



**House Agriculture Committee
Written Testimony
June 7, 2016**

Meghan Swain, Executive Director, Michigan Association for Local Public Health

Facts about Vending Machine Licensing and Inspections

- Michigan Public Health Code: Section 333.2221 - Organized programs to prevent disease, prolong life, and promote public health; duties. Sec. 2221. (1) Pursuant to section 51 of article 4 of the state constitution of 1963, “the department shall continually and diligently endeavor to prevent disease, prolong life, and promote the public health through organized programs, including prevention and control of environmental health hazards...”
- The Food and Drug Administration’s Food Code is designed to assist jurisdictions at all levels of government in providing them with a scientifically sound technical and legal basis for regulating the retail and food service segment of the industry.
- SB 774 attempts to “fix” a problem that does not exist. The system is not broken, and the health and safety of Michigan’s citizens have been a priority.
- Vending machines are not just bottled soda or pre-packaged candy, chips, crackers, etc. In fact, machines that carry those types of food are not licensed or inspected.
- Vending machines that carry high risk foods such as chicken-, tuna-, egg-salad sandwiches, lunchmeat, dairy/cream dispensers and syrup machines (anything with a backflow line), yogurt, cheese, etc. need to be inspected to protect the public.
- Expiration dates (not sell by) are one of the most critical pieces of inspection (including mold, rodent droppings, insects, etc.) Expired food is discarded immediately.
- Inspections are included in the price of the license fee.
- License fees vary amongst health jurisdictions because the state has not honored its funding allocations to local units of government either through the 50/50 cost share (est. 1994) or county revenue sharing. Therefore, county commissioners must set the fees accordingly. The Michigan Department of Agriculture and Rural Development (MDARD) is subsidized by Michigan taxpayers, hence their fees are generally lower than local jurisdictions.
- Minimum Performance Requirements require 1/3 of all vending locations be inspected annually by a local health department. A majority of local health departments inspect ALL locations annually.
- MDARD is proposing that one (1) person will be responsible for the entire state. It may not be possible for one (1) person to inspect over 3,000 machines throughout the state every five (5) years. MDARD has a history of not meeting inspection frequency requirements.
- Local health departments know who are “bad players” in the vending industry and hold them accountable.
- When a suspected foodborne illness (FBI) occurs, the general population will cite vending machine or event food first (fairs/carnivals), requiring the local health department to investigate. MDARD does not investigate FBI complaints from the facilities that they license- that responsibility falls on the local health department with NO FUNDING.
- ***We suggest adding a consumer notification requirement, citing the machine is inspected, at most, every five (5) years.***

IONIA COUNTY HEALTH DEPARTMENT
 175 East Adams Street
 Ionia, MI 48846
 616-527-5341

FOOD ESTABLISHMENT INSPECTION REPORT

Based on an inspection this day, the items marked below are violations of the Michigan Food Law of 2000, P.A. 92 of 2000. Violations cited in this report shall be corrected within the time frames specified below, but within a period not to exceed 10 calendar days for critical items (8-405.11) or 90 days for noncritical items (8-406.11). Failure to comply with this notice may result in license suspension and/or other legal action. You have the right to appeal any violations listed.

[Redacted]

SVN

[Redacted]

[Redacted]

2:00:00 PM

Last Routine: [Redacted]

Belding, MI 48809

Person In Charge (PIC): [Redacted]

Establishment Phone: [Redacted]

INSPECTION TYPE:

Vending

Non Smoking Seating Capacity: 0

Smoking Seating Capacity: 0

Manager Certified	No
License Posted	No
Antichoking Poster	No
Non-Smoking Area	No
Non-Smoking Signs	No
Type II Water Supply	No
On-site Water/Sewer	No

Critical / Non-crit	Repeat	Violation Description/Remarks/Correction Schedule	Correct By	Corrected
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This Facility was inspected by [Redacted] a representative from Ionia County Health Department, on [Redacted] to determine the level of compliance with Michigan Act 92, P.A. 2000, as amended.

At the time of this inspection, the person in charge of this facility demonstrated acceptable working knowledge of food safety.

Violation(s) have been found in the following areas: Plumbing System

Based on the public health significance of deficiencies noted, this facility was found to be in non-compliance.

