



Michigan Department of Agriculture

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Food Digest

Food and Dairy Division Spring 2008

Food Law/Food Code Changes

The Michigan Food Law of 2000 has recently been amended, including adoption of the 2005 FDA Food Code. Refer to the "Key Changes to the Michigan Food Law" document enclosed in this license packet for specific key changes in the Food Law and Food Code. More information is available at www.michigan.gov/mda.

Plan Review

The recent Food Law update includes a \$197 fee for mandatory plan reviews of certain retail grocery establishments. A mandatory plan review is required for any retail food establishment that is licensed as a:

- extended retail establishment (grocery with a deli and seating); or,
- retail grocery which contains a food service establishment that is owned by the retail store.

A plan review and approval is required before beginning construction, remodeling, or conversion of these food establishments. Please contact your MDA regional office to discuss any proposed remodeling or construction to determine if a plan review is needed and if the fee is applicable to your project.

Recall Information

In the past year, the amount of food recalls has substantially increased. MDA has been vigilant in ensuring that affected firms receive proper notice of a recalled food product. MDA's website has a specific area for food recalls for industry and consumers. The recall area can be found at www.michigan.gov/mda under "Quick Links" and "Food Recalls" in the right hand column.

Emergency Tools for Retail Food Establishments

To help Michigan businesses prepare for a food related emergency, MDA and its local health department partners have provided retail food establishments with the "Emergency Action Plan for Retail Food Establishments" (EAP) booklet. Retail food

establishments should refer to the EAP booklet in the event of:

- power outage
- loss of water
- fire
- flood
- sewage back-up
- vomit or stool contamination

Please keep the EAP booklet close at hand in case of an emergency. Following the response plans in the book may allow your establishment to remain open during an emergency. Copies are also available at www.michigan.gov/mda.

The Person-In-Charge Job Description

The 2005 Food Code (section 2-103.11) describes the food safety duties of the person-in-charge of a food establishment. The key duties of a person-in-charge include ensuring that:

- Operations are not conducted in a private home or sleeping quarters.
- Persons unnecessary to the food establishment operation are not allowed in preparation, storage or warewashing areas. Allowable exceptions include brief visits or tours if food, equipment, etc. are protected from contamination.
- Employees and other persons such as delivery and maintenance persons and pesticide applicators entering the food preparation, food storage, and warewashing areas comply with this code.
- Employees are effectively cleaning their hands.
- Employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at

(continued on back page)

the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt.

- Employees are properly cooking potentially hazardous food and oversight of the employees' routine monitoring of the cooking temperatures is done.
- Employees are using proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within four hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling.
- Menu consumer advisories regarding raw or undercooked food of animal origin are correct.
- Employees are properly sanitizing and cleaning multi-use equipment and utensils before they are reused.
- Consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets.
- Employees are preventing cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment, except when approval for bare-hand contact is obtained from the regulatory authority.
- Employees are properly trained in food safety as it relates to their assigned duties.
- Food employees and conditional employees are informed of their responsibility to report, in accordance with law, to the person in charge information about their health and activities as they relate to diseases that are transmissible through food.

Late License Submittals

Please remember to submit your license application on time this year. Each year, a small percentage of businesses place themselves in the unfortunate position of having to pay late fees and fines, or even receive closure orders because their food establishment license was not renewed on time. All food establishment licenses expire on April 30 of each year.

Late fees and fines are progressive and may include:

- \$100 late fee (\$10/day)
- \$400 fine (1st year late)
- \$800 fine (2nd year late)
- Closure order and legal action

Tips for avoiding late penalties:

- Place a reminder on your calendar ahead of April 30 to give yourself time to mail the renewal application and fee.
- If you have not received a renewal application in the mail by March 30, call the MDA Licensing Unit to check that the correct address is listed and request another application be sent.
- Be sure to mail the renewal so it is postmarked before April 30.
- When notified, promptly submit any late fee in order to avoid additional fines and penalties.

Your food establishment license must be conspicuously posted. For additional information or questions, contact the MDA Licensing Unit at **517-241-6666**.

Food and Dairy Division Regional Offices

Region 1 – Upper Peninsula

Escanaba, MI • 231-922-5210

Region 2 – Northern

Traverse City, MI • 231-922-5210

Region 3 – West Central

Grand Rapids, MI • 616-356-0600

Region 4 – East Central

Saginaw, MI • 989-757-7501

Region 5 - Southwest

St Joseph, MI • 269-428-2546

Region 6 – South Central

Lansing, MI • 517-373-1060

Region 7 - Detroit

Southfield, MI • 248-356-1700



Consumer Complaint Hotline

If you, or your consumers see a food-related problem, please report it to MDA Food and Dairy Division at: **800-292-3939** or through the MDA website.

www.michigan.gov/mda