



Michigan Department of Agriculture & Rural Development

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Food Digest

Food and Dairy Division

Winter 2014

Food Safety Modernization Act Update

The U.S. Food and Drug Administration (FDA) has released a total of seven proposed rules under the Food Safety Modernization Act (FSMA). Below is a list of each rule along with a brief description. All proposed rules get published for public comment, which are used to form the final rule. The comment period has already ended for most rules. At this time, the final rules are expected to be released sometime in 2015. After the final rules are released, food and agriculture businesses will have a period of time to come into compliance. The compliance dates vary depending on the type and size of business, but range from 1 – 4 years after the final rule is released. For more details on each rule and the specific compliance dates, please go to www.fda.gov/fsma.

- **Preventive Controls for Human Food:** This rule applies to many facilities that manufacture, pack or hold human food and will require firms to have written food safety plans.
- **Produce Safety:** This rule will establish science-based standards for the safe growing, harvesting, packing, and holding of produce in its raw or natural (unprocessed) state on farms.
- **Foreign Supplier Verification Program (FSVP):** This rule creates new requirements for importers of food to monitor their foreign suppliers.
- **Third Party Auditor Accreditation:** This rule applies to third party auditors performing certification audits at foreign suppliers.
- **Preventive Controls of Animal Food:** This rule applies to many facilities that manufacture, pack or hold animal feed and/or pet food. This includes facilities supplying animal feed as a by-product. The rule will require firms to have written food safety plans.
- **Protection Against Intentional Adulteration:** This rule applies to many facilities that manufacture, pack or hold human food and requires measures to prevent against being the target of intentional attempts to contaminate the food supply with the intent to cause public harm.
- **Sanitary Transportation of Food:** With some exceptions, this proposed rule would apply to shippers, receivers, and carriers who transport food in the U.S. by motor or rail vehicle.

MDARD recommends companies impacted by these rules become familiar with the content and begin taking initial steps to get into compliance. The rules are intended to improve food safety and reduce foodborne illness outbreaks. Taking action now may help reduce the risk of your company being involved in a food safety incident. It will also allow more time for implementation of any changes needed to be compliant with the rules.

Terry Philibeck Rejoins MDARD Staff

Terry Philibeck was named the Food and Dairy Division's deputy division director and Dairy Section program manager in September 2013, replacing Sue Esser, who retired. Terry's responsibilities include managing the division's supervisory and program staff and providing oversight for dairy food safety rules and regulations.

Terry came to MDARD after serving six years as Dairy Division Director for the Indiana Board of Animal Health, followed by a six-month term at United Dairy Industry of Michigan, where he served as director of industry relations. Terry is a familiar face at MDARD -- he spent 13 years with the department, serving as a dairy inspector for about two years, followed by nearly 11 years as MDARD's West Region Dairy Supervisor.

One of the biggest changes Terry noticed after being away from Michigan for several years is the growth of our state's dairy industry, especially in the size and scope of dairy operations. Michigan recently surpassed Minnesota in total milk production, moving from 8th in the nation to 7th, and is gaining on Texas. The state has also seen huge growth in new dairy plant construction to handle the increase in milk production.

"It's been great to see familiar faces at MDARD and to be welcomed back so warmly," Terry commented. "I've also had the opportunity to spend time with many of the new dairy inspectors to get to know them and their backgrounds, and I am impressed by their level of professionalism and expertise."

Terry's extensive knowledge of the dairy industry and state and federal rules and regulations are a huge asset to the department.

CIFOR Foodborne Illness Response Guidelines Available

The Council to Improve Foodborne Outbreak Response has developed a publication, "Foodborne Illness Response Guidelines for Owners, Operators and Managers of Food Establishments." The publication contains recommendations and tools to reduce the risk and respond to foodborne illness outbreaks effectively. An electronic copy of the publication is available at <http://www.cifor.us/projind.cfm>

Avoid Late Fees: Submit License On Time

All food establishment licenses expire on **April 30** each year. MDARD sends license renewals for current licensed establishments early in the 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

If you have not received a renewal application in the mail by March 15, call MDARD's Central Licensing Unit at 517-284-5771 to ensure the correct address is listed and request another application. Be sure to mail the renewal so it is postmarked before April 30.

