

SOLANO COUNTY GRAND JURY



Solano County Food Establishment Inspection



2004-2005 Grand Jury Report

Issued: June 7, 2005

SOLANO COUNTY FOOD ESTABLISHMENT INSPECTION 2004 - 2005 Grand Jury Final Report

I. Reason for Investigation

The Grand Jury elected to review the food inspection procedures of the Solano County Department of Resource Management. The intent of the review was to determine if food establishments in Solano County comply with California Uniform Retail Food Facilities Law, Health and Safety Code § 113700, et seq. and specifically article 4 Enforcement and Inspection §113946(c).

II. Procedure

The Grand Jury:

- Interviewed staff of Department of Resource Management Environmental Health Service Division
- Reviewed the requirements for the position of a Registered Environmental Health Specialist
- Reviewed California Uniform Retail Food Facilities Law
- Reviewed food borne illness response of proven and suspected cases in Solano County
- Reviewed food borne illness protocols and checklist questions
- Reviewed several rating systems used throughout California
- Reviewed food inspection checklist and supporting documents
- Reviewed the County in-house training program
- Reviewed specific food inspector districts within Solano County
- Accompanied food inspectors on inspections of several establishments in Solano County
- Reviewed newspaper articles concerning food handling processes

III. Background

Health Inspectors in Solano County are responsible for inspecting more than 1900 food establishments and 450 public swimming pools and spas. The responsibility of each Environmental Health Specialist (EHS) is to ensure that the public's food is pure, safe and unadulterated. According to California Uniform Retail Food Facilities Law, most inspections include a review of permits, code compliance, general site cleanliness, food temperatures and equipment conditions. A county provided inspection form is completed at each visit. This hand-written form is sometimes difficult to read. One of the most important aspects of the food inspection is determining whether food is cooked and stored at unhealthy temperatures. If food is not handled properly and stored at correct temperatures, it can become a host to disease-causing bacteria. It was noted in some older establishments that a separate hand-washing sink was not provided in the food preparation area.

§13716(a)(1) Food Safety Certification Examinations states:

“On or before January 1, 2000, each food facility shall have an owner or employee who has successfully passed an approved and accredited food safety certification examination. For purposes of this section, multiple contiguous food facilities permitted within the same site and under the same management, ownership, or control shall be deemed to be one food facility, not withstanding the fact that the food facilities may operate under separate permits.”

The Grand Jury noted that most facilities visited were not in compliance with this section.

The number of inspections a facility receives a year depends on the risk categories of that business. The Department of Resource Management classifies food facilities into three categories: low, medium and high risk. Low risk facilities are roadside produce stands, some retail convenience stores, some taverns, coffee and espresso shops and are inspected once a year. Medium risk facilities are most “retail fast-food type facilities,” bakeries, donut shops, delicatessens and larger convenience stores and are inspected twice a year. High risk facilities are full service restaurants, supermarkets and hospitals and are inspected three times a year. High risk facilities include any of the following activities:

- Preparation of potentially hazardous food in advance using a food preparation method that involves two or more steps which may include combining potentially hazardous ingredients, cooking, assembling, cutting, cooling, reheating, hot and cold holding, freezing or thawing.
- Preparation of foods for multi-day use (i.e., soup, meats, rice, beans).

Food facilities in the high risk category have the option of requesting one announced food facility inspection each year. The purpose of this inspection is to provide a general training session to the facility staff or to assist the facility operator in developing food-handling practices that minimize risk.

Section 113920 (d) declares “A permit shall be posted in a conspicuous place in the food facility or in the office of the vending machine business”. This is not being done consistently throughout the County. The Grand Jury observed instances when the Solano County EHS Inspector asked for the Health Permit and the manager of the facility didn’t know where the permit was and had to call the owner. EHS Inspectors, after identifying themselves, asked for the permit to verify it is current and to use it to complete the top portion of the Program Official Inspection Report.

What is most alarming is the fact that food businesses are not posting a sign indicating their most recent inspection report is available and the County Department of Resource Management is not enforcing this law. Section 113946(c) states “A copy of the most recent inspection report shall be maintained at the food facility. The food facility shall post a notice advising patrons that a copy of the most recent inspection report is available for review by all interested parties.” In all of the food establishments that the Grand Jury inspected with EHS, there were no signs stating that the latest health inspection report was available for viewing. The inspection report is the only documentation that is readily available to the general public that addresses health and safety infractions.

The Department of Resource Management inspection policy states all EHS Inspectors shall verify that the information on the permit is correct, including the owner’s name, mailing address and correct codes for the facility. The policy further states that the EHS Inspectors shall review the subject listing of violations on the Official Inspection Report to ensure that all areas of the facility and operation have been inspected. This information is manually entered by the inspector on pre-printed county forms.

Solano County has thorough policies and procedures in place in the event of a food borne illness or outbreak. Any report of a food borne illness, regardless of how inconsequential it may seem, requires an immediate response (same day). At a minimum, the complainant or infected persons shall be contacted to ascertain all known factors regarding the incident. Solano County has had only two reported cases of food borne illness documented in the last seven years.