Critical

5-203.15
Critical

(A) If not provided with an air gap as specified under § 5-202.13, a double check valve with an intermediate vent preceded by a screen of not less than 100 mesh to 25.4 mm (100 mesh to 1 inch) shall be installed upstream from a carbonating device and downstream from any copper in the water supply line.
 (B) A single or double check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided as specified under ¶ (A) of this section.

[Redacted]

Location: VENDING MACHINE AND On the Carbonation system

[Redacted]

The pop/fountain machine #315-023026 is not provided with a dual check backflow preventer with screen. Provide to protect the water supply from backflow.

Non-Critical

6-202.11
Non-Crit

Repeat Except as otherwise approved, light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; or unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

[Redacted]

Item(s): Light shielding

SVN

2:00:00 PM

Critical / Non-crit	Repeat	Violation Description/Remarks/Correction	Schedule	Correct By	Corrected
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Location: VENDING MACHINE

Problem(s): Not provided

Correction(s): Provide adequate light shields and end caps or shatter-proof bulbs.

Light shield missing in machine #315-023026 (Pop) Provide light shield.

Closing Comments:

This inspection was for:

Coffee Machine #633-013822

#627-016157

Cold Food #430-066250

#045138

Pop Machine#315-023026

All critical violations must be corrected within ten (10) days as required by The 2005 Food Code. If the corrections have been made prior to the tenth day please call me for a follow-up inspection.

Please call me with any questions or concerns: 616-527-5341.

Person in charge (Name and Title)

Inspected By (Name and Title)

This signature does not imply agreement or disagreement with any violation noted.

FOOD ESTABLISHMENT INSPECTION REPORT

Based on an inspection this day, the items marked below are violations of the Michigan Food Law of 2000, P.A. 92 of 2000. Violations cited in this report shall be corrected within the time frames specified below, but within a period not to exceed 10 calendar days for critical items (8-405.11) or 90 days for noncritical items (8-406.11). Failure to comply with this notice may result in license suspension and/or other legal action. You have the right to appeal any violations listed.

SVN [REDACTED]

11:27:34 AM

Last Routine: [REDACTED]

[REDACTED]
MARQUETTE, MI 49855

Person In Charge (PIC): [REDACTED]

Risk Category: Vending

Inspection Type:

Routine Inspection

Establishment Phone: [REDACTED]

Manager Certified	No
License Posted	Yes
Antichoking Poster	Yes
Non-Smoking Area	N/A
Non-Smoking Signs	Yes
Type II Water Supply	No
On-site Water/Sewer	No

Critical / Non-crit	Repeat	Violation Description/Remarks/Correction Schedule	Correct By	Corrected
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This Facility was inspected by [REDACTED] a representative from Marquette County Health Department, on 08/22/2012 to determine the level of compliance with Michigan Act 92, P.A. 2000.

Violation(s) have been found in the following areas: Limitation of Growth of Organisms of Public Health Concern

Critical

3-501.18
Critical

A RTE PHF FOOD, requiring date marking, shall be discarded:
A) if not consumed within:
(1) 7 calendar days from the date of preparation if the FOOD is maintained at 41F or less; or
(2) 4 calendar days from the date of preparation if the FOOD is maintained at 45F or less. or
B) If the container does not have the required dating or
C) If the container is incorrectly marked.
A RTE PHF FOOD, requiring date marking if subsequently combined with additional foods/ingredients shall retain the earliest date mark.

Item(s): Ready to eat, potentially hazardous food(s)
Location: Vending Machine
Problem(s): Not marked with a consume by date

[REDACTED] There was no date marking on any of the pre-packaged, potentially hazardous ready-to eat food items at this location. In order to prevent the growth of Listeria monocytogens, all potentially hazardous, ready-to eat foods shall have discard date labels. The PIC discussed their procedure of date labeling and demonstrated it at the main loading area. He will discuss with employees, the importance of date labeling

Violation corrected.

Closing Comments:

SVN

11:34:01 AM

Critical / Non-crit	Repeat	Violation Description/Remarks/Correction Schedule	Correct By	Corrected
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Person in charge (Name and Title)

Inspected By (Name and Title)

[Redacted Signature]

[Redacted Signature]

This signature does not imply agreement or disagreement with any violation noted.

