

Food Digest

Food and Dairy Division Summer 2000

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Michigan - A Food Safety Leader

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In May, Governor John Engler signed Michigan Food Law 2000, effectively rewriting Michigan food regulations for the first time in nearly three decades. The new law will help food industry

managers and regulators focus on food safety issues and prevent foodborne illnesses.

Michigan Food Law 2000 is the result of over two years of hard work by a broad coalition of regulators, public health officials and food industry representatives who agreed that Michigan's food regulations needed modernizing.

This new law will take effect November 8, 2000, allowing us several months to prepare for the new standards. This newsletter contains important information to help you and your establishment understand and get ready for the changes. In addition, training courses will be provided at a variety of times and locations across the state. We have also enclosed a list of nationally-recognized training programs for your convenience. I encourage you to attend one of these or any other food safety training course.

As always, please feel free to contact us toll-free by calling (800) 292-3939 or visiting our Web site at www.mda.state.mi.us. We look forward to working together to implement the new law and continuing Michigan's tradition of national food safety leadership.

*Look for this logo!
It will accompany
all communications on
the State's new food law.*



How will Michigan's new food law effect YOU?

What is Michigan Food Law 2000?

Michigan Food Law 2000, or Public Act 92, establishes regulatory standards for all licensed food establishments in Michigan. It was designed to streamline current food safety laws, eliminate overlapping and conflicting provisions, and allow us to focus on preventing foodborne illnesses.

It adopts several federal codes and regulations including:

- The 1999 Food and Drug Administration (FDA) Food Code - for retail food facilities (restaurants, grocery and convenience stores);
- The federal Good Manufacturing Practices (GMPs) - for food processors, packers, wholesalers, and distributors;
- Several federal regulations for specific food processes such as low acid and acidified foods.

What are the leading causes of foodborne illness?

According to the U.S. Centers for Disease Control and Prevention (CDC), there are five leading causes for foodborne illness outbreaks.

Five Leading Causes of Foodborne Illness

- Inadequate cooling of foods;
- Improper holding temperatures;
- Poor personal hygiene of food workers;
- Contaminated equipment;
- Obtaining food from unsafe sources (example: oysters harvested from contaminated oyster beds).

How will the new food law help control foodborne illness outbreaks?

While there are other causes of foodborne illness, controlling the most common sources of foodborne illness is vital to improving food safety. To help with this effort, Michigan Food Law 2000 identifies five key food safety tools that retail food establishments must use to help control these well-documented risks.

Five Key Food Safety Tools

- Preventing sick employees from working with foods;
- Demonstrating food facility manager knowledge;
- Ensuring proper time and temperature food controls;
- Preventing contamination of foods by employee hands;
- Advising consumers of the risks of eating raw or undercooked foods of animal origin.

In addition, the new food law has identified certain provisions as “critical items” - the types of violations most likely to result in food contamination, illness or environmental health hazards. Violations of critical items must be corrected within a specified period of time.

Did Michigan Food Law 2000 make any modifications to the 1999 FDA Food Code?

Michigan Food Law 2000 clarifies the intent of the 1999 Food Code requirements in the following areas:

- bare-hand contact with exposed ready-to-eat foods;
- demonstration of knowledge by food facility managers;
- consumer advisories when ready-to-eat foods are served raw or undercooked.

Michigan's new food law takes precedence over the 1999 Food Code. *(See fold for more detailed information about these three topics.)*

New license fees

Retail food establishments	\$ 70
Extended retail food establishments	\$175
Limited wholesale food processors (under \$25,000 gross sales)	\$ 70
Wholesale food processors	\$175
Temporary food establishments	\$ 28
Food warehouses	\$ 70

Will the licensing process or inspections change under Food Law 2000?

The new food law eliminates costly and inefficient dual inspections and licensing. Except in unusual circumstances, each food establishment will now need only one license and have one inspector. If an establishment is mainly a grocery store, then MDA will inspect and license it - even if food service activities are taking place in the store. If the establishment is mainly a restaurant (sit-down or carryout), it will be inspected and licensed by the local health department - even if it sells packaged foods. The agencies normally responsible for inspecting facilities are:

MDA

- Grocery stores
- Convenience stores
- Warehouses
- Food processors

Local Health Departments

- Restaurants (including carry-out food)
- Catering trucks and commissaries
- Food carts (example: Hot dogs)
- Coffee Houses

Will my license fee change?

