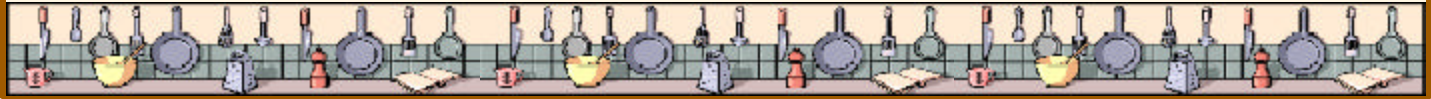


# Steaming Kettle News

## Livingston County Department of Public Health Environmental Health Services

Information Newsletter on Issues Concerning the Food Service Industry in Livingston County



Spring, 2008

www.lchd.org

## 2007 Michigan Food Law Changes

The new food law adopts the 2005 Food Code. Highlights of differences between 1999 & 2005 FDA Food Codes include:

1. Establishments that wish to use a bare hand contact plan must submit it to the regulatory authority for approval. Those establishments with an existing plan shall contact the Health Department for a new guidance document.
2. Hot holding temperature has been lowered from 140° to 135° F.
3. Time as a public health control has been increased from four to six hours for cold foods, with the requirement that the food be monitored and not exceed 70° F.
4. Temperature Control for Safety (TCS) is introduced. This term will eventually replace the term “potentially hazardous food” and provides a system for easily determining if foods need temperature control based on pH and water activity.
5. Managers must have knowledge about the eight major allergens, major allergens are defined and labeling of packaged food is included.
6. Further controls regarding the spread of Norovirus from ill workers have been added. Updated requirements include:
  - Employees must tell management if they are diagnosed with or have been exposed to Norovirus.
  - Provides clearer guidance on when to exclude or restrict an employee from work and when to allow an employee to return.
  - Provides better guidance on management’s rights to find out about employee illness.
7. Date marking has new list of exempt foods such as deli salads prepared and packaged in a processing plant, cultured dairy products and certain types of hard and semi-soft cheeses.
8. All food service establishments must have at least one-full time manager certified in food safety.



### Inside . . .

Food Law: Questions & Answers.....	1-2
Food Allergy Awareness Guidelines.....	3
Food Service Fee Schedule.....	4
State Required Food Service Managers.....	5
Food Site weblinks.....	5
State of Michigan Accreditation Update .....	6

### INSERTS

Serv Safe Registration Form  
Serve Safe Refresher Form  
Public Letter on Smoke-free Policy

### Address correction requested

Please send your new address to us at:  
Livingston County Dept. of Public Health  
ATTN: Steaming Kettle Newsletter  
2300 E. Grand River Avenue, Suite 102  
Howell, MI 48843

Establishments can also choose their own method of marking items; actual dates not required.

(Continued on page 2)

## Food Law: Questions & Answers

(Continued from page 1)

### When is the new law effective?

The fee changes in the law are effective January 1, 2008. The other changes are effective April 1, 2008.

### Why has the term “inspection” been changed to “evaluation”?

Food establishment inspections have evolved in recent years to be far more complex than just a physical facility inspection. “Evaluation” describes today’s process which may include: interviewing manager and employees, reviewing records and procedures, assessing various food safety systems as well as conducting a physical facility inspection to determine if the manager is actively managing critical, high-risk food safety systems. In total, this is known as a risk-based evaluation.

### Why has a manager certification requirement been added?

A food establishment manager cannot proactively manage food safety on a daily basis without fundamental food safety education. This requirement assures that individuals with basic food safety knowledge are operating food establishments. Proper training is assured by an individual passing a nationally accredited examination. As a result of existing local ordinances and voluntary industry effort, over one-third of the food service establishments in Michigan have certified managers. The requirement is for the following food establishments to have one certified manager by June 30, 2009:

- All food service establishments except mobiles, Special Transitory Food Units (STFU’s), temporaries and vending machine locations.
- Extended retail food establishments.
- A food service establishment operated within a retail grocery.

Michigan Department of Agriculture (MDA) is directed to establish rules regarding this requirement by January 1, 2009. MDA may establish fees necessary to implement, maintain and track certified individuals. Anyone certified by passing an ANSI/CFP approved exam must be recognized throughout the state. MDA will no longer review and approve training programs. An individual may self-study and take a proctored exam. Taking a course is not required.

### Why has the school fee exemption been eliminated?

MDA was requested to remove this exemption, which would allow each local health department and school district to locally set appropriate fees for school inspections. Michigan School Business Association officials were consulted regarding this change. With the elimination of the exemption, schools would automatically be charged the appropriate existing local food establishment fee, unless a separate fee is locally established. Associated state fees must be collected as with any other establishment license. Schools are not considered non-profit under the law.