[Redacted Signature]

FOOD ESTABLISHMENT INSPECTION REPORT

Based on an evaluation this day, the items marked below are violations of the Michigan Food Law. Violations cited in this report shall be corrected within the time frames specified below, but within a period not to exceed 10 calendar days for priority or priority foundation items (§8-405.11) or 90 days for core items (§8-406.11). Failure to comply with this notice may result in license suspension and/or other legal action. You have the right to appeal any violations listed.

[Redacted]

SVN [Redacted]

2:41:32 PM

Last Routine: [Redacted]

Person In Charge (PIC) [Redacted]

Establishment Phone:

INSPECTION TYPE:
Routine Inspection

Manager Certified No
License Posted No
Antichoking Poster No
Non-Smoking Signs No
On-site Water No
On-site Sewer No

Violation Category	Repeat	Violation Description/Remarks/Correction Schedule	Correct By	Corrected
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This Facility was inspected by [Redacted] a representative from [Redacted] on [Redacted] to determine the level of compliance with Michigan Act 92, P.A. 2000.

Violation(s) have been found in the following areas: Design and Construction

Priority

4-204.111
Priority

A machine vending POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall have an automatic control that prevents the machine from vending FOOD; if there is a power failure or vending unit does not maintain proper temperature. (P)

Item(s): Automatic shut off
Location: Entire Establishment
Problem(s): Is inoperable
Correction(s): Repair/replace to meet requirements above.

AUTO SHUT-OFF NOT WORKING

TO CORRECT - REPAIR/REPLACE FLOAT SWITCH. SEND WRITTEN VERIFICATION OF CORRECTION WITHIN 10 DAYS.

Core

6-202.11
Core

Except as otherwise approved, light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; or unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

Item(s): Light shielding Light shield(s)
Location: Entire Establishment
Problem(s): Not provided

SVN [REDACTED] 3:27:29 PM

Violation Category	Repeat	Violation Description/Remarks/Correction Schedule	Correct By	Corrected
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Core

Correction(s): Provide adequate light shields and end caps or shatter-proof bulbs.

[REDACTED]

MISSING LIGHT SHIELD
TO CORRECT - REPLACE LIGHT SHIELD

Closing Comments:

[REDACTED] COFFEE - SEE REPORT FOR VIOLATIONS
Please correct any priority or priority foundation violations within 10 days. If you need more time to correct a violation, or have any questions, please call [REDACTED]. One follow up inspection will be provided to verify correction to any priority and/or priority foundation violations. Additional follow up inspections will be charged a fee of \$129 each.

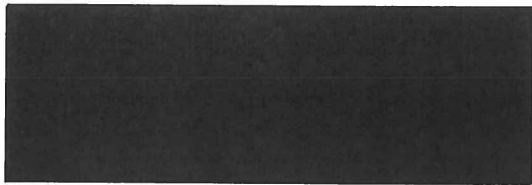
Person in charge (Name and Title)

[REDACTED]

Inspected By (Name and Title)

[REDACTED]

This signature does not imply agreement or disagreement with any violation noted. [REDACTED]



FOOD ESTABLISHMENT INSPECTION REPORT

Based on an evaluation this day, the items marked below are violations of the Michigan Food Law. Violations cited in this report shall be corrected within the time frames specified below, but within a period not to exceed 10 calendar days for priority or priority foundation items (§8-405.11) or 90 days for core items (§8-406.11). Failure to comply with this notice may result in license suspension and/or other legal action. You have the right to appeal any violations listed.



SVN [Redacted] 1:36:20 PM
Last Routine: [Redacted]

Person In Charge (PIC): [Redacted]

Establishment Phone: [Redacted]

INSPECTION TYPE:
Routine Inspection

Manager Certified No
License Posted No
Antichoking Poster No
Non-Smoking Signs No
On-site Water No
On-site Sewer No

Violation Category	Repeat	Violation Description/Remarks/Correction Schedule	Correct By	Corrected
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This Facility was inspected by [Redacted] a representative from [Redacted] on [Redacted] to determine the level of compliance with Michigan Act 92, P.A. 2000.

