



STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

RICK SNYDER
GOVERNOR

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DIRECTOR

DATE: August 22, 2012

TO: All Local Health Departments (LHDs)
Attn: Medical Director / Health Officer / Director of Environmental Health
Michigan Department of Agriculture and Rural Development (MDARD)
Attn: Food and Dairy Division Managers

FROM: Kevin Besey, Director
Food and Dairy Division

Kevin Besey

SUBJECT: FOOD LAW IMPLEMENTATION

The updated Food Law becomes effective October 1, 2012. By that date, regulator training sessions will be complete; updated laws, codes, forms, etc. will be available for use. A summary of law changes will also be available to aid regulators when reviewing changes with establishment owners and managers.

The only section of the Food Law that will not be effective on October 1st is:

- The ability to limit the number of temporary licenses to an individual establishment within a single year will be implemented once required guidance is developed. MCL 289.4103(6)

MDARD anticipates having its system updated by October 1st and agencies utilizing paper forms or blank electronic templates can cite the new violation language and terminology.

While local health departments are working diligently to have their electronic inspection systems updated by October 1st, it is not likely that all agencies can achieve that goal.

For those agencies that can not have their electronic inspection systems able to cite Priority (P), Priority Foundation (Pf), and Core (C) and updated law/code language on October 1, 2012, please use the following interim implementation strategy.

Overall goal:

The overall goal is to be compliant with the updated food law on the evaluation form. When information not compliant with the Food Law must be cited, such as old violation criticality terms, draw a line through and initial next to any incorrect language on the report. Insert corrective language as indicated below. Keep the modified hard copy for your files.

Canned information on the evaluation form:

Canned information in an electronic inspection system must reflect correct legal citations, violation categories, and correction times. The Food Law should be cited as "Food Law" not Food Law of 2000.

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Citing law and code language:

Many electronic systems have a field to insert actual law/code language, in addition to observation and corrective language. Some systems may have the law language as a required field. To avoid citing language that may have been modified, leave this field blank or insert "See 2009 Food Code" or "See Food Law." Using this strategy will show the correct law/code section number, observation and corrective actions, but avoid citing inaccurate legal language.

When a new section number has been added to the law/code (i.e. par-cooking in the Food Code), you can cite the violation in the comment section until your system is updated.

In the comment area on each report please include the following text:

On October 1, 2012, Michigan's Food Law began using new violation terminology. There are now 3 categories of violations: Priority (P), Priority Foundation (Pf), and Core (C). The violation terms of Critical and Non-Critical are no longer being used. The correct violation category is noted in the comment area for each violation cited. Unless otherwise noted on the report, P and Pf violations must be corrected immediately, or within at least 10 days. C violations must be corrected within 90 days. Thank you for your patience while we update our electronic systems.

In the comment under each violation, please include the following text:

This violation is a (Insert P, Pf, or C).

Should the correction time be different than automatically printed on the report include: "Correction must be made within (Insert 10 or 90 days)."

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