



STATE OF MICHIGAN  
DEPARTMENT OF AGRICULTURE  
LANSING


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**DATE:** March 11, 2005

**TO:** All Local Health Departments (LHD's)  
Attn: Health Officer/Director of Environmental Health/Chief Sanitarian

**FROM:** Thomas Crook, Manager  
Food Service Sanitation Section  
Food and Dairy Division



**SUBJECT:** Child Nutrition and WIC Re-Authorization Act

The purpose of this memo is to provide background information and to discuss the relationship between the Child Nutrition and WIC Re-Authorization Act and the Michigan Food Law 2000.

**Background:**

On June 30, 2004, President Bush signed Public Law 108-265. Section 111 amends the Richard B. Russell National School Lunch Act. Beginning July 1, 2005, each school participating in the National School Lunch or Breakfast Programs must obtain at least two food safety inspections each school year. The inspections must be conducted by a state or local governmental agency. Schools must post the most recent inspection report in a publicly visible location. A copy of the inspection report must be provided to the public upon request. Schools must implement a HACCP food safety program as established by the Secretary of Agriculture. State agencies that administer the Child Nutrition Program are required to submit an annual report on food safety inspections to the Secretary.

**School Responsibility**

Schools are responsible for obtaining two foodservice establishment inspections, posting inspection reports, providing copies of inspection reports to the public, and implementing a HACCP plan. School foodservice establishments must also comply with the Michigan Food Law 2000 and the 1999 Food Code.

**Michigan Department of Education Responsibility**

Inform schools of the new requirements, monitor schools to determine if inspection reports are posted and copies are provided to the public, assist schools in the development of HACCP plans, and submit an annual report to the Secretary.

### **Local Health Department Responsibility Under the Michigan Food Law 2000**

Conduct one inspection of each school foodservice establishment that operates nine months or less per year. The inspection must be conducted during the period of operation. Conduct one inspection every six months for those foodservice establishments that operate more than nine months per year.

The second inspection for school foodservice establishments that operate nine months or less per year is considered to be beyond the scope of the Food Law. A local health department is encouraged to conduct the second inspection but is not obligated by law to do so. The second inspection may be conducted as a courtesy or under a contractual or other similar arrangement.

Under section 3119(4) of the Michigan Food Law 2000, schools are exempt from paying state and local fees. However the additional inspection required for school foodservice establishments that operate nine months or less per year, as previously indicated, is considered to be beyond the scope of the Food Law and is therefore not exempt from local fees. A local health department, at it's own discretion, may charge a fee for the extra non-regulatory inspection.

#### **Additional Information:**

The Department of Education is drafting administrative policy letters for schools. A copy will be shared with local health when they are made available.

As indicated, the Department of Education will assist schools in the development of HACCP plans. The department will share details of the USDA HACCP food safety program with local health for informational purposes.

Public, private, and charter schools are all eligible to participate in the National School Lunch or Breakfast Programs. Approximately 3,924 licensed school food service establishments participate statewide.

Schools will likely need to document that an attempt was made to comply with inspection requirements. We are asking local health departments to send a letter to any school for which an inspection cannot be conducted.

Local health departments have been delegated authority and responsibility for the enforcement of the requirements of the Food Law relative to food service establishments. MDA will not conduct school food service inspections within those local health jurisdictions that are not able to conduct the second inspection.