Violation(s) have been found in the following areas: Limitation of Growth of Organisms of Public Health Concern

Priority

3-501.18 Priority A FOOD specified in ¶ 3-501.17(A) or (B) shall be discarded if it:
(1) Exceeds the temperature and time combination specified in ¶ 3-501.17(A), except time that the product is frozen; (P)
(2) Is in a container or PACKAGE that does not bear a date or day; (P) or
(3) Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in ¶ 3-501.17(A). (P)



Item(s): Ready to eat, potentially hazardous food(s)
Location: Entire Establishment
Problem(s): Beyond consume by date
Correction(s): Dispose of food item.



FOUND EXPIRED MILK IN CAROUSEL, FOUND AN ABUNDANCE OF EXPIRED FOOD (FROM 1/24/14) IN THE HOLDING AREA OF THE MACHINE.

CORRECTED - ALL EXPIRED FOOD WAS DISCARDED AT THE TIME OF THIS INSPECTION.

Priority Foundation

4-601.11 Priority Foundation (A) EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be clean to sight and touch. (Pf)
(B) The FOOD-CONTACT SURFACES of cooking EQUIPMENT and pans shall be kept free of encrusted grease deposits and other soil accumulations.
(C) NonFOOD-CONTACT SURFACES of EQUIPMENT shall be kept free of an



SVN

1:46:11 PM

Violation Category	Repeat	Violation Description/Remarks/Correction Schedule	Correct By	Corrected
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Priority Foundation

accumulation of dust, dirt, FOOD residue, and other debris.

Location: Entire Establishment

COULD NOT OPEN MACHINE (FAULTY KEY), BUT FROM THE OUTSIDE; FOUND THE CHUTE WITH AN ACCUMULATION OF COFFEE SPLASH ON IT.

TO CORRECT - THOROUGHLY CLEAN THIS MACHINE INSIDE & OUT. SEND PICTURES (BOTH INSIDE & OUT) OF CLEAN MACHINE TO [REDACTED] TO VERIFY CORRECTION WITHIN 10 DAYS (MARCH 8TH, 2014).

Core

4-602.13
Core

NonFOOD-CONTACT SURFACES of EQUIPMENT shall be cleaned at a frequency necessary to preclude accumulation of soil residues.

Item(s): Nonfood contact surface(s)

Location: Entire Establishment

Problem(s): Soiled

Correction(s): Keep clean.

FOUND COFFEE SPLASH DRIPPING DOWN THE OUTSIDE FRONT OF THE MACHINE UNDER THE DISPENSING DOOR.

TO CORRECT - THOROUGHLY CLEAN THIS MACHINE INSIDE & OUT. SEND PICTURES (BOTH INSIDE & OUT) OF CLEAN MACHINE TO: [REDACTED] TO VERIFY CORRECTION WITHIN 10 DAYS (MARCH 8TH, 2014).

Closing Comments:

[REDACTED] SANDWICH - SEE REPORT FOR VIOLATIONS

COFFEE - SEE REPORT FOR VIOLATIONS

Please correct any priority or priority foundation violations within 10 days. If you need more time to correct a violation, or have any questions, please call [REDACTED]. One follow up inspection will be provided to verify correction to any priority and/or priority foundation violations. Additional follow up inspections will be charged a fee of \$129 each.

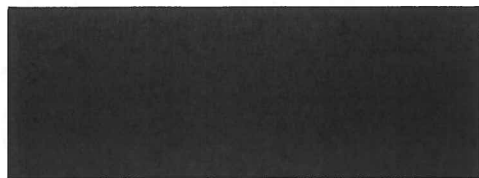
Person in charge (Name and Title)

Inspected By (Name and Title)

[REDACTED]

[REDACTED]

This signature does not imply agreement or disagreement with any violation noted.



FOOD ESTABLISHMENT INSPECTION REPORT

Based on an evaluation this day, the items marked below are violations of the Michigan Food Law. Violations cited in this report shall be corrected within the time frames specified below, but within a period not to exceed 10 calendar days for priority or priority foundation items (§8-405.11) or 90 days for core items (§8-406.11). Failure to comply with this notice may result in license suspension and/or other legal action. You have the right to appeal any violations listed.



