



Washtenaw County Environmental Health

Food (Safety) for Thought



Summer 2010

Michigan's Cottage Food Law

In July, Governor Jennifer Granholm signed into law a bill that allows individuals to manufacture certain limited types of foods in their home without a license. It is known as the Cottage Food Law.

You may be wondering how this new law affects you and your food service establishment. The Cottage Food Law allows individuals to manufacture and store certain types of food products in an unlicensed home kitchen.

Foods allowed under this law must comply with the following:

- Be non potentially hazardous (shelf stable), such as: breads, cakes, cookies, popcorn, fruit pies, dry herbs and herb mixes, cotton candy, vinegars and flavored vinegars, and jams and jellies in glass jars that can be stored at room temperature.
- Be sold by producer directly to consumer by way of farmer's markets, roadside produce stands, or other similar places. The Cottage Food Law prohibits the sale of the goods over the internet, mail order and to restaurants, grocery stores or wholesalers.
- Have proper labeling, including an ingredient label and a label that states the food has been made in a home kitchen and has not been inspected by the Michigan Department of Agriculture.

Washtenaw County Environmental Health has received some questions from individuals wishing to become cottage food producers as well as some restaurants that want to know what foods they are allowed to use or sell in their establishments.

The Michigan Food Law of 2000, as amended, and the 2005 FDA Food Code prohibit the use or sale of foods in a licensed foodservice establishment that are from an unapproved source, such as an in home kitchen.

Therefore, the sale or use of any cottage foods within your food service establishment is prohibited. If you are approached by an individual who wants to sell your business cottage foods or who wants to sell cottage foods within your establishment, please inform them that the Food Law prohibits you from conducting that service. Advise them to contact their local health department or the Michigan Department of Agriculture at 1-800-292-3939 for full Cottage Food Law requirements.

For more detailed information on the new Cottage Food Law, visit: www.michigan.gov/cottagefood

Smoke Free Air Law - Update

The Smoke Free Air Law in Michigan has been in effect for over three months. There have been fewer complaints and violations of this law than anticipated.

To date, Washtenaw County has received about 10 complaints and cited a handful of violations of the law. Most of these violations involve ashtrays being present in the employee break area of restaurants. Please remember that this law does not allow any smoking by anyone inside of a public workplace, including a bar or restaurant. This includes before and after the restaurant or bar is open to the public.

The other item we are seeing that is still causing some confusion is where customers can smoke outdoors. Michigan's Smoke Free Air Law prevents customers from smoking outdoors in areas where foods or drinks are served or consumed. There is no specific distance requirement from a door or window to a person who is smoking. The law says that smoke must not infiltrate the building and that customers should not have to walk through smoke to enter or exit an establishment.

If you have further questions on the Smoke Free Air Law, please see page 3 of this newsletter or contact your Sanitarian at 734-222-3800.

Manager Certification Enforcement Began April 2

As of June 30, 2009, most food service establishments in Michigan were required to have at least one full time person take and pass a food safety manager certification course. There are three approved organizations that offer an approved course and exam. These are the National Restaurant Association Solutions LLC (ServSafe), Prometric (formerly known as Expor Assessment) and the National Registry of Food Safety Professionals.

Restaurants that did not have a certified manager as of April 2, 2010 were subject to enforcement actions by Washtenaw County Environmental Health.

What are the details of enforcement?

A restaurant not having a valid certified manager is in violation of the Michigan Food Law of 2000. This violation will be noted on your food service inspection report and your establishment will have 90 days to train or hire a certified manager or be subject to the Washtenaw County Food Service Enforcement Procedures. These procedures include progressive enforcement leading to the revocation of a food service license.

What about new establishments?

As of April 2, 2010, all new food service establishments will need to employ a certified manager before they are approved to open to the public.

What about existing restaurants that change ownership?

Existing establishments that change ownership or lose a certified manager will have 90 days to provide a certified manager to avoid enforcement actions.

Unclean Soda Fountains

A recent study published in the *International Journal of Food Microbiology* showcased the results of microbiological tests of soda fountain beverages. While many people do not consider beverages, including soda and ice, as "food", they are still one way that illness can be transmitted. Researches at Hollins University in Virginia tested 90 beverages, including soda and water, from 20 self-service and 10 employee dispensed soda fountains.

The results showed that Coliform bacteria were found in 48% of the beverages. In addition, 11% of the beverages contained *E. coli*, and 17% had *Chryseobacterium meningosepticum* (which could sicken newborns or adults with weakened immune systems). The study didn't determine how the bacteria got inside the beverage machines. Possible causes could include dispensing the beverage with unclean hands or using wet rags to wipe down the machine.

How many certified managers does my restaurant need?

The law requires a minimum of one certified manager who works in the facility in a managerial capacity on a full time basis.

What do I do if I can't find my certificate?

Contact the company where you were certified. For a fee, many can provide a copy of your certificate.

How long is my certificate good for?

All certifications that meet this requirement expire 5 years from the date they are issued.

What about sharing certified managers between several of my franchises?

Each licensed establishment must have its own certified manager.

Are there any variances to this requirement?

