Growler Stations at Retail Food Stores
Under Public Act 514 of 2016, qualified retailers may now provide on-site filling of growlers. Effective April 9, 2017, all retail food establishments with a Specially Designated Distributor (SDD) license and that also hold a Specially Designated Merchant (SDM) license from the Michigan Liquor Control Commission (MLCC) are eligible to fill growlers.

“Growler” means any clean, refillable, resealable container that is exclusively intended, and used only, for the sale of beer for consumption off the premises and that has a liquid capacity that does not exceed one gallon.

Before installing and operating a growler filling station, contact your food inspector or plan reviewer for additional guidance. Food establishment facilities must have or meet the following:

- A dedicated area for the filling of growlers. It may be mobile or a built-in unit.
- The area of filling must be in close proximity to hand washing facilities.
- A three-compartment warewashing sink must be maintained for sanitation of wares.
- The warewashing area must also be in convenient proximity to handwashing facilities.
- An adequate supply of hot water must also be provided.
- Firms must have an approved system in place to clean the lines, and taps to preclude accumulation of soil residues.

Accela Online Licensing, Inspection and Reporting System Update
Accela, MDARD’s online system for applying for new licenses and renewing existing licenses, celebrated its first birthday on February 2! Over 1,600 licenses were renewed online for 2016 and 575 new license applications have been submitted online through February 2017. One great feature of the new system is when your inspector completes a facility’s initial inspection and approves it to operate, the system automatically issues the license and it is mailed within several days.

Customers who apply or renew online do not have to worry about mailing in an application and wondering when it was received or where it is in the process. The online system provides an electronic receipt upon payment and sends email updates at various points in the process, such as when a new facility application has been approved for inspection.

Updates about Accela can be found at www.michigan.gov/mdard-accela. The online system is accessed through https://aca3.accela.com/mdard/.

Online license renewal instructions are included in your license renewal packet (a bright orange sheet). Please review your renewal application packet carefully. Renewing online eliminates mailing processing time which means you get your license faster. For many renewals, successful completion online will result in the license being printed and mailed within five days.

FSMA Update
In 2011, the Food Safety Modernization Act was signed into federal law. This new law represents the largest change to food safety regulations in over 70 years. In 2015, FDA finalized seven rules to carry out the new law. The new rules have staggered compliance dates based on the size and type of business. For food facilities that manufacture, pack or hold human food, the rule requires firms to have a written food safety plan. The compliance date for firms with over 500 employees was 9/19/2016. Firms with less than 500 employees, but more than one million dollars in annual sales must comply by 9/19/2017. Facilities with less than one million in annual sales have until 9/19/2018. There are several ways to get more information about the new rule. You can obtain fact sheets and other documents related to the rule at www.fda.gov/fsma. A link to fact sheets can be found on the left side of the page. Look for the link to Preventive Controls for Human Food. Another way to get information is to take a 2.5 day course being offered by multiple entities throughout Michigan. This course is also a way for firms to meet one of the requirements of the rule, to have a “Preventive Controls Qualified Individual” responsible for their food safety plan. The course is called FSPCA Preventive Controls for Human Food. More details can be found at https://www.ifsh.iit.edu/fspca including available courses. A web search for “FSPCA Human Food Michigan” will also help you find available courses.
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.

Any licenses postmarked or computer date stamped after April 30 will be assessed a $150 late fee. Additional fees and regulatory actions include:

- $400 fine (1st year delinquent)
- $800 fine plus $80 administrative costs (2nd year)
- 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 follow the instructions on your renewal application to assure your application is not late.

If you are notified because your renewal was late, promptly submit your 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 800-292-3939.

Reminder: New Fees for 2017 License Cycle

New license fees are effective 1/1/2017 to 12/31/2017 for all license renewals and new license applications:

$58 Fee:
- Temporary Food Establishment (operates 14 consecutive days or less excluding fairs)
- State or county fair only

$148 Fee:
- Retail Food Establishment
- Limited Wholesale Food
- Processor with $25,000 or less in annual gross sales.
- Food Warehouse

$189 Fee:
- Mobile Food Commissary (serving mobile grocery)
- Mobile Food License

$156 Fee:
- Special Transitory Food Unit

$373 Fee
- Extended Retail Food
- Establishment (grocery with both food service and seating)
- Wholesale Food Processor

Meat Variance Implementation

Under the Food Code, specialized meat processors that sell only at retail are required to have a food safety plan and variance detailing how the firm will safely produce and package cured and smoked meat products such as jerky, ham, bacon and sausage. Implementing this section of the law proved to be difficult due to the complexity and cost of developing these plans.

