



# Michigan Department of Agriculture & Rural Development

Kevin Besey  
Director

Sandra Walker  
Food Program Manager

## Food Digest

Food and Dairy Division

Winter 2013

### Key Changes to the Michigan Food Law and Food Code Adopted in 2012

Michigan's updated Food Law took effect on October 1, 2012. The law adopts a modified 2009 U.S Food and Drug Administration Model Food Code, portions of the 2009 FDA Model Shellfish Code, and various federal food processing codes and egg safety documents to provide national consistency for the food industry and assure Michigan's food safety laws are based on the best current science. The Food Law is monitored and enforced by MDARD in partnership with Michigan's 45 local health departments.

The updated Food Law includes the following key changes:

- Creates an updated scoring system for violations at licensed food establishments.
- Prohibits the offering of undercooked hamburgers on children's menus.
- Requires cut tomatoes and cut leafy greens to be kept refrigerated.
- Sets standards for food establishments to safely par-cook food (this is a technique where food is partially cooked, then cooled and finished later).
- Allows small egg producers to sell directly to consumers without a license as long as a warning label is placed on the carton stating the eggs were packaged in a facility not been inspected by MDARD.
- Raises the annual gross sales limit for cottage food businesses from \$15,000 to \$20,000; and to \$25,000 in 2018.
- Requires mobile and special transitory food units to have a certified manager.
- Allows licensed retail food establishments to sell at farmers markets, fairs or festivals without additional licensure.
- Includes provisions to assist state auditors in monitoring food establishments for Bridge Card fraud.

For more information about the updated Food Law, contact MDARD's Food and Dairy Division at 800-292-3939 or [mda-fooddairyinfo@michigan.gov](mailto:mda-fooddairyinfo@michigan.gov). To obtain a copy of the updated Food Law, visit [www.michigan.gov/foodsafety](http://www.michigan.gov/foodsafety).

### Food Safety Modernization Act Proposed Rules

On January 16, 2013, FDA proposed rules on Preventive Controls for Human Food and Standards for Produce Safety were published in the Federal Register. These proposed rules cover two sections of the 2011 FDA Food Safety Modernization Act.

The proposed rule on Preventive Controls for Human Food applies to many domestic and foreign firms that manufacture, process, pack or hold human food and would require firms to have written Food Safety Plans.

The proposed produce safety rule would establish science-based standards for the safe growing, harvesting, packing, and holding of produce in its raw or natural (unprocessed) state on farms. There is a 120 day public comment period for the rules ending May 16, 2013. After FDA reviews all comments, the final rules will be published. The compliance dates for implementation will then be staggered based on business size. For fact sheets on the proposed rules and information on how to submit comments on the proposed rules, visit [www.fda.gov/Food/FoodSafety/FSMA](http://www.fda.gov/Food/FoodSafety/FSMA).

### Business Development Tool Kit Available Soon

MDARD Food and Dairy inspectors will soon have a business development tool kit available to share with food-related food businesses interested in starting or expanding their businesses in Michigan. The tool kit, developed jointly by MDARD's Office of Agriculture Development and Food and Dairy Division, will also be available online at [www.michigan.gov/miagbusiness](http://www.michigan.gov/miagbusiness).

The kit includes information on licensing, plan reviews, labeling, and financial resources, as well as a newly updated edition of "Growing Michigan's Future – A Guide to Marketing Your Michigan Food and Agriculture Products." For more information, contact your inspector, visit the website listed above, or contact MDARD at 800-292-3939.

### Contact the Michigan Department of Agriculture & Rural Development:

**Phone:**  
1-800-292-3939

**Fax:**  
517-373-3333

**After Hours Emergencies:**  
517-373-0440

**Web:**  
[www.michigan.gov/mdard](http://www.michigan.gov/mdard) or  
[www.michigan.gov/foodsafety](http://www.michigan.gov/foodsafety)

**Email:**  
[mda-fooddairyinfo@michigan.gov](mailto:mda-fooddairyinfo@michigan.gov)

**Licensing/Business Start-up Info:**  
[www.michigan.gov/miagbusiness](http://www.michigan.gov/miagbusiness)

**Marketing Information:**  
[www.michigan.gov/mdardmarketingguide](http://www.michigan.gov/mdardmarketingguide)

**Electronic Complaints Submission:**  
[www.michigan.gov/complaints](http://www.michigan.gov/complaints)

## Retail Food Establishment Inspection

### Results Available Online

In September 2012, MDARD launched MiSafe, an online system enabling consumers to easily access inspection results from more than 19,000 retail food establishments in Michigan.

MiSafe gives consumers access to retail food establishment inspection results (primarily grocery and convenience stores), for all active establishments inspected by MDARD, including any violations found during an inspection.

MiSafe includes inspection reports from September 2011 forward and can be accessed at [www.michigan.gov/foodsafety](http://www.michigan.gov/foodsafety). The MiSafe site includes a link to inspection reports for some restaurants, where the inspecting local health departments make these reports available online.

### Notice of Variance Requirement for Specialized Meat Processors

Michigan's Food Law requires licensed food establishments that conduct specialized meat processing for retail sales to obtain a variance, which includes a food safety plan. All specialized meat processors must complete a food safety plan and have their variance approved by March 1, 2015. Newly licensed processors must obtain the variance upon licensing. The following establishments must develop a plan and get a variance approved:

- Meat processors who meet all of the following:
  - o Conduct specialized meat processing, such as curing, smoking or otherwise 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) and sell meat products at retail markets;
  - o Are not inspected by USDA for those retail meat processing and sales operations.
- Custom exempt venison processors who make sausage for their customers using other meat products and ingredients supplied by the processor.

For information about the inspection and approval process or available training, visit [www.michigan.gov/meatprocessing](http://www.michigan.gov/meatprocessing) or call MDARD at 800-292-3939.

## Avoid Late Fees:

### Submit Your License On Time

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 licenses were not renewed on time. All food establishment licenses expire on **April 30** 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

MDARD sends license renewals for current licensed establishments early in the year. If you have not received a renewal application in the mail by March 15, call MDARD's Central Licensing Unit at 517-241-6666 to ensure the correct address is listed and request another application be sent. 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 517-241-6666.

### 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](http://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.

## Food and Dairy Division Adds Nutritionist and Emerging Issues Specialist to Staff

In August 2012, MDARD's Food and Dairy Division (FDD) hired two new staff members to cover responsibilities added with the passage of the federal Food Safety Modernization Act (FSMA) and the creation of the Pure Michigan FIT, a nutrition and physical fitness program geared toward reducing obesity and improving the health and well-being of Michigan children. **Tim Slawinski** is the division's Emerging Issues Specialist. Tim will initially focus on implementation of FSMA, including determining how the new regulation will affect Michigan businesses and identifying resources available to help food businesses comply with new requirements. He came to MDARD from the Kellogg Co., where he served as Quality Programs Manager. **Lori Yelton** is the department's first-ever Nutritionist. Through Pure Michigan FIT and the Michigan Farm to School program, Lori works with retailers, growers, schools, healthcare providers and others to provide nutrition and food safety resources for parents and caregivers of young children. She has over 25 years of experience in nutrition as a Registered Dietitian. She has experience in nutrition research studies in both children and adults, has worked with county Infant and Maternal Services and WIC and has clinical experience with pediatrics. Lori also taught nutrition courses at Western Michigan University. You can reach Tim or Lori at 800-292-3939.