



FOOD SERVICE ENFORCEMENT GUIDELINES

PURPOSE:

To provide consistent follow-up and enforcement actions for imminent health hazards, FDA Food Code defined violations and posting of inspection score.

After conducting a food establishment inspection if violations are found the corrective actions as contained in chapter 8 of the FDA Food Code are interpreted in this policy as follows:

IMMINENT HEALTH OR SAFETY HAZARD

An Imminent Health or Safety Hazard includes the following:

1. Inability to keep food temperature controlled for safety
 - a. Using refrigerators or hot holding equipment that is unable to maintain temperature without backup equipment. (Over 50 degrees or under 125 degrees. Temperature holding between 41-50 and 125-135 shall be addressed as a priority item.)
2. Inability to clean and sanitize food contact surfaces such as:
 - a. Inoperable triple compartment sink/lack of sanitizer
 - b. Broken commercial dishwasher if there is no three compartment sink backup.
 - c. Lack of hot water
 - d. No running water
3. Inability to prevent food contamination by food workers such as:
 - a. Inability to avoid bare hand contact with food
 - b. Inability to wash hands as required. No working hand sinks.
 - c. Refusal to exclude sick employees
 - d. Onset of a foodborne illness outbreak.
4. Environmental contamination such as:
 - a. Sewage backup.
 - b. Leaking ceiling over food cook lines.
 - c. Severe pest infestation.

- d. Flood.
 - e. Fire suppression contamination of food contact surfaces.
 - f. Misuse of poisonous or toxic materials.
 - g. Gross insanitary condition of establishment.
5. Physical safety hazard such as:
 - a. Inoperable or inadequate fire suppression
 - b. Major building or fire code violations
 6. Refusal to discard food from an unapproved source or integration of food from an unapproved source among the food supply. This can include food on mobile units not made at an approved commissary.
 7. Any other circumstance that may endanger employee or public health that cannot be immediately resolved.

When an imminent health hazard is encountered that cannot be corrected during the inspection, in consultation with the Division Director, close the establishment until the violation(s) is/are corrected (this is a suspension of the permit to operate).

Posting closure notice procedure:

1. Post an official notice of closure on all entrances.
2. Inform the owner/operator that food may not be received, prepared, or served until correction is made to the imminent health hazard.
 - a. Verification must be written on an inspection form.
3. Inform the owner/operator that an inspector might not be immediately available to conduct reinspection.
4. Inform the owner/operator that the fee for follow-up because of imminent health hazard is $\frac{1}{2}$ the value of the annual permit fee and must be paid before opening.

Reopening procedure:

1. Verify repairs or corrections in person. Verify that all effects as a result of the imminent health hazard have been mitigated. If repairs are satisfactory, the establishment may be reopened.
2. Record the inspection on the proper form and note how the hazards have been eliminated.
3. Take down closure signs.
4. Inform the Division Director.
5. If the establishment has corrected the items they may request a reinspection before the date of correction. The inspector should try to reinspect as soon as possible but is not obligated to return before the date of correction.

PRIORITY AND PRIORITY FOUNDATION ITEMS

Priority items, especially procedural ones that do not warrant closure are expected to be corrected before you leave the inspection. If they are not corrected on site, a follow-up will be required. Corrections may include:

1. Food destruction
2. Food embargo
3. Direct employee correction
4. Employee correction through management practices
5. Rearranging location of food or chemicals
6. Creation of a corrective action plan by management and inspector

Corrective action:

1. The establishment may be given up to 10 business days to correct the violation depending on its risk and severity.
2. If a follow up inspection is warranted, inform the owner/operator that they will be charged a fee of $\frac{1}{2}$ the value of the annual permit fee if the violations are not corrected upon inspection (provided the owner/operator has been given the allotted time to correct the violation).
3. Verification of corrective action can be done in person or upon receipt of a copy of a billing notice from a reputable company.
4. If no corrective action has taken place within the allotted timeframe, it must take place within 3 business days.
 - a. Inform the owner/operator that closure is a possibility if they do not take corrective action.
 - i. Priority items: If the facility continues in noncompliance, follow closure procedures and noncooperative owner procedures.
 - ii. Priority foundation items: Follow non cooperative owner procedures.
 - b. When the resolution is achieved it is recorded as a follow up inspection.

Non-cooperative owner procedures:

1. Continue following up, charging an accumulating $\frac{1}{2}$ value of annual permit fee per visit (e.g. if annual permit is \$100, then first visit is \$50, second \$100, third \$150 etc...)
2. Inform the owner/operator that they may request a hearing with the Division Director or Health Officer.

CORE ITEMS

Core items are all rule items not identified as Priority (P) or Priority foundation (Pf).

1. These items are to be resolved within a reasonable amount of time that is agreed upon with the owner/operator and usually does not exceed 90 days.
 - a. Major items such as a repair of the floor or ceiling may need additional time.

2. Inform the owner/operator that a follow up fee of $\frac{1}{2}$ the value of the annual permit fee will be charged if a follow up inspection is conducted and the issue is not resolved (provided the owner/operator has been given the allotted time to correct the violation).

POSTING OF INSPECTION SCORE

After each inspection, the facility will receive a letter grade based on the results of their inspection.

A = 90-100 B = 80-89 C = 70-79 D = 60-69 F = 59 or lower

1. At the end of the inspection, the inspector shall inform the owner/operator of the results of the inspection and give them a score placard with their corresponding score.
2. The facility shall post the score placard in a conspicuous location (e.g. in a window or near the register or menu board).
3. The score shall remain posted until the next inspection.
4. The first time it is discovered that a score is not conspicuously posted, the inspector shall require the score from the most recent inspection to be posted in a visible location and inform the owner/operator that for each subsequent inspection where the score is not posted, they will be charged a fee of $\frac{1}{2}$ the value of the annual permit fee.