In 2011, MDARD worked with the Michigan Meat Association, American Meat Association and meat processing experts at Michigan State University (MSU) to standardize and simplify the process of preparing a food safety plan/variance application in as simple a way as feasible. Within six months, a simplified application was developed and MSU began offering related training.

In 2012, MDARD began advising industry of a three year window (deadline March 1, 2015) to complete the variance process before any enforcement would be done. MSU offered face-to-face training courses and completed an online training to assist industry in meeting the variance requirement. Regular meetings were held between MDARD, MSU, the Michigan Meat Association and a representative from the USDA to discuss progress and address concerns.

In March 2015, MDARD began requiring specialized retail meat processors to obtain a Food Code variance and maintain an approved food safety plan. MDARD staff have worked closely with many firms over the last two years to get them through the approval process. Firms with an approved food safety plan receive a certificate from MDARD that can be displayed at their establishment. As of 2/13/2017, 242 firms have had their food safety plans approved.

Intentional Contamination

In late April, an individual sprayed a liquid containing poison on food in a grocery store. This resulted in an investigation that included federal, state, and local agencies and garnered national media and public attention.

It all came to light because an alert food worker saw something and took action, and showed how employees are the first line of defense when it comes to protecting the food supply. It also demonstrated the importance of having emergency plans and training employees on them.

Remember, if you see something, say something!
Vending Machine Inspection Moves to MDARD

With the passage of SB774 of 2016, Michigan’s vending machine food safety program moved from local health departments to MDARD on September 18, 2016. Separate vending machine location licenses are no longer required. Please DO NOT contact your local health department to license any vending locations.

In April, 2017 when you renew your MDARD license, your base facility license will convert to a FVB (food vending base) prefix and you will pay an additional fee based on the number of regulated vending locations you operate.

Fees are:
- 1 to 20 locations, $500
- 21 to 50 locations, $750
- 51 to 75 locations, $2,000
- More than 75 locations, $3,000

Vending base facilities located out-of-state must license one of their Michigan machine locations as a base facility. Companies with multiple vending base facilities must designate one as primary and pay the fee on that license, plus indicate secondary base locations. Vending firms must renew by paper application this year.

MDARD has a dedicated vending program inspector to provide one consistent point of contact for the vending industry. Your new vending inspector is DeLaun Hurks, hurksd@michigan.gov or 517-243-2684. Please contact him directly or call the MDARD main number at 1-800-292-3939.

Vending Evaluations

- By appointment.
- Typically once every 18 months.
- Includes warehouse, transport vehicles spot check and at least 1/3 of the regulated vending locations.

Regulated vending machines serve food or beverages that are:
- Temperature controlled for safety (e.g., sandwiches, ice cream).
- Dispensed into a container.

2016 Emergency Response Highlights

In FY 2016, Michigan saw a 20 percent increase in the number of confirmed or likely foodborne outbreaks from the previous year, with more than triple the number of ill people affected. While most outbreaks are not reported by the media, a number of highly publicized events associated with Michigan food firms occurred. MDARD continues to work closely with its regulatory and food industry partners in reducing foodborne illness risk factors that may sicken consumers as well as negatively impacting businesses.

MDARD responded to a number of food emergencies impacting both industry and public health. Starting in January, 2016, FDD personnel assisted in a months-long effort to work with hundreds of licensed food facilities to assist in reducing lead exposures by their customers or consumers in Michigan. This assistance extended to retail grocery stores, manufacturers, restaurants, schools, churches and many other commercial entities and institutions.

Water samples were often collected multiple times in response to elevated lead in the water coming through their fixtures. Hundreds of surveys were also conducted and information provided to those identified on what they could do to reduce or eliminate serving lead-tainted water to the public. Regional staff continue to monitor certain firms to insure protective actions are still being followed.

Additionally, an act of intentional contamination of a food bar at a retail grocery store in Southeast Michigan sparked a massive response by MDARD staff. The contaminant used by the perpetrator was identified as a mixture of several toxic chemicals, including a rodenticide. Quick thinking by an alert food employee at the store prevented any contaminated food from being sold, but further investigation led responders to suspect the perpetrator could have potentially done something similar at other stores in Southeast Michigan. Working in collaboration with law enforcement and the food industry, MDARD staff worked long hours to insure any potentially contaminated foods at stores recently visited by the perpetrator were removed from commerce.

Later in 2016, an outbreak of E. coli was associated with artisan raw milk cheeses manufactured in Michigan. MDARD worked with several county health departments to investigate various food service facilities where case patients had consumed the cheese, conducting environmental assessments and collecting samples of the implicated cheeses. Food and Dairy staff also conducted an assessment at the manufacturer and collected finished product samples. A number of the samples collected at retail and the production facility were found to be contaminated with the same organism infecting the ill persons. The firm eventually ceased its raw milk cheese production voluntarily.