Restaurant license fees will continue to be set by each local health department, even though license applications will still be mailed by MDA each year.

Grocery stores, convenience stores, and food processors will see a change in licensing fees under Michigan Food Law 2000. No longer will there be two rates based upon square footage of the establishment. A single rate of \$70 per store will be issued for establishments that do not prepare foods. Establishments selling prepared meals and offering sit-down service (extended retail food establishments) will pay a licensing fee of \$175.

How can I get training on the law's new requirements?

Now that Michigan has adopted national food safety standards, we can take full advantage of the several excellent food safety training programs that have been developed across the country. You can obtain a list of these training programs from MDA's Web site at www.mda.state.mi.us or by contacting the state's food industry trade associations. A list of nationally-recognized food safety training programs is also enclosed in this mailing. Also included are specific industry training opportunities that MDA was aware of at the time of this mailing.

MDA will also be working with the food industry to develop fact sheets and posters for food establishments that focus on handwashing, cross contamination, cleaning and sanitizing, employee health and hygiene, and time and temperature controls. Copies will be made available through MDA regional offices, local health departments, and food industry associations.

I own a processing plant. How will Michigan Food Law 2000 affect me?

The law adopts the Good Manufacturing Practices (GMPs) found in the Code of Federal Regulations (CFR). Since nearly all manufacturers and warehouses currently have to meet federal requirements as well as state standards, this change creates inspection uniformity - both state and federal agencies will use the same standard, (21 CFR Part 110).

I am a food processor with a retail outlet located in part of my processing facility. How will Michigan Food Law 2000 impact me?

The federal GMPs will apply to the processing operations. The retail segment of your facility will need to meet the standards in the 1999 Food Code.



Remember:

MDA has established a new toll-free number and decal program to make existing food safety information more readily available. This decal is available at no cost to Michigan retail food stores and is a great way to proactively communicate with consumers.

Does Michigan Food Law 2000 contain new penalties?

Yes. To help ensure a safe and wholesome food supply for Michigan consumers, the new food law establishes new penalties for those violating food safety regulations. However, the law also allows a graduated fine system with fair timetables to correct noncritical violations. The new penalties include:

- Expanding MDA's authority to impose administrative fines on MDA inspected establishments (local health departments already had the ability to assess fines in cases involving food service facilities);
- Adding new felony penalties for intentional food adulteration. A felony charge may also include imprisonment for up to four years.

The law also provides for a wider range of regulatory responses, allowing regulators to take actions that are in line with the nature of the violation. For example, MDA may require food safety training for those who repeatedly fail to correct critical violations.

Hot and Cold Food Holding Temperatures

Michigan Food Law 2000 (1999 FDA Food Code, Section 3-501.16) establishes retail holding temperature requirements for potentially hazardous foods.

In general, except during preparation, cooking or cooling, potentially hazardous foods must be maintained at **41° F**;

or

must be held at **140° F** or above (see Section 3-401.11 for information on whole roasts.)

For more information about any of these topics, contact: Food and Dairy Division,

Michigan Dept. of Agriculture, PO Box 30017, Lansing, MI 48909 • PH 517-373-1060; FX 517-373-3333; WEB www.mda.state.mi.us

To be added/deleted from this mailing list or to comment on the **Food Digest**, contact: Public Information,

Michigan Dept. of Agriculture, PO Box 30017, Lansing, MI 48909 • PH 517-241-4282; FX 517-335-7071 E-MAIL linsmeiers@state.mi.us

Plan and Specification Review

Michigan Food Law 2000 requires food service establishments and retail grocery stores with a food service establishment on premise to seek plan and specification review approval. Voluntary plan and specification review will be available and is recommended for other retail establishments.

Food service establishments will continue to submit their plans, specifications, and associated fees to their local health department. Beginning November 8, 2000, other food establishments intending to reconstruct, remodel, or alter the food operations in an existing facility or to construct a new facility, are asked to contact the MDA regional office in their area before beginning the remodeling or construction. There is no charge for an MDA plan review (already built into license fee). The MDA regional office nearest you may be obtained by calling (800) 292-3939 or visiting MDA's Web site at www.mda.state.mi.us.

