

# Michigan Department of Agriculture and Rural Development

## Meat Processing Variance: Frequently Asked Questions

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 (HACCP). The following questions and answers provide clarification of that requirement.

### **GENERAL**

#### **What is a specialized meat processor?**

Establishments that:

- Cure meat.
- Smoke meat as a method of food preservation rather than as a method of flavor enhancement.
- Use food additives or add components as a method of meat preservation rather than as a method of flavor enhancement or to render meat so that it is not potentially hazardous (time/temperature control of safety food).
- Package cooked meat using a reduced oxygen packaging method, such as vacuum packaging.

#### **Who needs to develop a plan and get a variance approved?**

- Meat processors who meet all the following:
  - Facilities that conduct specialized meat processing, such as curing, smoking, otherwise using additives for preservation, or vacuum packaging specialized meat products.
  - Facilities licensed by MDARD and regulated under the Food Code (food service and retail operations) that sell meat products retail. This includes food service establishments inspected by local health departments.
  - Facilities that are not inspected by USDA for those retail meat processing and sales operations.
- Custom exempt venison processors who make sausage and other products for their customers using other meat products and ingredients supplied by the processor.

#### **Will the license exempt venison processors in Michigan need to comply with the Food Code? Do they need a variance?**

License exempt venison processors who make sausage for their customers using other meat products and ingredients supplied by the processor are required to obtain a food license from MDARD and may need a variance, depending upon their processes.

#### **Who can I contact with questions?**

Call 1-800-292-3939 and ask for the regional senior food processing inspector in your area. MDARD has four five regions (North, South, East, West and Southeast) and our call center staff can connect you with the correct person based on your establishment's zip code.

#### **Where can I find information on-line?**

Visit our specialized meat processing web page at: <https://www.michigan.gov/mdard/food-dairy/industry-resources/specialized-retail-meat-processing-in-michigan>. This page contains a one-page overview document that covers who needs a variance, how to find training, variance application form package and other helpful information.

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### **What will happen to other food establishments who have not completed their variance?**

- Any establishments that have not obtained a required variance will be immediately required to obtain their variance. Establishments with continued non-compliance will be subject to progressive license enforcement. This may include a fine, warning letter, informal hearing, formal hearing, and potential license revocation. All firms without a variance, at a minimum, will be held to using a 7-day maximum shelf life on their processed meat products. The department also has the option of limiting licenses to prevent certain operations from occurring, such as immediately stopping the production of specialized meat products until a variance is in place.

### **What does the application and approval process consist of?**

- Complete the specialized meat processing variance application package. The application is available at: <https://www.michigan.gov/mdard/food-dairy/industry-resources/specialized-retail-meat-processing-in-michigan>
- Attending a training course is recommended to help to better understand legal requirements and minimize the time needed to complete an application.
- Submit the completed application for review to MDARD for retail establishments, or the Local Health Department for food service establishments.

### **How long will it take for my application to be reviewed?**

MDARD is committed to completing the review process within 30 business days from the date a complete application is received. MDARD staff will strive to review your initial application for completeness as soon as it is received and inform you of any additional information needed to complete the process. Incomplete applications will cause delays.

### **Will an on-site review of my proposed or existing processing facility be needed?**

Yes, in most cases. MDARD staff will make arrangements to visit your site to review equipment, facilities, processes and any related proprietary or confidential documents that you are maintaining on-site. This onsite monitoring inspection is a great time to ensure that your plan represents what you do. The inspector will monitor your process in “real time” to make sure that the process you submitted is represented.

### **Is my application subject to the Freedom of Information Act (FOIA)?**

Yes, MDARD must provide your application information when requested by the public. Therefore, MDARD does not ask for business information considered proprietary or confidential.

### **Will everyone be required to do this? If we find someone who is not following the rules, where do we make a complaint?**

To register a complaint about an unlicensed specialized meat or poultry processor who sells directly to customers, call 1-800-292-3939.

