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July 28, 2017

Honorable Robert C. Fracchia
Presiding Judge of the Superior Court
Solano Superior Court
600 Union Ave
Fairfield, Ca 94533

Re: Solano County Department of Resource Management (DRM) Responses to 2016-2017
Grand Jury Report Entitled "Oversight of Mobile Food Facilities."

Dear Judge Fracchia:

The following is the Department of Resource Management's (Department) response to the 2016-2017 Grand Jury report entitled "Oversight of Mobile Food Facilities." This report focuses on Department's Environmental Health Division's implementation of health and safety requirements at retail food facilities, especially as they relate to the operation of food trucks (mobile food facilities) within the County. The Department is committed to providing excellent service and protection of public health and the environment by implementing various programs, including the implementation of state requirements for food facilities, such as mobile food facilities (MFF's). To achieve this public health mandate, between January 1, 2016 and December 31, 2016 the Department conducted over 3,000 inspections at permanent food facilities, over 150 inspections of MFF's and approximately 400 inspections at temporary food facilities (TFF's).

The Department appreciates the opportunity to have the Grand Jury review the Environmental Health Services Division's Consumer Protection program for permitting and inspecting food facilities, including MFF's. The Department continues to review methods to improve the efficiency and effectiveness in which it provides various public services, and has given serious consideration to the findings and recommendations of the Grand Jury. Below are the Department's responses to the Grand Jury's findings and recommendations:

RESPONSES

Grand Jury Finding #1:

The Department of Resource Management is responsible for monitoring and enforcing the licensing and inspections and re-inspections of public food facilities in Solano County. Data shows a lack of complete coverage.

Department Response to Finding #1:

The Department disagrees partially with this finding. Specifically, the Department does not agree that the data shows a lack of complete coverage.

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The Department is responsible for monitoring and enforcing the permitting, inspection, and re-inspection of retail food facilities in Solano County, including permanent food facilities (restaurants, grocery stores, bars, etc.), mobile food facilities, temporary food facilities, and cottage food operations. The Environmental Health Services Division (EHD) conducts these activities to ensure compliance with the state's minimum standards for safe food handling, storage, preparation and service to protect public health.

EHD implements a risk based food inspection program at permanent food facilities to enhance food safety, and hence protection of public health, by focusing staff resources on higher risk establishments. Risk levels are assigned based on a variety of factors, including the type of foods prepared, procedures for handling and storage of food, and the number of patrons served. As the State of California does not mandate any minimum inspection frequency for food facilities, the Department developed its own program goals to inspect food facilities that pose a higher risk to public health (Type 3 facilities) three times per year, medium risk (Type 2 facilities) two times per year, and low risk (Type 1 facilities) one time per year which was reviewed by the Board in a public process and is the basis for permit fee calculations as well.

Between January 1, 2016 and December 31, 2016, EHD performed a total of 1,440 inspections at Type 3 facilities, of which 1,022 were classified as routine inspections. This means that EHD performed an average of 3.25 inspections inside of Type 3 facilities during the year. EHD also performed a total of 1,319 inspections at Type 2 facilities, of which 965 were classified as routine inspections during this time. This translates to an average of 2.2 inspections at Type 2 facilities during the year. Finally, 437 inspections were performed at Type 1 facilities, of which 363 were routine inspections providing an average of 1 inspection per year at these low risk facilities. By reviewing the total number of inspections performed by EHD (routine, follow-up and complaint) in each food facility category, the overall goal of increasing the presence of Environmental Health Specialists within food facilities that pose higher risk is being met and public health of patrons and food facilities is being protected.

Each inspection conducted regardless of the type brings the EHD staff responsible for food facility inspections into a food facility and allows them to observe the food storage and handling practices that are occurring at the time of inspection, and provide opportunity for training of food handlers along with correction of various health and safety violations. By reviewing the total number of inspections performed by EHD in each of the food facility categories, it is apparent that the overall goal of increasing the presence of Environmental Health Specialists within food facilities that pose a higher risk for foodborne illness is being met and the health of the public is being protected.

