

DISTRICT HEALTH DEPARTMENT NO. 2

INTERRUPTION OF ELECTRICAL SERVICE OR WATER SUPPLY OR OTHER EMERGENCY SITUATIONS



The Michigan Department of Agriculture and Rural Development (MDARD) has prepared a document to address with emergency situations at Food Establishments: “Emergency Action Plans for Retail Food Establishments” may be found on the MDARD’s website at: www.michigan.gov/mdard. Once at the website click on Food and Dairy Safety and then click on the link for Food and Dairy Industry and scroll down to “Emergency Action Plans for Retail Food Establishments”. Should a loss of power or water occur for more than two (2) hours it is considered an imminent health threat and the food establishment should close immediately and contact the health department in the county in which they are located.

In some cases, depending on an assessment of the establishment, alternative measures may be utilized to temporarily stay open to the public. The person in charge is responsible to determine when to close or when to employ alternative measures to stay open. The “Emergency Actions Plans for Food Service Establishments” contains information on alternative plans that your establishment may be able to utilize in an emergency.



PLANS ARE REQUIRED FOR REMODELING OR NEW CONSTRUCTION

In accordance with state statues in the Food Law, Sections 6105 - 6117:

- A food service establishment must submit (two) 2 sets of plans to the health department with a transmittal letter for review.
- These plans must be reviewed and approved PRIOR to any construction, alteration, or extensive remodeling.
- The health department charges a plan review fee of \$82.00 per hour.
- A pre-opening inspection is required prior to opening the establishment.

DISTRICT HEALTH DEPARTMENT No. 2



SELLING FOOD SERVICE ESTABLISHMENTS

In accordance with state statutes in the Food Law, Section 4103 for Buyer and Sections 4121-4123 for Seller:

- Food service licenses **ARE NOT TRANSFERABLE** to a new owner.
- A new owner must **apply** for a new Food Service license **thirty (30) calendar days** or more prior to the change of ownership, and receive a **PRE-OPENING INSPECTION PRIOR** to approval of the new license. The health department **MAY REQUIRE** correction of non-compliant items prior to approving the new license application. Any critical violations must be resolved prior to opening.



FOOD ESTABLISHMENTS WITH ON-SITE WELLS



If your food service establishment has an on-site water well it is classified as either a Type II or a Type III public water supply. All Type II's water supplies receive a sanitary survey and are assigned a WSSN (water supply serial number). Type III's have no WSSN and do not receive a sanitary survey.

Bacteria and Nitrate Sampling

All Type II's must have quarterly bacteria samples collected unless a sanitary survey has determined that reduced sampling is appropriate. For Type III water supplies, sampling for bacteria is required at least once a year. Sampling for nitrates and nitrites at least once a year is also required for all food service establishments.

Additional Sampling Requirements

Larger Establishments are classified as **non-transient** Type II and have more extensive sampling requirements.



WATER SAMPLING FOR SEASONAL ESTABLISHMENTS



If your establishment was closed for the winter season and your water supply and/or any part of your distribution system (water lines) was *depressurized* and *drained*, you must disinfect and have two (2) consecutive “non-detect” bacteria samples obtained prior to opening to the public. Additional routine water sampling may be required. Contact DHD2 to arrange for water sampling or if you have any questions.

SAMPLING BY HEALTH DEPARTMENT OR ITS CONTRACTUAL AGENT

All required water samples for Type II and Type III Public Water Supplies at Food Service Establishments must be collected by health department staff or its contractual agent, in accordance with Board of Health directives. A sample collection fee is also required in addition to the regular laboratory fee for testing the water. The sampling by DHD 2 staff or its contractual agent will assure that food service establishments meet all state and federal requirements for sampling public water supplies.

DISTRICT HEALTH DEPARTMENT NO. 2



FOLLOW-UP EVALUATION FEES

In accordance with Board of Health policy, any Priority or Priority Foundation violations or cleaning violations that have not been corrected as required at the time of the first follow-up evaluation and necessitate a second follow-up evaluation will be assessed a follow-up evaluation fee for the second and any subsequent follow-up evaluation.

The follow-up evaluation fee is \$82.00 per hour, including travel, rounded up to the nearest ½ hour. A **MINIMUM OF ONE HOUR WILL BE CHARGED.**

ENFORCEMENT ACTION FEES

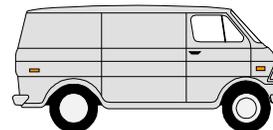
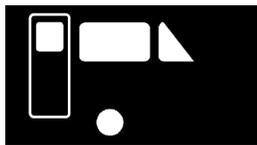
Enforcement actions including office conferences, informal hearings, and formal hearings will be assessed a fee of \$82.00 per hour. If follow-up evaluations are necessary as a result of the office conference or hearing, they will also be assessed a fee of \$82.00 per hour. Time will be charged for preparation of materials, the actual meeting time and any follow-up actions necessary. A minimum of one hour will be charged and then rounded up to the nearest half hour for additional time beyond one hour.