### Why was this section on STFU inspections modified?

Language was added to make it clear that the 2 required STFU inspections should be “spaced generally over the span of the operating season” to avoid back to back inspection requests.

### How has this section on menu consumer advisories been improved?

The previous requirement was causing both regulators and food establishments unnecessary time and expense in attempting to get menu advisories in compliance. A simplified approach allows food establishments to more easily notify customers of the risk of eating certain raw or undercooked foods. A food establishment can either follow the 2005 Food Code, previous requirement, or simply place a standard warning statement on their menu instead of asterisking each food that is undercooked.

The new standard warning statement reads:

*“Ask your server about menu items that are cooked to order or served raw. Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness”.*

The statement may be modified to eliminate foods not served by the establishment. The requirements for same language as the menu item, contrasting text to background color and minimum 11 point font were retained.

### What does this section on trans fat mean?

This section allows, but does not require, a food service establishment to place a statement on the menu regarding the presence of trans fat in menu items.

## Food Allergy Awareness Guidelines Made Simple

Robert Starr, RS, Sanitarian

When you think about food safety, you probably think about foodborne illnesses that are caused by biological, chemical and physical hazards. Approximately 2 to 2 1/2 percent of the general population (6-7 million Americans) also have another risk to be concerned about when it comes to food – food allergies.

Food allergies occur in certain individuals when their immune system reacts to a particular food item which is normally harmless or does not cause a reaction in the majority of the population. Their immune system releases chemicals which can trigger a cascade of allergic symptoms ranging from a tingling sensation in the mouth, swelling of the tongue and throat, difficulty breathing, hives, vomiting, abdominal cramps, diarrhea, drop in blood pressure, loss of consciousness, and even death. Symptoms generally appear within minutes to 2 hours after eating a food to which they are allergic.

There are eight foods cited as being responsible for 90% of food-related allergic reactions. They are:

peanuts	tree nuts (walnuts, pecans, etc.)	eggs	soy
fish	shellfish	milk	wheat

For a person with a food allergy, strict avoidance of the allergy-causing food is the best way to avoid a reaction. However, it is important to note that many reactions occur when a person with a food allergy eats a food that they thought did not contain an item they are allergic to, when in fact, the food ordered did. Therefore, when a guest informs you that they have a particular food allergy, it is important we follow the 4 simple guidelines listed below.

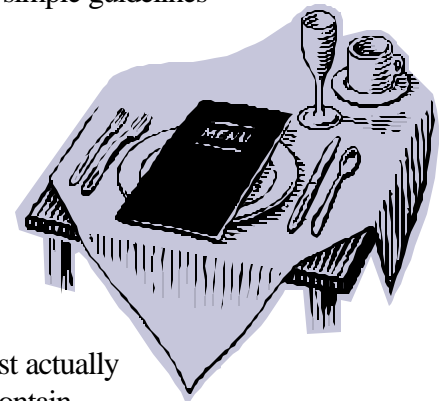
1. **Refer** the Food Allergy Concern to the Chef, Manager, or Person in Charge  
The guest, or information concerning the food allergy must always be referred to the Chef, Manager, or Person in Charge of the location, so that they can handle it appropriately.

2. **Review** the Food Allergy with the Guest and Check the Ingredients  
The Chef, Manager, or Person in Charge should review the food allergy with the guest. Then, they should check to see if the item ordered or requested by the guest actually contains the allergy-causing ingredient. Be aware that sometimes ingredient lists contain scientific or technical terms that represent certain food allergies (i.e. casein = milk, albumin = egg).

3. **Remember** to Check the Preparation Procedure for Potential Cross-Contamination  
When reviewing a food allergy, not only should the ingredient listing be checked, but the preparation procedure should also be examined. Because some individuals can experience severe allergic reactions after ingesting very small amounts of the allergy-causing substance, the preparation procedure for the food item in question should also be reviewed for the potential of cross-contamination with the allergy-causing substance of concern. For example, if the guest is allergic to fish and has ordered fried chicken, make sure that the chicken is not fried in the same oil used to fry fish or handled with the same utensils.

4. **Respond** to the Guest and Inform Them of Your Findings

After reviewing the ingredient listing and preparation procedure, respond to the guest and inform them of your findings. Because in today's modern world, all food has been handled or processed by others earlier in the food production chain, we should always inform the guest that *you cannot guarantee* that the item they have ordered does not contain the allergy-causing substance that they are concerned about.



(Continued on page 4)

## Food Allergy Awareness Guidelines Made Simple *(Continued from page 3)*

For example, if a guest informs you that they have a latex sensitivity and you are sure that latex gloves were not used to prepare their food, you cannot guarantee the absence of latex in the food. It is possible that someone handled the food wearing latex gloves earlier in the food production chain before you received it. Therefore, you should only inform the guest of the precautionary measures that you have taken and let them make an informed decision as to whether or not they would like to order the item.