Variances may be granted on a case by case basis. If you wish to pursue a variance, call 734-222-3800 for details.

Are there any exemptions to this requirement?

Senior nutrition centers are exempt from manager certification requirements. Mobiles and special transitory food units (STFUs) are also exempt. Food service establishments that are considered low risk with respect to the types of food preparation activities conducted on site are also typically exempt.

This study is an important reminder of the necessity to properly clean and sanitize ice machines and beverage dispensing machines. Simply soaking the nozzles in soda water, a common practice, will not remove any build-up of debris, and will not kill any bacteria present on the nozzles. You must wash, rinse and sanitize the nozzles on a routine basis, just like you would do with any other food contact surface!



Smoke Free Law Questions and Answers

Where is smoking prohibited in a restaurant?

Smoking is not allowed in any indoor area, as well as outdoor areas such as patios or rooftops, where patrons are intended to receive service or consume food or beverages.

Where are restaurant guests or employees permitted to smoke?

Smoking may be allowed in outdoors areas where foods and beverages are not served or consumed.

What do restaurant operators need to do to comply with this law?

Restaurant operators shall prohibit smoking in areas where it is not permitted. Compliance is determined by the following:

- Clearly and conspicuously post “no smoking” signs or the international “no smoking” symbol at the entrances to and in every building or other area when smoking is prohibited under this act.
- Removing ashtrays and other smoking paraphernalia from anywhere where smoking is prohibited.
- Informing individuals smoking in violation of this act that they are in violation of state law and subject to penalties.
- Refusing service to an individual smoking in violation of this act.
- Asking an individual smoking in violation of this act to refrain from smoking and, if the individual continues to smoke in violation of this act, ask him or her to leave.

How should I respond if someone is smoking in my establishment?

You should politely ask the individual to stop smoking and inform them that they are in violation of Public Act 188 and they are subject to penalties. If the individual continues to smoke, you should refuse service to that individual and ask him or her to leave. It is recommended that you communicate this incident with your staff and log it into any tracking mechanism your establishment may have to document your actions.

How far do people have to be from a building or entrance to smoke?

There is no specific distance requirement that people are required to be from a food service establishment to be able to smoke. However, smoke cannot infiltrate the establishment so it is recommended that smoking not be allowed at entrances or other areas that may allow this to occur.

Where does signage need to be placed?

“No Smoking” signs or the international “no smoking” symbol must be clearly and conspicuously posted at all entrances to the establishment (front, side and rear). Additionally, signs must be posted at other areas where smoking is prohibited, which may include patios, rooftops, outdoor tables and other areas where foods or beverages are intended to be served or consumed.



Healthy Community Portal

Washtenaw County Environmental Health is pleased to announce our Health Community Portal. This portal is a gateway for a variety of information for businesses, including restaurants.

You can view the Health Community Portal by going to <http://environmentalhealth.ewashtenaw.org> and clicking on [Healthy Community Portal](#) on the left of the page.

Each white text box is a link to the information that Washtenaw County has on that topic, including restaurants, local food, green businesses, and temporary foods. If there is information you would find useful to add to these links, please let us know.

There are also portals for [Healthy Homes](#) and [Public Health](#).



Washtenaw County Environmental Health

705 N. Zeeb Road
PO Box 8645
Ann Arbor, MI 48107-8645

Phone: (734) 222-3800
Fax: (734) 222-3930
Email: schweigk@ewashtenaw.org

Visit us on the web at:
<http://foodsafety.ewashtenaw.org>



World Class Service

Washtenaw County Environmental Health's mission is to enhance the safety of food, water, air and surroundings through education, regulation and advocacy in partnership with a knowledgeable industry and informed public. We provide regulatory oversight of food service establishments in accordance with state and federal mandates, investigate consumer complaints related to food service establishments, including complaints of foodborne illness, and continually strive to increase availability of food safety information to both the industry and public.

If you have a suggestion for a topic in a future edition of this newsletter, please [email us](#) and let us know!

This email list was generated from the email listed on your food service license. You can subscribe or unsubscribe to these messages by visiting our [Food Safety Updates website](#).

ServSafe Certification

Food safety training is a commitment, a mindset and a smart business practice for every restaurant and food service operation. ServSafe is a training program that can provide resources to help keep food safety an essential ingredient in every meal.



This 16-hour certification program provides food managers with thorough training in all areas of food safety relevant to a food service establishment. Upon successful completion of an exam, managers will receive a certificate verifying that they are a certified ServSafe Food Protection Manager.

ServSafe was developed by the National Restaurant Association. It is taught by Michigan State University Extension staff at Washtenaw County's Western Service Center in partnership with Washtenaw County Environmental Health. The course is taught each month as a 16-hour program. The fee for the course is \$210, which includes a course book and test. Upcoming course dates include:

- **August 24 & 26**
- **September 23 & 30**
- **November 10 & 17**

A \$25 late fee will be applied to all registrations not received 14 business days prior to class start date. A ServSafe Manager Certification is valid for 5 years, and meets the new Michigan Food Law Requirement of having a certified manager.

To register for a ServSafe course, call Joan Miller at (734) 222-3956 or register online at:
<http://web2.canr.msu.edu/servsafe>