



Agenda Date: 6/21/2005  
Agenda Placement: 8E  
Set Time: 9:35 AM  
Estimated Report Time: 30 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Jill Pahl for Trent Cave - Director  
Environmental Management  
**REPORT BY:** Jill Pahl, Asst Dir of Environmental Management, 253-4410  
**SUBJECT:** Restaurant grading update

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### **RECOMMENDATION**

Staff to provide an update on restaurant grading reports concerning internet posting of inspection reports and the development of a local ordinance to require site posting of grades.

### **EXECUTIVE SUMMARY**

At the Board's March 15 meeting the Board directed the Environmental Management Department to do the following:

- | Proceed with revising the food facility grading inspection report format and appropriate technology to be able to post the report on the internet, and once done to bring the report back before the Board for review and discussion;
- | Proceed with the creation of a draft ordinance to post restaurant grades at the sites by January 2006;
- | Work with the public and the industry in working through the above noted instructions; and
- | Incorporate all costs of the program into the department's budget for fiscal year 2005-2006

This report will update the Board on the Department's progress towards meeting these directives.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

Following the Board's direction in March, the Department has been working on developing site and internet food grade posting programs. One integral aspect of these is to improve the inspection report so that the public can more easily interpret it as well as working to make the report available to the public on the internet. A great deal of time and effort has been spent improving the form by:

- | Incorporating as scoring priorities the violations related to the top five Centers for Disease Control (CDC) food borne illness risk factors (noted below) while still recognizing the State Law's requirements. Only five 6 point critical violations remain.
- | Defining specific violation corrective actions that are required to ensure compliance is accomplished; and
- | Removing subjective interpretations by the inspectors from a form that was primarily focused for use by the food facility. There are no longer choices between point values on the form. Discrete points values are assigned along with a specified number of times that specific violation can be deducted.

We have focused on the following top five risk factors that contribute to foodborne illness according to the CDC:

1. Inadequate Cooling and Cold Holding Temperatures (63%)
2. Preparing Food Ahead of Planned Service (29%)
3. Inadequate Hot Holding Temperatures (27%)
4. Poor Personal Hygiene/Infected Persons (26%)
5. Inadequate Reheating (25%)

The above risk factors don't add up to 100% because often more than one factor is involved in food borne illness. The remaining factors, though important, fall to under 10% each. These factors are still important but we have structured the inspection report points to minimize their potential impact on the overall score. We have also developed the inspection report to follow the State Law (California Uniform Retail Food Facilities Law-CURFFL). CURFFL is the basis upon which we add the more stringent CDC guidelines to assure that food safety requirements are being met.

The focus on the top five risk factors resulted in changes in the food inspection form. These changes simplified and clarified the violations and their related points for both the inspectors and the food facilities. These revisions will change the scoring in a way that is less stringent compared to our previous scoring methods. This will migrate some existing B's to A's compared to our prior inspection scoring. In addition the clarification of the form has already focused restaurants to monitor their operations differently to avoid these top five CDC violations. We have received positive feedback on the new inspection report from the facilities to date. Continual improvements will be made as we pilot the use of the new report.

There are two aspects to food (restaurant) grading - internet posting of grades and a site posting ordinance.

### **INTERNET POSTING:**

- | Revisions to the food inspection form have been made to make it friendlier for the public's review. ITS has made the inspection report into an eform and Department staff has been piloting its use. ITS is working on the seamless upload of the report to the internet.

- | We are reformatting the Food Guidelines, that was the back of the inspection report previously, to match/flow with the new inspection report.
- | We received the initial tablets (3), printers (3), and associated equipment for use for electronic inspection reports. ITS is setting up the forms to work on the tablets and for the simple update to the web of the inspections reports.
- | We are training and piloting the equipment.
- | We are developing self help tools including a grading manual which includes a self inspection.
- | We are aiming to start internet posting in July.
- | We are following the Sacramento posting format ([www.foodinspect.saccounty.net](http://www.foodinspect.saccounty.net)) that posts the entire inspection report for review.

#### SITE POSTING ORDINANCE

A draft ordinance has been developed that has many of the concerns of industry addressed while still accomplishing our food safety goals. We invited food facilities to two workshops last week, one at the Library and one in St. Helena to provide input on the inspection report, self help tools and the proposed ordinance. The following is a summary of the information provided at the meeting:

- | The draft Food Guidelines, Grading Manual, Ordinance, and Self Audit tools.
- | The proposed Grade Card which was developed with food facilities' input.
- | The ordinance is proposed for Board consideration later this summer.

Again each city/town would need to adopt the ordinance for it to be applicable to their jurisdiction. The Department will not be recommending jurisdiction specific differences for the ordinance implementation. It should be a consistent county wide ordinance for its implementation.

#### FOOD FACILITY WORKSHOPS

As expected, valuable input was received from the food facilities. The understanding of the need for public disclosure, especially concerning the internet posting of the inspections was appreciated by those in attendance.

