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FORMATION OF WORKGROUP



DEVELOPMENT

Steering Committee



Sub-committees:

- Cottage Foods
- Laws
- Eggs
- Small Business

Michigan Food Law Update Passes

- Both House and Senate ask for changes to Food Law.
- Senate Ag Committee sets October 1, 2012 effective date.



Cindy Denby, Sponsor



House Ag Committee Meeting
“The Hot Seat”



Governor Rick Snyder
Signs new food law

FOOD LAW UPDATE



Cottage Food Sales Cap to Increase

- Cottage foods
 - Gross sales may not exceed \$20,000 annually until after December 31, 2017. After December 31, 2017, gross sales may not exceed \$25,000 annually.
- Honey and Maple Syrup Processors
 - Both retail outlets and processing facilities are exempt from licensure for producers with gross sales of \$15,001 or less.



Simplifies Retail Licensing at Farmer's Markets



Michigan Bridge Card

Electronic benefit transfer system

Food establishment's inventory records shall match redemptions files for Michigan bridge card usage.

Michigan Bridge Card

The food for sale includes, on a continuous basis, at least 3 varieties of foods in each of the following 4 staple food groups and perishable foods in at least 2 of the groups.

Michigan Bridge Card

Staple Groups:

- (A) Meat, poultry, or fish
- (B) Bread or cereal
- (C) Vegetables or fruits
- (D) Dairy products

Michigan Bridge Card

At least 50% of the total dollar amount of all retail sales, including food and nonfood items, fuel and services at the food establishment is from the sale of food in any of the 4 staple food groups.

Exemptions from Licensing

MFL 289.4105

- Warehouser's or processor's of "Raw Agricultural Commodities" that are:
 - Washed, unpeeled and in natural form
 - They may be trimmed. Trimming does not include peeling, coring or further cutting whole fruits or vegetables.
 - Additionally they must meet 289.4105 (m) (i to iv)
 - Can't be a PHF/TTCS foods (Potentially hazardous food/temperature controlled for safety foods) per definition in Food Code

Licensing exemptions cont.

MFL 289.4105(4)

- (4) IF PREPACKAGED FOOD IS TRANSPORTED FROM A FOOD ESTABLISHMENT LICENSED UNDER THIS CHAPTER, TO A SALES LOCATION AT A FARMERS' MARKET, FAIR, OR FESTIVAL, THE SALES LOCATION IS NOT REQUIRED TO BE SEPARATELY LICENSED AND IS CONSIDERED AN EXTENSION OF THE FOOD ESTABLISHMENT, IF THE FOOD IS TRANSPORTED AND SOLD BY EMPLOYEES OF THE FOOD ESTABLISHMENT.

MFL 289.7104 adopts by reference part of the Guide for the Control of Molluscan Shellfish

- All shippers and suppliers of shellfish need to be Certified with the NSSP (National Shellfish Sanitation Program)
- The list of approved shippers can be found at:
 - Interstate Certified Shellfish Shippers List**
 - Certification numbers are required on all shellfish tags as outlined in 3-202.17 to 19 and 3-203.11 /12
- Michigan has 14 firms that are certified and on the list. Certification includes review/inspection to determine compliance with applicable harvesting/processing regulations, e.g. HACCP etc.

MFL 289.7112

- This section of the food law adopts by reference Title 21 CFR Parts 1, 70, 73, 74, 81, 82, and 100 to 199, except where provisions of this act and rules promulgated under this act specify different requirements.
- Part 1-99 General (1,70,73,74,81 and 82)
- Parts 100-199 Food for Human Consumption

MFL 289.7114 Eggs

- Outdated 1963 Egg Law repealed
- U.S.D.A. Standards for Shell Eggs are adopted by reference AMS 56
- Addition of definitions
 - Candling
 - First Receiver
- Description of eggs unfit for human food
- Size designation

MFL 289.7114 Eggs con't

- Visual Examination
- Labeling/Advertising
- Temperature Requirements
- Licensure/Regulation
 - > 3,000 hens must follow USDA standards for shell eggs and requires a food license
 - This act does NOT apply to a person who meets all of the following requirements.
 - A) Is directly responsible for producing eggs from fewer than 3,000 hens
 - B) Only sells directly to consumers or first receivers
 - C) Only sells eggs in containers that bear a label stating “PACKAGED IN A FACILITY THAT HAS NOT BEEN INSPECTED BY THE DEPARTMENT “
 - D) Does NOT sell eggs through the internet or by mail order or consignment

Temporary Food Establishment Licenses 289.4103(6)

A director may decline to issue multiple TFE Licenses:

- For the same establishment
- Within a given calendar year
- If department guidance is used
- Guidance is uniformly applied

Not in effect until Guidance has been developed.

