of sauces, canned goods
- Producers of bottled water
- Producers of ice cream or other dairy products that fall under dairy inspection authority

This would not apply to restaurants producing the above products for wholesale because MDA does not have jurisdiction over restaurants and food service establishments. This jurisdiction would stay with the City under its delegation of authority agreement with the Minnesota Department of Health, but information will be provided to these establishments covering any requirements for manufacture and wholesale of the above products because FDA still carries jurisdiction over these establishments.

At this time the City licenses no retail food establishments wholesaling food items specified above; therefore, by approving the amendment the City would not transfer any retail food licenses to MDA.

Requested Action

Staff recommends approval

Attachments:

Amendment to the Minnesota Department of Agriculture Delegation Agreement