The California Restaurant Association, and some food facilities that attended the workshops are opposed to a ABC approach. The Department has listened to their concerns, but feels that ABC is understood by the public at large. The Department also believes that the ABC approach will encourage more B's to improve to A's. The trends have shown that we've been able to reduce the C's over the last few years from 7.5% to 1.5%, but the B's have remained around 20% of all facilities. These B's include facilities that have critical violations (potentially up to three 6 point violations) that may contribute to food borne disease. These facilities need motivation beyond our current educational efforts to effect behavioral change that will lead to the decrease in the potential for food borne illness. Even an A facility can have 1 critical violation (6 points) as long as they are doing other things right.

There were approximately 50 persons from facilities that attended the two workshops on the 13th and 14th. A summary of their comments follows:

- | Something other than ABC should be used; list deducted points; types of critical violations; Meets/Exceeds standards/etc. (The Department believes ABC is best understood by the public and the facilities.)
- | Wanted to focus the grading only on the top five Centers for Disease Control risk factors. (This is accomplished with the revised inspection report. The Department believes all other food safety factors must also be considered in the scoring, but not weighed as heavily as the CDC top five risk factors.)
- | Remove non-food safety issues from the scoring such as permit and notification of inspection signage, but not from the inspection. (Controversy exists about what aspects are food safety related. The Department is willing to consider removal of non-food safety items from the scoring but only believes there are few items that fall into this category on the report.)

- | If 95% of food facilities are A/B's is there a problem? (Yes, from the Department's point of view. There could be 3 critical violations in that B for a total of 18 points. Our experience, and our trend review shows, that we have not been effective in shifting B's to A's. Consistently about 20% of our food facilities remain in the B range. Structural improvements are not typically the primary reason for a B, but instead operational improvements must be made. These are things that require a change in attitude rather than an investment of dollars.)
- | A scheduled annual inspection would be a productive training tool to have all of the appropriate staff from the facility in attendance to hear and understand the issues for that particular facility. (We've had success with this approach on a requested basis; a planned inspection, especially with high risk food facilities, may be worth the effort.)
- | Wanted more Spanish and English certified food manager safety courses. (These are provided without revenue to the department so we are limited in our ability to provide these courses although we recognize their overall benefit.)
- | A forum/symposium for discussion issues should be available. (We agree and have this in the proposed ABC guide. The difficult part has been in retaining the commitment on an ongoing basis by the businesses.)
- | After getting an inspection with the new report another forum should be held to address the actual issues after use of the new inspection report. (We agree that the communication needs to have an ongoing flow beyond these issues. The Department has routinely issued newsletters concerning the "hot" topics of the day, but the newsletters have not been a successful outreach tool. We will continue to explore what other methods of communication can be used more effectively.)
- | Requested the Department provide more onsite training for line staff. Many facilities expressed a need to educate their non-English speaking staff on basic food safety techniques. (We have provided this as requested for site specific training. We'll need to analyze these requests to assure the resources are available to conduct these in the future.)
- | Requested a need for inspector standardization for uniform inspections. (This is accomplished already with the Supervisor being a statewide standard for inspections and his training of staff.)
- | Concerns raised about score change potential if food manager is not available at the inspection (Currently the manager can dispute/correct issues at the inspection. Within 24 to 48 hours, the manager should have seen the inspection report and should be contacting the Department if there is an issue. Often the preparation, and adherence to, a Time and Temperature Control Plan {Hazard Analysis and Critical Control Plan - HACCP} can avoid a majority of the temperature issues.)
- | Might consider a capital improvement program, including equipment, that would defer point violations as long as they were proceeding according to the plan. (The Department is considering this option.)
- | Will there be enough inspectors for the reinspection requests? (We believe there will be a shift in requests, due to conversations with counties that have recently implemented a site grading system, such that we will be able to accommodate the reinspection requests within the 10 County business day time period proposed in the draft ordinance.)
- | Change of ownership upgrade issues need to be addressed. (This is a valid point for further consideration.)
- | Delivery persons need education. (State Food & Drug is the responsible party in this area. We hope that national security concerns will motivate them to be more responsive in this area and will be working with them on related food defense issues.)
- | How to provide the notification for caterers?

#### OPTIONS PROPOSED FOR THE SITE GRADE POSTING ORDINANCE

- | Average the last three grades, or use the last (if better) grade.
- | Focus on critical violations (6 points) by downgrading 10 points for repeat violations on consecutive inspections.
- | Over 30 points off: issue a "Grade Under Review" card along also requiring a corrective action plan and

initiating an Office Hearing process.

- | Reinspections will be available at a fee within 10 County business days of a written request,
- | Grade Card will be simple and attractive.

#### NEXT STEPS

- | Continue to solicit input from food facilities.
- | Review and incorporate suggestions from the regulated food facilities.
- | Develop an ABC ordinance for Board consideration later this summer.

#### SUPPORTING DOCUMENTS

A . Revised Inspection Report

CEO Recommendation: Approve

Reviewed By: Andrew Carey