Food Safety Education Funds

While Michigan Food Law 2000 requires regulators and the food industry to step up their food safety efforts, the law also recognizes that consumers are the last line of defense in assuring the safety of the foods they eat. To help ensure that Michigan consumers have the education they need to prevent foodborne illnesses, the new law establishes a Consumer Food Safety Education Fund. This fund will be used to provide statewide food safety training and education to consumers.

In addition, the new law also creates the Industry Food Safety Education Fund to provide food safety training and education to food service establishment employees and regulators charged with enforcing Michigan Food Law 2000.

A retail food advisory board consisting of a minimum of nine members representing consumers, food industry, government and researches will advise MDA on the use of these funds, as well as the implementation of Michigan Food Law 2000 and food safety and policy.

Michigan Food Law 2000 Information Available On-Line

The following Web sites are available to help you:

- MDA's Web site at www.mda.state.mi.us to obtain copies of Michigan Food Law 2000, as well information on the law and current food safety training opportunities. It is updated regularly.
- FDA's Web site at www.fda.gov to obtain electronic access to FDA's 1999 Food Code. Please remember that Michigan Food Law 2000 clarifies some Food Code requirements.
- The Government Printing Office Web site at www.access.gpo.gov/cgi-bin/cfrassemble.cgi?title=199921 to obtain the Code of Federal Regulations.

Bare-Hand Contact With Ready-To-Eat Foods

Under Michigan Food Law 2000, retail food employees, except when washing fruits and vegetables or when otherwise approved, may not touch ready-to-eat foods with their bare hands, and are required to use suitable utensils such as spatulas and tongs.

The new law spells out very specific conditions that retailers must meet if bare-hand contact with ready-to-eat foods is to be allowed. No prior approval is required. However, if a retailer wishes to allow bare-hand contact with these foods they must do the following:

- Evaluate alternatives to bare-hand contact and determine that they are not practical in their operations;
- Meet the critical requirements of FDA's 1999 Food Code;
- Implement and document a training program for food employees having bare-hand contact with ready-to-eat foods;
- Develop and implement a written plan documenting how the facility manages employees having bare-hand contact with ready-to-eat foods.

These tough new requirements are designed to ensure that consumer safety will not be compromised when bare-hand contact with ready-to-eat foods occurs.

Manager Responsibilities and Knowledge

Michigan Food Law 2000 requires retail food establishments to have, during all hours of operation, a person in charge who is able to demonstrate knowledge of foodborne disease prevention, and the requirements of FDA's 1999 Food Code as it relates to the establishment's food operation. The level of knowledge required of a person in charge depends on the scope of the establishment's food operations.

Examples of the managers' responsibilities:

- Directing food preparation activities and taking corrective action as needed to protect the health of the consumer;
- Ensuring that potentially hazardous foods are held at the proper temperatures during storage, preparation, display and service;
- Ensuring that employees cook potentially hazardous foods to proper temperatures;
- Conducting self-inspections of daily food operations and verifying that food safety policies and procedures are followed.

Consumer Advisory

Retailers who sell raw or undercooked ready-to-eat foods of animal origin will be required by Michigan Food Law 2000 to advise consumers of increased foodborne illness risks associated with eating these foods. Examples of foods of animal origin include: meat, poultry, eggs, fish and shellfish.

Retailers can comply with this requirement by using brochures, deli case or menu advisories, label statements, table tents, placards or other effective written means. Michigan Food Law 2000 states: "effective written means means the information is displayed in a manner that is noticeable to be read by an interested person actively seeking this information."

The essential elements of a consumer advisory are a disclosure and a reminder.

Disclosure:

A disclosure describes the food items (example: "raw-egg Caesar salad") and/or asterisks (*) the food items to a footnote that states that the items are 1) served raw or undercooked, or 2) contain (or may contain) raw or undercooked ingredients.

Reminder:

A reminder identifies the increased risk associated with consuming raw or undercooked animal-derived foods. The requirement for a reminder is satisfied when such foods are asterisked to a footnote stating one of the following:

- "Regarding the safety of these items, written information is available on request."
- "When eating out or cooking at home, thorough cooking of foods of animal origin reduces the risk of foodborne illness. Contact your physician or public health professional for further information."
- "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness."
- "Consumption of raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions."