

Transmittal No. III-01
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INTERPRETATION MEMORANDUM

TO: All Local Health Departments
Attn.: Health Officer/Director of Environmental Health/Chief Sanitarian
MDA Food Program Staff

FROM: Food Service Sanitation Section & Science and Technology Section
Food and Dairy Division

SUBJECT: **MDA and LHD Investigative Jurisdiction on Food Complaints**

SCOPE OF THIS GUIDE

This guide explains the jurisdictional boundaries and obligations of the Michigan Department of Agriculture (MDA) and local health departments (LHDs) in investigating food complaints. Purposefully, this guide delineates only MDA and LHD responsibilities. The duties and responsibilities of USDA, FDA, CDC, MDCH Bureau of Epidemiology, and police agencies (for tamperings) are covered in other documents. Further, this guide purposefully only addresses jurisdictional boundaries and referral obligations; it does **not** address investigation responsibilities, MPRs, reporting requirements, etc.

DEFINITIONS

“Food complaint” means any consumer complaint that implicates a food. Food complaints are divided into two categories:

- 1) **Illness** complaint implicating a food with a foodborne illness; and
- 2) **Non-illness** complaint on a food’s taste, appearance, quality, or presence of foreign material.

“Foodborne illness outbreak” means an incident where two or more persons, not of the same household, have ingested a common food and have a similar disease, similar symptoms, or excrete the same pathogens, and there is a time, place, or person association between these persons; where there is a single case of suspected botulism, mushroom poisoning, paralytic shellfish poisoning, or other rare disease; or where there is a case of a disease or poisoning that can be definitely related to ingestion of a food.

COMPLAINT HANDLING STEPS**A) Food Complaint Received.**

- 1) Prompt handling and rapid recognition of the problem are vital *before* referring complaint to another agency.
- 2) Upon receipt of a complaint, sufficient information must be gathered to determine the nature of the complaint (in most cases, this will require completion of a food history and foodborne illness complaint form).

Illustration: Consumer says, “I drank a bottle of soda pop and got diarrhea ½ hour later.” Without further information (such as a food history), it is impossible to determine what food is truly implicated, or whether a food is even the causative agent.

- 3) The complaint is recorded in the agency’s complaint log.

B) Investigation and Referral Determination

Preliminary Analysis reveals that the complaint falls into one of three categories:

- 1) *Non-illness food complaint.*
- 2) *Single case food-illness complaint.*
- 3) *Foodborne illness outbreak.*

C) Non-Illness Food Complaint

- 1) Refer to the LHD if the source of the food is under LHD jurisdiction.
- 2) Refer to the MDA if the source of the food is under MDA jurisdiction.¹
- 3) Some complaints may involve both LHD and MDA-inspected establishments. These investigations should be coordinated between the LHD and the appropriate MDA regional office.

D) Single-Case Foodborne Illness Complaint

- 1) Refer to MDA if the complaint implicates a food from an establishment under MDA jurisdiction.
- 2) Refer to the LHD if the complaint implicates a food from an establishment under LHD jurisdiction.
- 3) Some complaints may involve both LHD and MDA-inspected establishments. These investigations should be coordinated between the LHD and the appropriate MDA regional office.

E) Foodborne Illness Outbreak Investigations

Local health departments have statutory responsibility for investigation in all cases that meet the definition of a foodborne illness outbreak.

- 1) If all implicated food was obtained from establishments under LHD jurisdiction, refer to the LHD.
- 2) If an implicated food was obtained from an MDA-inspected establishment, notify MDA & LHD. These investigations should be coordinated between the LHD and the appropriate MDA regional office.

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¹ The preferred method of referral is, first, a fax to the appropriate regional office and, second, a copy to the Lansing office.