Grand Jury Recommendation #1:

The Department of Resource Management develops a plan to increase the frequency and breadth of inspections.

Department Response to Recommendation #1:

The recommendation will not be implemented because it is not warranted. Increasing the frequency or breadth of inspections is not necessary as our program is protective of the public health. However, the Department is committed to meeting the risk-based inspection frequency goals, which are based on the Department's evaluation of the health risk posed by a facility's food handling practices and number of customers served. This risk based criteria implements the minimum state standards for food protection found in the California Retail Food Code and is also consistent with most counties throughout the State of California.

The Department also routinely participates in professional organizations and reviews pending and adopted legislation to determine necessary program and staffing adjustments to address

emerging issues and new state law. The Department will continue to routinely assess its performance and staffing needs during the annual budget review cycle to meet its inspection goals.

Grand Jury Finding #2:

Solano County Mobile Food Facilities (MFF food trucks) are not included in the county description of the Risk-Based-Inspection Program and are not in a separate reporting and inspection category in the county database.

Department Response to Finding #2:

The Department partially disagrees with this finding. The Department does assign MFF's operating routinely on an annual basis throughout Solano County to a separate reporting and inspection category (Program 16V) in the Department's database, which is different from that for permanent food facilities (Program 16F).

Some MFF's operate only at a temporary event and do not operate routinely throughout Solano County on an annual basis. In previous years, the Department assigned MFF's operating only at temporary events to Program 16V and did issue them annual permit. This created significant administrative inefficiency for the Department resulting from staff having to inactivate each annual MFF permit after the temporary event was over, or correcting improper annual invoices that were subsequently sent at a later date if the annual permit was not inactivated. Since the level of food protection required is the same at a temporary event regardless of the type of food facility preparing and serving the food (food booth or MFF), the Department decided that MFF's operating exclusively at a temporary event would be classified as a temporary food facility under Program 16F, or exactly the same as all other food booths operating at the same event. The Department can retrieve the owner information of a temporary food facility from our data base, but cannot readily tell whether it is a food booth or mobile unit. While this impacted the ability to readily determine the type of facility structure, it had no impact on public health protection.

However, there is a growing trend towards seasonal events focused exclusively towards MFF's, and the increasing number of MFF's appearing at temporary events, the Department implemented new inventories and fees within Program 16V on July 1, 2017 for MFF's operating temporarily in the County. This will allow the Department to accurately track number of these types of food facilities moving forward and ensure adequate cost recovery.

The Department does agree that MFF's are not included specifically in the county's current description of the risk based inspection program. The reasons for this are explained below in the Department's response to Recommendation #2.

Grand Jury Recommendation #2: Include Mobile Food Facilities (food trucks) in the Risk-Based Inspection Program and provide a Mobile Food Facility category in the database utilized for reporting inspections and complaints.

Department Response to Recommendation #2:

The first part of this recommendation will not be implemented because it is not warranted for the following reasons:

1. Annually permitted MFF's that prepare and serve open food are required to be associated with a permitted commissary, which is inspected based on the risk category assigned to the commissary by Solano EHD or the Environmental Health Services Division of the county where the commissary is located if outside of Solano County.
2. MFF's that operate at special events have the same food protection issues as a food booth. The inspection of temporary food facilities is based on the assessment of the risk

factors specific for the event and the food handling practices proposed by the temporary food facility, and permitted and inspected accordingly.

The second part of this recommendation to add a Mobile Food Facility category to the County database for tracking, permitting and inspection was implemented effective July 1, 2017.

Grand Jury Finding #3:

Inspection reports for all food trucks in each city are not available on the county website.

Department Response to Finding #3:

The Department agrees with this finding. MFF are mobile inspections and not available on the county website as they cannot be assigned to a specific city since they are mobile. It is also possible for a MFF to come from out of county. Given this, the Department has not included them in the web site inspection results, but the department does post the commissary / kitchen inspection for those based in the County, some of whom operate MFF.

Grand Jury Recommendation #3:

Include Mobile Food Facilities (food trucks) on the inspection lists of food facilities in each city and provide the last two inspection reports to the public on the county website.

