



STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

DON KOIVISTO
DIRECTOR

DATE: October 19, 2009

TO: All Local Health Departments (LHDs)
Attn: Medical Director / Health Officer / Director of Environmental Health
Michigan Department of Agriculture (MDA)
Attn: Food and Dairy Division Managers

FROM: Kevin Besey, Manager
Food Section
Food and Dairy Division

SUBJECT: Manager Certification Rules Now Effective

The manager certification rules became effective October 2, 2009. For current information, please visit our updated web page at: http://www.michigan.gov/mda/0,1607,7-125-50772_45851_45855-182605--,00.html. The web page provides access to the law, rules, state-wide variances, training resources, etc.

While the food law requires certain establishments to have a certified manager as of June 30, 2009, the rules do not allow regulators to begin enforcement of the rules yet.

The rules state:

R 289.570.6 Enforcement.

Rule 6. (1) To allow for development of the necessary training infrastructure, the enforcement of these rules for public and nonpublic schools shall be delayed until 2 years after the effective date of these rules.

(2) Based on an assessment of the necessary training infrastructure, the director may develop agency specific plans and phase-in enforcement for establishments other than schools between 6 months and 2 years after the effective date of these rules. The assessment may include the preexistence of similar local regulations, a determination of the level of course access that exists within the agency's geographic area and the overall level of compliance by regulated establishments.

This means that the manager certification rules can be cited and enforced starting:

Schools: October 2, 2011

Other Establishments: Between April 2, 2010 – October 2, 2011, based on your agency specific enforcement plan.

Comments on evaluations prior to these dates must be consultative and advisory.

For agencies with pre-existing manager certification regulations, the rules state:

(2) Provisions of local regulations in effect prior to April 1, 2008 that are more restrictive than those provided under MCL 289.2129 (1)(a), or these rules, may remain in effect.

This means that pre-existing local ordinances can continue enforcing their current regulations.

State-Wide Variances

MDA has issued the following two state-wide variances. A certified manager will not be required for the following:

1. Low risk establishments as defined in the current "MDA Risk-Based Evaluation Schedule". Low risk establishments are currently defined as establishments that meet the following description:

- Serve or sell only raw or pre-packaged, non-potentially hazardous foods (non time/temperature control for safety (TCS) foods).
- Do not prepare potentially hazardous foods (TCS foods).
- Do not cool potentially hazardous foods (TCS foods).
- Preparation/processing and or packaging limited to non-potentially hazardous food only.
- Warehousing/storage limited to non-potentially hazardous food and/or pre-packaged potentially hazardous foods.

Examples: Most convenience store operations, convenience stores serving precooked hot dogs or sausages, popcorn, nachos, pretzels or frozen pizza; hot dog carts, and coffee shops; cocktail lounges; theaters; nut kiosks; honey and maple syrup processors; most bakery operations; candy, snack, pasta, spice or other non-potentially hazardous manufacturer, bottled water manufacturer; food warehouses.

2. Michigan Office of Services to the Aging, senior congregate nutrition satellite sites operating in compliance with Michigan Office of Services to the Aging standards, where food is not prepared but only served on-site and prepared in a licensed kitchen that employs a full-time certified manager.

Distribution List:

MI-Food Listserv

MDA Food Section Staff

MDA Licensing Unit

Linda Stull, MDE

Sherri King, OSA

Linda Stull, MGA

Andy Deloney, MRA

Dan Reeves, AFPD