To register a complaint about an unlicensed specialized meat or poultry processor who sells to a restaurant, grocery store, or someone who resells to the public, contact the USDA Compliance and Investigations Division at 1-248-968-0230.

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## VARIANCE APPLICATION

**Which forms should you use for processing wild game? What about raw fresh meat, garlic sausage? What if I use antioxidants or preservatives?**

*Specialized Meat Processing Variance	**Venison Processing Variance	Process
No	<b>Yes</b>	Uncured custom processed hunter taken wild game for the customer's use in a licensed retail establishment.
<b>Yes</b>	No	Cured and smoked wild game product
<b>Yes</b>	No	Make wild game jerky
No	No	Make raw fresh sausage
No	No	Vacuum pack raw sausage
No	No	Make meatloaf without any cure added
Yes	No	Use additives such as antioxidants or preservatives in meat products.
Yes	No	Make cured sausage or jerky from commercially obtained venison

\*Specialized meat processing variance & custom meat processing variance can be found at: <https://www.michigan.gov/mdard/food-dairy/industry-resources/specialized-retail-meat-processing-in-michigan>

### **What documents should you submit other than the completed application for Specialized Meat Processing – Retail Food Variance?**

#### **Submit:**

You need to complete the basic application (Form FI-246). This consists of the cover page and about 20 pages where you must fill in requested information.

- Attach a facility layout diagram.

Possible additional documents that may be needed are listed below. The application prompts you to add these documents as needed.

- Attach a process flow plan (diagram showing processing steps) **only** if your process flow is different than the model in the application.
- Attach required recordkeeping forms **only** if your forms are different than the model forms provided.

#### **Do not Submit:**

- Documents other than those listed above.
- Proprietary or confidential business documents. The application and possible attachments listed above are designed to ask for information that is **NOT** proprietary or confidential. MDARD staff will review any proprietary or confidential information at your facility, such as: recipes, formulations, written SOP's, written training documents and HACCP plans. Should MDARD receive any information marked proprietary or confidential, the information will be shredded and/or returned. Applicants will be required to resubmit returned applications. Should you have any concerns about what materials should be submitted, please contact MDARD at 1-800-292-3939 to discuss prior to submitting application.

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### **VARIANCE QUESTIONS**

#### **Why is a layout diagram required?**

Food safety depends on the interaction of the food, employee practices, and the environment. A layout is a drawing showing facility design, equipment location, and product flow through the facility. The drawing helps MDARD staff understand how the food is protected from cross contamination as it moves throughout your processing area. This is different from a process flowchart that is a diagram showing the steps in the curing, cooking, cooling, and packaging process.

#### **How long do we need to keep record logs?**

Records must be maintained for two (2) years, as stated in the variance application.

#### **Am I required to keep records once my plan is approved or only after the implementation date?**

Records must be maintained from the time your variance is approved.

#### **Can I get a variance for a portion of my products now and apply for the rest later?**

No. The application is designed to cover all your processes and applicable products. Most of the questions asked are applicable to your entire operation. Only a few sections ask you to break down your products into groups and provide information on each group. MDARD also does not have the resources to review your process and track multiple partial applications. Adding additional products after your variance is approved will require you to amend your approved variance. Should you have any questions on this please contact MDARD to discuss.

#### **I have an approved plan but need to make an update/ change, what do I do?**

Fill out a new MDARD variance application or modify your previous application as needed to include information pertaining to any product or process changes/ modifications. The updated document must be sent to MDARD for review before processing new products or using updated processing methods. The most recent application template can be found on the MDARD website at: <https://www.michigan.gov/mdard/food-dairy/industry-resources/specialized-retail-meat-processing-in-michigan> Any further questions can be directed to your regional MDARD food senior inspector.

#### **If you get a variance approved, can you wholesale your meat products to other retailers?**

A variance approval will not allow an operator to wholesale meat products to other retailers. Please contact the USDA FSIS Chicago District Office for information on wholesale distribution of meat products.

