



STATE OF MICHIGAN  
DEPARTMENT OF AGRICULTURE  
LANSING

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GOVERNOR

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**DATE:** February 23, 2006

**TO:** All Local Health Departments (LHD's)  
Attn: Health Officer/Director of Environmental Health/Chief Sanitarian  
Michigan Department of Agriculture (MDA)  
Attn: Food and Dairy Division Managers

**FROM:** Barb Coy, Food Industry Specialist  
Food Service Sanitation Section  
Food and Dairy Division *Barbara Coy*

**SUBJECT: Five-Year Exemption for Refrigeration Units Ends May 8<sup>th</sup>, 2006**

This memo is a reminder that as of May 8, 2006, refrigeration units used to store potentially hazardous foods must be capable of maintaining food temperatures at 41° Fahrenheit or below.

**Legal Basis:**

Food Code section 8-304.11 "Responsibilities of the Permit Holder" states: "(H) Upgrade or replace refrigeration equipment as specified under 3-501.16(C), if the circumstances specified under Subparagraphs (G)(1)-(3) of this section do not occur first, and 5 years pass after the regulatory authority adopts this Code".

**Citation section:**

When refrigeration units are not capable of maintaining core food temperatures at 41°F or below cite Food Code section 4-501.11(A). This is a non-critical violation.

When the core temperature of potentially hazardous foods (PHF) are not being maintained at 41° F or below, cite Food Code section 3-501.16 (critical violation for cold holding).

**Enforcement:**

Enforcement should be done according to established enforcement policies. Food Service Sanitation Section consultants are available to discuss any questions you may have.