

DATE: November 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: Answer to Questions on Ventilation Systems in Food Service Establishments

A few Environmental Health Directors have raised questions and concerns about the alleviation of certain responsibilities from local health departments for the review and evaluation of ventilation systems by enactment of the Michigan Food Law of 2000. This memorandum addresses those questions and concerns.

Background

Prior to November 8, 2000, local health departments were obligated to review and evaluate exhaust ventilation systems against the detailed standards published in the "Description of Ventilation Systems, Food Service Establishments." This requirement under the now rescinded sections of Part 129 of PA 368 of 1978, and corresponding administrative rules 6001-6008, created an overlapping and redundant responsibility with the Michigan Department of Consumer and Industry Service's Mechanical Division (MDCIS).

After extensive discussion and deliberation, the MDA Food Law Workgroup recommended reduction and simplification of local health department (LHD) responsibility for ventilation to reduce this redundancy, to increase efficiency, and to allow improved focus on food safety. These recommendations were adopted in the Michigan Food Law of 2000, PA 92 of 2000, which reduces LHD responsibility for ventilation into two basic requirements: (1) review of a ventilation balance report for all new or remodeled ventilation systems in food service establishments; and (2) performance of a smoke test to determine reasonable performance of the ventilation system.

All Local Health Departments

Attn.: Health Officer/Director of Environmental Health/Chief Sanitarian

November 14, 2000

Page 2

We stand by the Workgroup's recommendation because it increases efficiency, reduces regulatory redundancy, and provides a bright line for the division of responsibility between the food service sanitation and construction code compliance. We expect the result to be improved focus on food safety by sanitarians and a new era of cooperation between local health departments and their state and local building inspectors.

Nevertheless, those local health departments that wish to continue to provide a more comprehensive review and evaluation of the design, construction, and installation of ventilation systems in food service establishments may do so. The Food Law of 2000 provides LHDs authority to ensure that exhaust ventilation in food service establishments meet all applicable design, construction, and installation requirements under state law.

Question: How do I turn over my local health department review and approval of ventilation systems to MDCIS?

Answer: Nothing is being "turned over" to MDCIS. The Michigan Food Law of 2000 does not change MDCIS authority or responsibility.

We expect LHDs will cooperate and communicate with their respective state and local building inspectors, including letting them know what level of involvement your LHD will maintain in ventilation reviews. Those environmental health personnel who have contacted and worked with MDCIS Mechanical Division personnel have commented to me how impressed they were with the MDCIS staff's knowledge and professionalism, and the excellent benefits both sides gained through their cooperation and communication.

Question: Under MDCIS, it appears that some parts of ventilation systems will not be reviewed prior to construction under the new law. Please clarify.

Answer: The Michigan Department of Consumer and Industry Services Mechanical Division (MDCIS) review and approval process is not identical to the review to which local health departments have been accustomed to completing under the now rescinded portions of Part 129 of PA 368 of 1978. In part, MDCIS leverages their resources by the requirement for "engineered" plans produced by a credentialed professional engineer. While there are differences in the methods of oversight provided by the Michigan Department of Consumer and Industry Services Mechanical Division when compared to the traditional local health department review, the MDCIS review effectively and efficiently ensures compliance with applicable requirements of design, construction, and installation.

Those local health departments that wish to continue to provide additional review and evaluation of ventilation systems in food service establishments may continue to do so. The local health departments that chose this option are expected to communicate and coordinate their activity with the appropriate state and local mechanical inspectors.

All Local Health Departments

Attn.: Health Officer/Director of Environmental Health/Chief Sanitarian

November 14, 2000

Page 3

Question: I understand that MDCIS will not be reviewing exhaust ventilation systems for capture efficiency. Does this mean LHDs must continue to conduct reviews of capture efficiency?

Answer: In the past under Part 129 of PA 368 of 1978, rarely were ventilation systems actually tested by LHDs for compliance with the capture effectiveness requirement (under R 325.26008). The alternative, and vastly predominant, method for ensuring capture effectiveness was to review the proposed ventilation systems against published specifications and requirements known to create a system that provided the required capture effectiveness. Similarly, the MDCIS ensures compliance of ventilation systems with the applicable requirements and specification for design, construction, and installation.

Local health departments retain responsibility for reviewing air balance testing for installed systems, and conducting a smoke test of the system to assure that the system captures fumes effectively. In addition, the ongoing local health department inspection of food service establishments provides a field review of gross efficiency of ventilation system.

Conclusion

While the system for assuring ventilation systems in food establishments meet state ventilation requirements is different than local health departments have been used to in the past, we are confident that this system provides an effective and efficient compliance with the state requirements, and the components retained by the local health departments ensure actual capture efficiency in the field. Of course, as we have explained, local health departments may continue to conduct reviews as they have in the past, working in cooperation with MDCIS.

You should contact your appropriate state or local mechanical inspectors for more detailed information on their activities. Questions on MDA's role in ventilation may be directed to Allen Anderson at (517) 241-0934.

NDF:khg

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