### Livingston County Department of Public Health Food Service Fee Schedule as of January 1, 2008

#### FOOD SERVICE

Food Service Plan Review and major remodeling of existing establishment (including construction, pre-opening, opening and operating inspections)	
Seating Capacity 0 – 100	1365
Seating Capacity 101 – 200	1643
Seating Capacity 201 – over	1926
Mobile & STFU Plan Review	227
Remodeling or Renovating of Existing Food Service Establishments (Plan Review)	357
Re-inspection Fee – Follow up of Critical Violation	100
Enforcement Hearings	150 + follow-up inspection costs
Change of Ownership/Change of Use	238

#### Vending Machine (1) (2)

60/location+4.83/machine+3  
State Fee

#### Mobile Food Establishment (1) (2)

205 +27or5 (non profit) State Fee

#### Mobile Food Establishment Commissary (1) (2)

205 +27or5 (non profit) State Fee

#### Temporary Food Service Establishment

Completed application received 5 days or more prior to event  
Completed application received less than 5 days prior to event  
Fee for operating without a license

89 +8or5 (non profit) State Fee  
108 +8or5 (non profit) State Fee  
176 +8or5 (non profit) State Fee

#### Special Transitory Food unit (1) (2)

STFU – Inspection Fee (State Fee)

100 +40or5 (non profit) State Fee  
90

#### Annual Food Service Sanitation License (1) (2) (3)

Seating Capacity 0 – 25  
Seating Capacity 26 – 50  
Seating Capacity 51 – 75  
Seating Capacity 76 – 100  
Seating Capacity 101 – over

570 +27or5 (non profit) State Fee  
618 +27or5 (non profit) State Fee  
746 +27or5 (non profit) State Fee  
816 +27or5 (non profit) State Fee  
918 +27or5 (non profit) State Fee

#### Schools (1) (2)

Full Service Kitchen  
Satellite/Serving Kitchen

918 + 27 State Fee  
570 + 27 State Fee  
570 + 5 (non profit) State Fee

#### Fraternal, Civic, Non-profit and Religious organizations

- Fee 50% of annual rate after 10/31 for applications for new owner or establishment.
- Penalty fee (% of food service license fee) for license renewal after April 30<sup>th</sup>.
 

May 1 - 7	10% penalty
May 8 - 14	20% penalty
May 15 – 21	30% penalty
May 22 - 28	40% penalty
May 29 – June 4	50% penalty
After June 5	75% penalty + admin. action referral

3. If the food service establishment operates less than 6 months/year the license fee will be ½ the regular fee as stated in the fee schedule.

## State-required Managers Certified in Food Safety

Jim Henry, RS, MBA  
Food Program Supervisor

In October 2007, Governor Granholm signed state legislation that requires all restaurants in the state of Michigan to have a full-time manager certified in food safety.

For over fifteen years, the Livingston County Department of Public Health (LCDPH) has required that our restaurants have food safety certified managers. Our local ordinance was written for the same reasons the state law changes were made; to protect public health by increasing knowledge of food safety, and ultimately prevent cases of food-borne illness.

The Center for Disease Control (CDC) has estimated that every year in the United States there are:

- 76 million cases of food-borne illness
- 325,000 hospitalizations
- 5,000-10,000 deaths

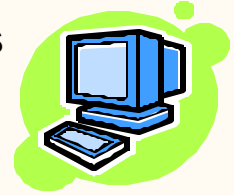
Knowledge and proper training of food handlers is essential for preventing food-borne illnesses and deaths. Food safety is not a skill that should be learned by doing; instead, food handling employees need to be properly trained. There are associated costs with training, but there are greater costs if someone becomes ill from the food served by your establishment.

During routine evaluations, the health department staff will be looking at food safety certification records. Please be prepared to provide current food safety certificates of food service employee's at your establishment and work schedules.

### On-line Food Inspection Reports

To access local food service inspection reports, go to [www.lchd.org](http://www.lchd.org) and link on the "inspection reports for Livingston County food service establishments" under "Food Protection" on our home page.

## Top 10 Websites for Food Safety



Here is a guide to state and federal food safety sites:

**Livingston County Department of Public Health:** The Health Department web site provides you with a fee schedule, permit forms, food service license application, emergency preparedness information, publications, on-line restaurant inspections, health updates, and links to other county agencies.  
[www.lchd.org](http://www.lchd.org)

**Michigan Department of Agriculture:** This site provides food safety information for the food industry. [www.michigan.gov/mda](http://www.michigan.gov/mda)

**Michigan Restaurant Association:** This site assists, represents, promotes, and educates the foodservice industry. They offer many ServSafe certification options in which members receive a discount price. [www.michiganrestaurant.org/](http://www.michiganrestaurant.org/)