SEASONAL ESTABLISHMENTS DATES OF OPERATION

Food service establishments that operate less than nine (9) months per year are considered seasonal establishments. Seasonal establishments should contact DHD2 and inform us of the operational dates so that evaluations can be conducted during your operational period. **Certain food service establishments such as church halls or fraternal organizations may also be considered seasonal establishments if the length of time between licensable events (those that serve the public) exceeds 3 months.** Organizations with such a long time span between licensable food service events should **send** this department a **list of scheduled events** that serve food to the public so that the health department may arrange a routine evaluation when the kitchen is in operation.

DISTRICT HEALTH DEPARTMENT NO. 2

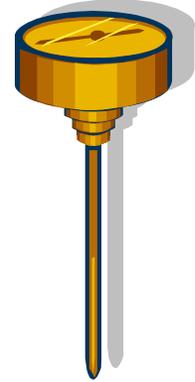


SPECIAL TRANSITORY FOOD UNITS AND MOBILE FOOD ESTABLISHMENTS

In accordance with food statutes in the Food Law, Section 6137 states:

- 1) A special transitory food unit license holder shall do all of the following:
 - a) Keep a copy of the approved standard operating procedures in the unit and available for review.
 - b) Operate in compliance with standard operating procedures approved by the director.
 - c) Provide the local health department in writing a Notice of Intent to Operate including the location and the dates and hours of service. The Notice of Intent to Operate must be received not less than four (4) business days before any food is served or prepared within the jurisdiction of the local health department.
 - d) While in operation, request and **receive two (2) paid evaluations (at \$90.00 each) per licensing year.**
 - e) Evaluations must be spaced over the span of the operating season.
 - f) Send a copy of all evaluation reports to the regulatory authority that approved the license within 30 days.
 - g) STFU stickers must be attached to the licensed vehicle and match the number for the license on hand.
- 2) If a license holder **fails to comply** with any of the requirements of this section or the food law, the food establishment is **ineligible for licensure as a special transitory food unit for the following licensing year.**
- 3) **All Special Transitory Food Units (STFU) are required to employ a certified manager as of October 1, 2012.**
- 4) **Mobile food service establishments** are now required to operate from their own licensed commissary in addition to obtaining a mobile food unit license. They must return to their commissary every twenty four (24) hours or obtain a temporary food license. **All mobile food establishments are required to employ a certified manager as of October 1, 2012.**

DISTRICT HEALTH DEPARTMENT NO. 2



MANAGER CERTIFICATION

Administrative Rules were adopted on October 2, 2009 and they provide an enforcement mechanism for the Manager Certification requirements in the Food Law, as amended.

Food Law Exemptions to Manager Certification

1. Vending Machine Locations
2. Temporary Food Establishments

State Wide Variances to Manager Certification

1. Low Risk Establishments
2. Senior Congregate Nutrition Satellite Sites

Manager Certification Rules include requirements that affected food service establishments must:

1. employ a minimum of one managerial employee, although they need not be present at all times. It is the responsibility of the certified manager to share knowledge of foodborne disease prevention and the requirements of the 2009 Food Code.
2. upon loss of a certified manager or change of ownership a certified manager must be employed within 90 days
3. newly licensed establishments are required to have a certified manager by the first day of operation
4. the food establishment must maintain records of the certification
5. the food establishment must be able to produce a copy of the record within 3 business days
6. variances must be justified in accordance with the 2009 Food Code Sections 8-103.10 & 8-103.11
7. **all Special Transitory Food Units (STFU) and mobile food establishments are required to employ a certified manager as of October 1, 2012**

Current Food Safety Classes

DHD2 staff are not currently conducting classes to fulfill the manger certification requirements. However, certain private companies do occasionally conduct food safety classes within the jurisdiction of DHD2 that do meet to requirements of the Food Law. For further information on locally scheduled food safety classes you may contact a DHD2 office or view the DHD2 web site at: www.dhd2.org and lick on the link for “Upcoming ServSafe Classes”

The Michigan Department of Agriculture and Rural Development has information on Manager Certification on its website at: www.michigan.gov/mdard Click on the link for “Food and Dairy Safety” then to the link for “Food and Dairy Industry” and then to the link for “Food Industry Related Training”. Included on this link is information on other certification courses offered in Michigan.