Manager Certification Changes

Section 2129 eliminated the manager certification requirement **exemption** for Mobile Establishments and STFUs.

- Mobile Establishments and Special Transitory Food Units must now employ a certified manager.
- Follow the state wide variance guidelines for low risk establishments. [Link](#) (Handout)

8-405.11^{Pf}

Timely Correction of Violations

- (A) At the time of the inspection- the PIC should correct a P or Pf violation and implement corrective actions.
- (B) Inspector may specify a longer correction time, up to 10 calendar days, depending on the:
 - Nature of the hazard
 - Complexity of the corrective action

Verification of Corrections P, Pf FL 6129 (3)

- All violations of Priority or Priority Foundation items shall be corrected immediately unless otherwise specified.
- All P and/or Pf violation corrections must be verified within 30 days of the report.

However, if 2 or less Priority Foundation violations are noted, and the violations are not determined to be a risk to food safety, corrections may be verified at the next routine evaluation.

Food Code Updates

Michigan Adopted a modified version of the
2009 FDA Food Code

Chapter 1 New Definitions

- Risk Designations
- Cut Leafy Greens
- Mechanically Tenderized
- Non-Continuous cooking

New Risk Designations

- Priority Item, denoted with a superscript P^P
- Priority foundation item, denoted with a superscript Pf^{Pf}
- Core item, a provision in the code that is not designated as a Priority or a Priority Foundation item. Core items have no superscript.

Priority Item

- An application that contributes directly to the elimination, prevention, or reduction to an acceptable level of hazards associated with FBI or injury if there is no other provision that directly controls the hazard.
- Has quantifiable measures to show control of the hazards.

Priority Foundation

- A provision whose application supports, facilitates or enables one or more priority items.
- They require purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors.
- Examples: personnel training, necessary equipment, hand soap.

Priority Foundation Violation

As the previous slide stated, a Priority foundation violation is a provision whose application supports, facilitates or enables one or more priority items.

- Critical Thinking Tip:

If you find a Pf, is the real issue a P?

Core Items

- Not a Priority or Priority Foundation item.
- Usually relates to general sanitation, operational controls, SSOP's, facilities or structures, equipment design or general maintenance.

Critical & Non-Critical Violations to P, Pf, and C

- With the adoption of the 2009 Food Code, 14 violations that were formally critical violations are now designated as Core
- 78 violations that were previously designated as non-critical violations are now P or Pf

Handout: Food Code Terminology Changes

Critical to Core

Commonly cited violations:

- 2-401.11(A) eating/drinking/smoking
- 3-401.12(A-D) All of microwave cooking
- 3-501.19(D) HSP cannot use TPHC for raw eggs
- 5-203.15(A) backflow prevention device on carbonators
- 5-205.15(B) [was a swing] plumbing system maintained good repair
- 7-202.12(A,1 & 4) poisons/toxic materials used according to law or regulatory authority

Cut Leafy Greens and Cut
Tomatoes were added to the
Definition of PHF
(time/temperature control for
safety food)

Cut tomatoes were added in the 2007 updates to the FDA Food Code. Cut leafy greens added in the 2009 FDA Food Code.

Cut Leafy Greens

- Fresh leafy greens whose leaves have been cut, shredded, chopped or torn.
- The term “leafy greens” includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard.
- The term “leafy greens” does not include herbs such as cilantro or parsley.

Mechanically Tenderized

- Mechanically tenderized means manipulating meat with deep penetration by processes which may be referred to as “blade tenderizing,” “jaccarding,” “pinning,” “needling,” or using blades, pins, needles or any mechanical device.
- Mechanically tenderized does not include processes by which solutions are INJECTED into meat.

Chapter 3 Changes

- 3-302.11(A) – Frozen, commercially processed & packaged raw animal foods stored or displayed with frozen, packaged RTE food can be safely stored together (American Frozen Food Institute guidance)
- 3-401.11 – Cooking temperature requirements for mechanically tenderized meats were added. (155°F for 15 seconds)

Consumer Advisory

3-401.11 (D) (2) Comminuted meat (Hamburgers) cannot be served raw or undercooked from a children's menu.

Non-Continuous Cooking

- Cooking of food in a food establishment using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service.
- Does NOT include cooking procedures that only involves temporarily interrupting or slowing an otherwise continuous cooking process.

Non-Continuous Cooking of Raw Animal Foods 3-401.14

The Food Law adopted a MODIFIED version of the 2009 FDA Food Code. Copies of the food code provided by MDARD will include the modifications made in the food law.