SVN [Redacted] 12:39:00 PM
Last Routine: 8/29/2014

Person In Charge (PIC): [Redacted]

Establishment Phone: [Redacted]

INSPECTION TYPE:
Routine Inspection

Manager Certified No
License Posted Yes
Antichoking Poster No
Non-Smoking Signs No
On-site Water No
On-site Sewer No

Violation Category	Repeat	Violation Description/Remarks/Correction Schedule	Correct By	Corrected
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This Facility was inspected by [Redacted] a representative from [Redacted] 8/1/2014 to determine the level of compliance with Michigan Act 92, P.A. 2000.

Priority

3-501.16
Priority

Except during preparation, cooking, or cooling, or when time is used as the public health control POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be maintained:
(A) 135°F or above, except that roasts properly cooked and cooled may be held at a temperature of 130°F; or (P)
(B) At 41°F or less (P)



Location:



Sandwich machine:

Milk holding at 44-45F.

TCS food that is to be cold shall be held at 41F or below.

Discard noted food into the garbage and discontinue storing food in side compartment.

Corrected: Person in charge discarded food.

4-602.11
Priority

(A) Equipment FOOD-CONTACT SURFACES and UTENSILS shall be cleaned:
(1) Except as specified in ¶ (B) of this section, before each use with a different type of raw animal FOOD such as beef, FISH, lamb, pork, or POULTRY; (P)
(2) Each time there is a change from working with raw FOODS to working with READY-TO-EAT FOODS; (P)
(3) Between uses with raw fruits and vegetables and with POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD); (P)
(4) Before using or storing a FOOD TEMPERATURE MEASURING DEVICE; (P)
and



Violation Category	Repeat	Violation Description/Remarks/Correction Schedule	Correct By	Corrected
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Priority

(5) At any time during the operation when contamination may have occurred. (P)
 (B) Subparagraph (A)(1) of this section does not apply if the FOOD-CONTACT SURFACE or UTENSIL is in contact with a succession of different raw animal FOODS each requiring a higher cooking temperature as specified under § 3-401.11 than the previous FOOD, such as preparing raw FISH followed by cutting raw poultry on the same cutting board.
 (C) Except as specified in ¶ (D) of this section, if used with POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD), EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be cleaned throughout the day at least every 4 hours. (P)
 (D) Except when dry cleaning methods are used as specified under § 4-603.11, surfaces of UTENSILS and EQUIPMENT contacting FOOD that is not POTENTIALLY HAZARDOUS (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be cleaned:
 (1) At any time when contamination may have occurred;
 (2) At least every 24 hours for iced tea dispensers and CONSUMER self-service UTENSILS such as tongs, scoops, or ladles;
 (3) Before restocking CONSUMER self-service EQUIPMENT and UTENSILS such as condiment dispensers and display containers; and
 (4) In EQUIPMENT such as ice bins and BEVERAGE dispensing nozzles and enclosed components of EQUIPMENT such as ice makers, cooking oil storage tanks and distribution lines, BEVERAGE and syrup dispensing lines or tubes, coffee bean grinders, and water vending EQUIPMENT:
 (a) At a frequency specified by the manufacturer, or
 (b) Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

Location:

Coffee machine:

Soiled hot coco, swiss mocha & french vanilla hoppers.

In EQUIPMENT such as ice bins and BEVERAGE dispensing nozzles and enclosed components of EQUIPMENT such as ice makers, cooking oil storage tanks and distribution lines, BEVERAGE and syrup dispensing lines or tubes, coffee bean grinders, and water vending EQUIPMENT:

- (a) At a frequency specified by the manufacturer, or
- (b) Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

To correct clean more frequently and clean the machine.

Core

5-205.15
Core

A PLUMBING SYSTEM shall be:
 (A) Repaired according to LAW; (P) and
 (B) Maintained in good repair.

Location:

Coffee machine:

Leaking spray arm.

12:48:07 PM

Violation Category	Repeat	Violation Description/Remarks/Correction Schedule	Correct By	Corrected
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Core

Plumbing shall be kept in good repair.

To correct repair the noted spray arm to eliminate the leak.

Closing Comments:

Please correct any priority or priority foundation violations within 10 days. If you need more time to correct a violation, or have any questions, please call [redacted]. One follow up inspection will be provided to verify correction to any priority and/or priority foundation violations. Additional follow up inspections will be charged a fee of \$129 each.

Person in charge (Name and Title)

Inspected By (Name and Title)

[redacted]

[redacted]

This signature does not imply agreement or disagreement with any violation noted.

[redacted]