Department Response to Recommendation #3:

The recommendation will not be implemented because it is not reasonable. It is impractical to initiate. The MFF's are typically mobile, and their address is associated with their commissary which could be different than the city in which the MFF has permission to operate, including a city outside of Solano County. Also, to include inspection reports of the annually permitted MFFs on the web site will require significant alteration to the existing database program. In the future, however, the Department will explore methods to make MFF inspection reports and any necessary modification to our data management system required to include inspections of MFFs on the web site as budget allows for the software vendor to change the programming.

Grand Jury Finding #4:

The public does not currently have access on the county website for filing an online complaint of a food facility.

Department Response to Finding #4:

The Department disagrees wholly with this finding. There are several methods on the County's web site, including the main page and the Department's page, to file an online food facility complaint. These are:

1. At SolanoCounty.com: From the "services" drop down tab click on the "Environmental Health Complaints" and then click on "Restaurant Complaint" at the bottom.
2. At SolanoCounty.com: From the "Departments" drop down tab click on "Resource Management" and then either:
 - a. Click "Environmental Health Services" and then choose "Restaurant" from complaints in the "Options" box; or
 - b. Click "Contact Us" and complete and submit the form at that site, or by sending an email to RMHelp@solanocounty.com, which is the Departments contact email.

At the time of Grand Jury investigation, one of the three options for reporting a complaint appears to have had a faulty link. This issue has been addressed, and all three locations are now functional and available for the public for filing an online complaint.

Grand Jury Recommendation #4:

Provide an online complaint form for the public.

Department Response to Recommendation #4:

This recommendation has been implemented as set forth in the Department's response to Finding #4.

Grand Jury Finding #5:

Tracking food-borne illness to Mobile Food Facilities (food trucks) is not being conducted in Solano County.

Department Response to Finding #5:

The Department disagrees wholly with this finding. The Department follows the same procedure for tracking, and investigating a food-borne illness for all food facilities, including MFF's whether they operate annually or temporarily.

Grand Jury Recommendation #5:

The Department of Resource Management's database be expanded to provide a separate category for Mobile Food Facilities to allow for accurate data, record keeping, and for the recording and tracking of the source of individual illness complaints.

Department Response to Recommendation #5:

The recommendation has been implemented. The Department tracks and investigates individual illness complaint sources regardless of the origin of the foodborne illness. All permanent MFF's operating within Solano County are tracked for inspections, complaints, and foodborne illness investigation under the Program 16V. The MFF's operating on a temporary basis (along with the temporary food facilities) are tracked for inspections and complaints including foodborne illness complaints under different inventory categories under Program 16F. However, in order to eliminate any confusion, and categorize all MFF's under the same category, starting July 1, 2017, EHD has created a new inventory code under Program 16V to track all MFF related data within the same program.

Grand Jury Finding #6:

Solano County's food establishment inspection form is limited in scope and clarity.

Department Response to Finding #6:

The Department disagrees wholly with this finding. Solano County's food establishment inspection form is a standardized form that is recognized throughout the state. This form is consistent with the inspection form that was provided by the California Department of Public Health upon implementation of the current California Retail Food Code in 2007. This inspection form was developed in collaboration with the Bay Area Food Technical Advisory Committee, and captures all aspects of a food inspection. The inspection form is very similar to the Riverside County form used by the Grand Jury as a comparison. The only difference is that the Department's form maximizes use of the first page by adding lines to allow for inspector comments rather than require the use of a second page in all cases for comments.

Grand Jury Recommendation #6:

Solano County's food establishment inspection form be expanded and clarified and the results be available to the public on-line

Department Response to Recommendation #6:

The recommendation will not be implemented because it is not warranted. Solano County's food inspection form captures all required fields of a food facility inspection. The results of all permanent food facility inspections are available to the public online.

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The Department thanks the Solano County Grand Jury for its time invested in this matter, and for its report of findings and recommendations.

Sincerely,



Bill Emlen, Director

Cc: Board of Supervisors
Birgitta E. Corsello, County Administrator
DRM, Environmental Health Services Division Staff
2016/17 Solano County Grand Jury