PROCEDURE:

- Initial heating process no longer than 1 hour
- Immediate cooling [specified under 3-501.14 (A)] after the initial heating process.

Non-Continuous Cooking of Raw Animal Foods (Par Cooking)

- After proper cooling, food is held frozen or cold held below 41° F
- Prior to sale or service, cooked using a process that heats all parts of the food to a time/temperature specified in F.C. 3-401.11 (A) (1) (2) (3)
 - DOES NOT apply to 3-401.11 (B), (C) or (D)

Non-Continuous Cooking of Raw Animal Foods (Par Cooking)

After cooking:

Cooled according to the time temperature specified in 3-501.14 (A) if not:

- Hot Held
- Served immediately
- Held using Time as a Public Health Control

Non-Continuous Cooking of Raw Animal Foods (Par Cooking)

Stored as follow:

- 1) After initial heating but prior to cooking as specified under paragraph (d) of this section, separate from READY-TO-EAT FOODS as specified under paragraph 3-302.11; ^{Pf} and
- 2) After initial heating, but prior to complete cooking, marked or otherwise identified as foods that must be cooked as specified under paragraph (D) of this section prior to being offered for sale or service. ^{Pf} The FOOD may be identified in any effective manner provided that the marking system is disclosed to the REGULATORY AUTHORITY upon request

Non-Continuous Cooking of Raw Animal Foods (Par Cooking)

2. After initial heating, but prior to cooking specified- separated from ready- to –eat foods.

3. Identification as foods that require further cooking (as stated under #1) may be done in any effective manner provided that it is disclosed to the regulatory authority upon request.

Chapter 3- Food

3-502.12 – Reduce Oxygen Packaging Without a Variance, Criteria.

- 3-502.12 Clarifies that no variance is required for reduced oxygen packaging methods listed in this section
- 3-502.12(A) Amended to clarify that all reduced oxygen packaging methods in this section require controls for growth and/or toxin formation by *C. botulinum* and *L. monocytogenes*, not just methods with two barriers

Chapter 3-Food

- 3-502.12(B)(2)(d) Amended to clarify that raw vegetables have high levels of competing organisms
- 3-502.12(B)(5)(a) Amended to clarify that prohibition only applies to ready-to-eat food to prevent conflict with 3-301.11
- 3-502(D) Amended to show this paragraph is not optional and remove italics
- 3-502.12(D)(1) Amended to clarify that implementing a HACCP plan is required

Chapter 3-Food

- 3-502.12(D)(2)(c) Amended to add cross reference to Part 3-3
- 3-502.12(D)(2)(d) Amended to clarify when bags should be sealed for cook-chill and sous vide
- 3-502.12(E) Amended to show this paragraph is not optional with no variance and remove italics

Chapter 4 – Equipment, Utensils, and Linens

- **4-204.110(B)** Life Support system variance requirement applies to display tanks as well as storage tanks in the back of the house.
- **3-502.11(E)** – Variance requirement applies to display tanks as well as storage tanks in the back of the house.

Chapter 4- Sanitizing

- **4-501.114(A)** – Adds concentration ranges & a reference to EPA-registered labeling
- **4-501.114(B)** – Lowers minimum temperature for iodine from 75°F to 68°F

Chapter 5 – Water, Plumbing, and Waste

5-203.13 – Adds a new paragraph that toilets and urinals may not be used as service sinks.

- An establishment may apply for a variance
- Existing variances are still valid

Chapter 6 – Physical Facilities

- 6-301.12 – Adds (D) to allow non-heated, fast blowing air for hand drying devices.
- 6-501.111 – Establishment is expected to be free of pests

Inspections after October 1

Menu Review:

- Use 2012 Compliance Worksheet
- Go over the Key Changes Handout
- “Notes” may be written on the Compliance Worksheet. (This sheet will not be evaluated as part of the audit process during accreditation.)

Inspections after October 1

Inspection: As Usual

Reports: As Usual

For agencies with Electronic Inspection Systems
not able to cite P, Pf C :

Follow guidance provided in the MDARD
memo dated August 22, 2012.

Using Updated Inspection Forms

Inspection Form FI-214 and 214 B

Routine Inspection Form. May be used if:

- Your computer program is not updated
- Your computer program is not working

Shred old forms (C/NC) after receiving new forms (P/Pf/C)

Using Updated Inspection Forms

Temporary Food Service Establishment License Forms

- Order forms as usual
- When new forms received (P/Pf/C)
 - shred old, un-used licenses (C/NC)

Questions?