#### **What is reduced oxygen?**

The Food Code defines Reduced Oxygen Packaging (ROP) as: Reducing the amount of oxygen in a sealed package by removing the oxygen, replacing the oxygen with another gas or combination of gases, or controlling the amount of oxygen content to a level below that normally found in the atmosphere. ROP includes vacuum packaging, modified atmosphere packaging, controlled atmosphere packaging, cook chill packaging, and sous vide packaging. Biological hazards that need to be controlled are *Clostridium botulinum* and *Listeria monocytogenes*.

#### **Is oxygen permeable Saran Wrap around meat considered ROP?**

No, overwrapped meat is not considered vacuum packaging or ROP.

## **Michigan Department of Agriculture and Rural Development Meat Processing Variance: Frequently Asked Questions**

**If a new owner takes over a firm that was already issued a variance, do they need to start the process over?**

A facility ownership change constitutes a new business thus, the new owner must apply for a new food license, complete a variance, and submit to the department similarly to any new business. A review of the variance application will be conducted, and an onsite monitoring inspection will take place. A new owner may continue to process under the previously approved MDARD variance, provided that the process, products, packaging, and SOP's provided in the previous application accurately represent what the new owner is doing and an updated application is made within 60 days.

**If you follow the time and temperature requirements in the Food Code, do you have to apply for a variance? If you do not follow the time and temperature requirements in the Food Code, do you still need to meet the variance requirements if not curing and no reduced oxygen packaging (ROP)?**

If you do not use a curing agent, do not vacuum package, and do not deviate from the cooking, cooling, and date marking requirements in the Food Code, you will not need to apply for a variance.

**If you want to do a production test of curing, smoking or otherwise using additives for preservation or vacuum packaging meat and poultry products, do you need a variance?**

No, if the product is not provided or sold to the public. Test batches must be labeled as "not for sale", segregated, and production records for the test batch must be maintained.

**If you have a USDA HACCP plan, can those plans be submitted in place of this new variance application?**

No, use the new application and reference your USDA HACCP plan and submissions.

### **EDUCATION / TRAINING**

**Is there a specific training course for meat processing?**

Michigan State University has training modules and materials available on their website.

**Where will variance application training be held for meat processors?**

- Please call 800-292-3939 with questions.

**Is there other recommended training supervisors or employee should attend?**

You may find useful training for your business at these resources:

- American Association of Meat Processors, <http://www.aamp.com>
- Niche Meat Processor Assistance Network, <http://www.nichemeatprocessing.org>
- NSF International, [www.nsf.org](http://www.nsf.org)
- MSU Extension, <http://msue.anr.msu.edu>
- Michigan Manufacturers Association, [www.mma-net.org](http://www.mma-net.org)

**Will MDARD staff help complete the meat variance application?**

MDARD will not complete your specialized meat processing variance application for you. The implementation strategy involves you preparing your meat variance application by writing down your facility layout, process, controls, SOP'S, and training plans. You know your process better than anyone else thus, you will be best suited to complete the variance application form. If you have questions related to the application form contact your regional food inspector for clarification.

## **Michigan Department of Agriculture and Rural Development Meat Processing Variance: Frequently Asked Questions**

### **Do I need to hire a consultant to complete my application?**

The variance form has been designed so an operator can complete it without the need to hire a consultant. One of the primary goals of this application is to have the operator explain their processing steps and how the potential hazards and contamination are controlled at each step to keep foods safe. However, if you wish to use a consultant to assist you, that is acceptable. When MDARD staff audits your operation after your plan is approved, we expect you to understand what is in your plan and follow the details within.

### **Is MDARD inspection staff trained in HACCP? Are the reviewers and supervisors making the decisions trained in HACCP?**

Yes, MDARD staff and supervisors are trained to conduct manufactured foods HACCP inspections. MDARD inspection staff will identify the operations that need a variance and audit the firms with approved variances.

### **If you have a unique process or product, how is it reviewed for food safety?**

MDARD reviewers and supervisors will consult Michigan's TAC (Technical Advisory Committee) comprised of experts from industry, academia, and government for assistance, as needed.