**FDA Food Code:** 2005 is the most current Code and has recently been adopted by Michigan.  
[vm.cfsan.fda.gov/%7EEdms/foodcode.html](http://vm.cfsan.fda.gov/%7EEdms/foodcode.html)

**USDA/FDA Foodborne Illness Education Center:** This is a gateway into resources from both agencies addressing food safety, HACCP, and education. Clicking HACCP will also lead you to the database of HACCP training materials.  
[www.nal.usda.gov/foodborne/index.html](http://www.nal.usda.gov/foodborne/index.html)

**CDC Foodborne Illness Fact Sheets:** This is a concise summary of common pathogens.  
[www.cdc.gov/foodsafety/all/disease.htm](http://www.cdc.gov/foodsafety/all/disease.htm)

**FDA Bad Bug Book:** This is the site with the famous name! Check here for details about a long list of foodborne pathogens, and follow links to outbreak information and related Web pages.  
[vm.cfsan.fda.gov/%7Emow/intro.html](http://vm.cfsan.fda.gov/%7Emow/intro.html)

**FDA Center for Food Safety and Applied Nutrition:** This is a catalog of FDA food safety information on the Web with training information in more than *two dozen languages*.  
[www.cfsan.fda.gov/~mow/internat.html](http://www.cfsan.fda.gov/~mow/internat.html)

**FoodSafe Archives:** Search the archives of this electronic discussion group of food safety professionals and sanitarians from around the world. Just type in the word(s) you are looking for at [www.foodsafetyweb.info/foodsafesafe/index.php](http://www.foodsafetyweb.info/foodsafesafe/index.php)

**National Restaurant Association Educational Foundation:** ServSafe materials for manager certification and food service educational tools. [www.nraef.org](http://www.nraef.org)

## Michigan Accreditation Update

Amy Adami, Food Sanitarian

In June 2008, the Livingston County Department of Public Health will be evaluated by the State of Michigan for all activities in the food program. The accreditation evaluation is based on Minimum Program Requirements (MPR's) set forth by the State of Michigan. This evaluation includes all full service establishments, school cafeterias, satellite locations, concessions, mobile and special transitory food units (STFU), and vending machines. These MPR's include: establishment licensing, plan review, inspection frequency, temporary food inspections, enforcement, complaint investigations, staff training and qualifications, and foodborne illness investigations and reporting.

There will be a field review by Michigan Department of Agriculture (MDA) staff. This part of the review will evaluate the quality of inspections conducted by the local health department staff. Ten full service establishments in Livingston County will be chosen at random for the field review. The field reviewer from MDA will conduct a risk based inspection. The MDA will use the following considerations in making judgments for identifying violations:

- Was the violation likely to have existed during the local health department's last inspection?
- Did the violation appear to be either chronic or continuous? (If chronic or repeat violations are noted during regular routine inspections by local health department staff, then administrative enforcement and/or fees may be assessed)

Under the Michigan Food Law, food establishments are required to have a person in charge during all hours of operation who can demonstrate knowledge. The MDA staff will be conducting interviews with the person in charge during the inspection. During the course of the inspection the safe food practices and procedures used by the establishment will be discussed between the person in charge and the MDA. The person in charge must be able to show a working knowledge of those areas of the Food Code specific to the practices in place.

Common problems found by the MDA during the field review at thirteen local health departments during this cycle of accreditation:

**Plumbing / Cross-Connections:** Most of the violations found in this category relate to air breaks and air gaps on waste lines. The waste lines are either directly connected or are connected via an air break where an air gap is required. Also, pressure nozzles were found downstream of Atmospheric Vacuum Breakers, or had no protection at all.



Air gaps are required on all food prep sinks, ice machines and bins, 3-compartment sinks used for food prep, walk-in cooler condensation lines, and dipper wells. Be sure that all drain line pipes are cut at least 1" above the flood rim. The Food Code requires that all air gaps shall be twice the diameter of the pipe but not less than 1". If you have a spray hose nozzle attached to a garden hose, be sure the spray nozzle is disconnected after each use.

**Date Marking:** Failure to date mark potentially hazardous refrigerated ready-to-eat food. Using the date of preparation rather than the consume-by date and dating for 8 (eight) days instead of 7 (seven).

**Time / Temperature:** Failure to cool food properly, failure to reheat food properly, and improper hot holding temperatures. Know the appropriate cooking, cooling, reheating, and hot or cold holding temperatures for foods during transport, preparation, service, storage, and display.

**Equipment – Non Food Contact:** Soiled equipment, lack of air drying, lack of chemical test strips, improper storage of in-use utensils, and equipment in poor repair.

**Physical Facility:** Cleaning of the floors, walls, ceilings. Lack of mop sinks. Repairs needed for floors, ceilings, and outer openings.

If you have any questions or concerns regarding the accreditation process contact any member of the Livingston County Department of Public Health food team.