If you are notified because your renewal was late, promptly submit any late fee in order to avoid additional fines and penalties. And remember, your food establishment license must be conspicuously posted. For additional information or questions, contact MDARD's Central Licensing Unit at 517-284-5771.

Variance Deadline for Specialized Meat Processors Approaching

Does your establishment produce cured meat products? Michigan's Food Law requires licensed food establishments conducting specialized meat processing for retail sales to obtain a variance. All specialized meat processors must submit a completed application available online and have their variance approved by March 1, 2015. Newly licensed processors must obtain the variance upon licensing. The following establishments need a variance:

- Meat processors who meet all of the following:
 - o Conduct specialized meat processing, such as curing, smoking, using additives for preservation or vacuum packaging of specialized meat products;
 - o Are licensed by MDARD and regulated under the Food Code (e.g., food service and retail operations);
 - o Are not inspected by USDA for those retail meat processing operations.
- Custom exempt venison processors who make sausage for their customers using other meat products and ingredients supplied by the processor.

Establishments that do not have their variance approved by March 1, 2015 will enter the enforcement process. An approved variance is required to produce these products at retail. For information about the variance approval process, available training, or to obtain an application visit www.michigan.gov/meatprocessing or call MDARD at 800-292-3939.

Reminder: Renew Your License Online

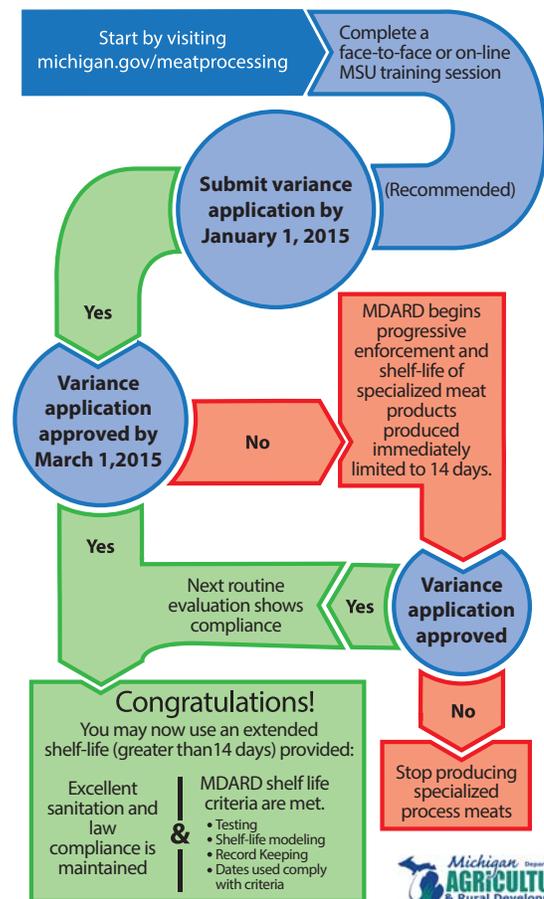
When you renew your food establishment license online through the Michigan Business One Stop, you can have your license renewal in your hands within a few days!

Review the information in SECTION A of your renewal notice. If there are no changes to the information in SECTION A, you can renew online. After you pay for the items in your shopping cart, your renewal application is immediately forwarded to MDARD where it will receive expedited processing. Most applicants will be able to print their eCredentials from their One Stop accounts within five business days.

If you have changes to any information in SECTION A, you can still mail your application with the required fee. If you need to apply for a new license because of ownership or address changes, you can also do that online through the Michigan Business One Stop portal. Visit www.michigan.gov/business. Representatives from the Michigan Business One Stop portal are on duty Monday through Friday, 7 a.m. to 6 p.m., to assist you.

Specialized Meat Processing Variance

for an Existing Establishment



Contact Us:

Phone: 1-800-292-3939

After Hours Emergencies: 517-373-0440

Email: mda-fooddairyinfo@michigan.gov

Fax: 517-373-3333

Web:

www.michigan.gov/mdard or www.michigan.gov/foodsafety

Licensing/Business Start-up Info:

www.michigan.gov/miagbusiness

Marketing Information:

www.michigan.gov/mdardmarketingguide

Electronic Complaints Submission:

www.michigan.gov/complaints