

**DATE:** June 14, 2000

**TO:** All Local Health Departments  
Attn.: Health Officer/Director of Environmental Health/Chief Sanitarian

**FROM:** Neal D. Fortin, Manager  
Food Service Sanitation Section  
Food and Dairy Division

**SUBJECT:** RESPONSE TO MALEHA'S ISSUES LETTER

Recently, the EH forum of the Michigan Association of Local Public Health (MALEHA) mailed me a letter commenting on the food service sanitation program. Katherine Fedder and I hope to meet with MALEHA soon to address your concerns, however, since scheduling does not permit us to meet with you immediately, I hope this letter addresses items that call for immediate response.

*MALEHA: A shift in focus to HACCP*

MDA is not shifting, and has no plans to shift the food service sanitation program to a HACCP program. We do use HACCP terminology, as this is the language used and recognized by nearly all food safety authorities and professionals. We apply HACCP principles and terminology to consistently address the food safety requirements contained in the 1976 Food Service Sanitation Ordinance. Our direction with food service sanitation inspection is based upon longstanding and traditional requirements of food safety. The FDA 1999 Food Code does require HACCP for a few specialized operations (such as reduced-oxygen packaging of some foods). Since these specialized operations now require a variance or other heightened regulatory oversight, this limited application of HACCP reflects little change.

*MALEHA: Definitive criteria for delegation of currently dual-licensed establishments*

The Michigan Food Law of 2000, effective November 8, 2000, applies a "predominant part" rule to eliminate dual inspection and licensing of combined grocery stores and food service establishments. If the grocery store predominates, it will be inspected by the MDA. If food service predominates, it will be inspected by the local health department (LHD).

We expect the vast majority of dual-licensed establishments to be sorted out quickly and efficiently just by the overall appearance of the establishment. If it looks like a restaurant, it is treated as a restaurant. If it looks like a grocery, it is treated as a grocery. Nearly all grocery stores are predominantly a market, even if there is a small food service area. Similarly, most convenience stores are predominantly a market.

I trust this provides the information you need for resources allocation planning. Of course, we will be providing more detail and information at the training courses scheduled over the next three months. When the inevitable borderline decisions arise, MDA retains the authority to resolve these divisions.

*MALEHA: How will LHDs and MDA work together to assure uniform administration of the program?*

I am confident we will work together in the spirit of cooperation to fulfill our shared mission to ensure safe and wholesome food is served. Our new law will make our task of achieving uniformity far easier. For the first time, both MDA and LHD inspectors will be applying the same law and the same standards. Since the Michigan Food Law of 2000 is science-based, and the food safety principals are universal, inspectors will not need significantly different knowledge or skills to conduct combined grocery-restaurant inspections. Relatively minor gaps in knowledge do exist, and we are already filling those gaps. I have great confidence that our personnel will do a fine job, and that the new law will make their jobs easier. We will achieve far greater uniformity than could ever be hoped for in the past.

*MALEHA: Clear, reasonable and objective statements of MDA's expected program outputs*

We also desire clear, reasonable, and objective statements of expected program outputs. We have worked hard three years in a row to refine the language of the MPRs to achieve these goals. Each year we have formed an MDA/MPR committee to increase the input from representatives of MALEHA, MALPH, the MALPH Administrators' Forum, and MAC. On numerous occasions we have solicited your comments and suggestions. We are now putting the finishing touches on a MPR Guidance Manual, which should be completed this summer.

Although MDA strives to continuously improve our clarity, experience with accreditation field evaluations has revealed little confusion. The majority of food service sanitation programs reviewed have met all MPRs upon initial review or soon thereafter. Two departments met 100% of the MPRs upon initial review. Unfortunately, a few programs faced serious difficulty, but confusion over subtle detail has not caused these problems. Rather, it is failure to meet three basic requirements: completion of inspections, documentation of critical violations, and follow up. These standards are clear, objective, and fundamental to the program.

The people of Michigan deserve a food service regulatory system that protects their health and safety in an effective, consistent, and sensible manner. MDA will not falter in its important responsibility to ensure such a regulatory system exists in Michigan. I know you share the same goal and support what MDA is trying to achieve, because we have been striving to achieve it together. I welcome MALEHA's interest and offer to become more involved in achieving a better food service sanitation program.

In closing, I appreciate MALEHA's efforts to further communication between MALEHA and MDA. Katherine Fedder and I look forward to the opportunity to discuss the issues raised.

NDF:khg  
Attachment