This is not to say that Solano County has no food facilities that are marginal at best. The county has food businesses that are substandard. In a number of facilities that the Grand Jury visited, there were several infractions cited. EHS Inspectors pointed out that many of these were repeats from the previous inspection three months earlier; facilities were given a week to correct the problems before a follow up

inspection. Owners or managers did not seem very concerned about two, three or even four pages of violations on the inspection report, as sanctions are quite mild. A fine of \$138 may be imposed if the infractions are not corrected after a follow up inspection has been made.

Solano County does not have a grading system for food facilities. The Grand Jury determined, through conversations with Environmental Health Staff Managers, that they are considering an “Award of Excellence” for those few establishments that continue to receive excellent inspection reports. Studies have shown that when letter grades are given and are reported in the media, food facilities’ hygiene and food handling practices improve. This has been documented elsewhere in California.

IV. Findings and Recommendations

Finding #1 – Solano County Environmental Health Specialist Inspectors are well trained, professional and have a positive attitude toward their mission.

Recommendation #1 – None

Finding #2 - Solano County Environmental Health Specialist Inspectors inspect 450 public swimming pools and spas once per year.

Recommendation #2 - None

Finding #3 – Solano County Environmental Health Specialists Inspector s inspect more than 1,900 food establishments each year. Many of the food businesses inspected by the Grand Jury in Solano County are not complying with the California Uniform Retail Food Facilities Law, which requires prominently displaying their proper permits; nor do they post signs advising patrons that a copy of the most recent inspection report is available for review.

Recommendation #3 – The Solano County Department of Resource Management needs to ensure that food facilities in Solano County comply with the permit and inspection laws immediately.

Finding #4 – The present inspection system is successful, as far as it goes. However, in identifying and documenting infractions, the Grand Jury has found that certain improvements are warranted. Specifically, some businesses have the same violations on repeated inspections.

Recommendation #4 – Solano County should impose heavier fines for repeat violators and revoke repeat violators’ business licenses.

Findings #5 – Solano County has no centralized methods of informing the community of substandard conditions existing within any food establishment.

Recommendation #5 –The Department of Resource Management needs to devise methods to inform the public of infractions by food establishments.

Findings #6 – Solano County does not have a grading system and is resisting having one for food facilities. Studies have shown that posting grades of food establishments improve food handling, sanitation, and provide public confidence. Furthermore, in most cases business improves.

Recommendation #6 – The County should establish a grading system immediately and consult with other Counties that have used such a system, for example, San Francisco and Napa counties. Appendix A provides an example of the grading system used in San Diego County.

Finding #7 – The County Environmental Health Specialists have paper forms that are manually filled out for each inspection and they are difficult to read.

Recommendation #7 – The County needs to provide portable devices to enter data thus speeding up and clarifying the inspection process.

Finding #8 – Some older establishments do not have a sink in the general food preparation area for food handlers to wash their hands.

Recommendation #8 – The County should require that all food establishments have sinks in the food preparation area for hand washing, along with soap and paper towel dispensers.

Finding #9 – The County does not enforce the requirement that a Food Handler Certificate be employed in each food establishment.

Recommendation #9 – The business license needs to be revoked when there is no certificate.

V. Comments

The 2004/2005 Grand Jury found that Solano County has a solid food inspection program that is business friendly. Food inspection is an especially important function of county government; this is due to the essentially secluded nature of food transportation, food storage, food handling and food preparation, most of which is, of necessity, hidden from public view. As such, we must rely on professional health inspections to represent the consumer. Health inspectors need to protect the public against threats to health that might stem from substandard practices and operations. The Grand Jury feels that more emphasis needs to be placed on informing the public and notifying the consumer of marginal and substandard food establishments. The inspection process in Solano County is serious business.

While our County is business friendly, Solano staff needs to be extremely cautious that they are not losing sight of the fact that their primary responsibility is the health and safety of the public.

The 2004/2005 Grand Jury recommends that future Grand Juries should look at the food inspection program to determine if inspectors are fully enforcing compliance with the California Uniform Retail Food Facilities law.

VI. Affected Agencies

- Solano County Department of Resource Management
- Solano County Board of Supervisors

Courtesy Copies to the following City Managers

- City of Benicia
- City of Dixon
- City of Fairfield
- City of Rio Vista
- City of Suisun City
- City of Vacaville
- City of Vallejo

**BASED ON THE MOST RECENT INSPECTION
BY THE DEPARTMENT OF
ENVIRONMENTAL HEALTH
THIS ESTABLISHMENT HAS COMPLIED WITH
REQUIREMENTS FOR GRADE**

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A COPY OF THE MOST RECENT ENVIRONMENTAL
HEALTH INSPECTION REPORT IS AVAILABLE AT
THIS FACILITY FOR YOUR REVIEW, UPON REQUEST

COUNTY OF SAN DIEGO
DEPARTMENT OF ENVIRONMENTAL HEALTH

FOR FURTHER INFORMATION CALL: (619) 338-2222
(800) 253-9933
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DEH-FH-255 (Rev 4/01)

PENALTY FOR REMOVAL

Exhibit A: Restaurant Grading Sign used in San Diego County