

Letter Grades for Restaurants

Issue

The Grand Jury received a complaint regarding Sacramento County Environmental Management Department's failure to conduct restaurant inspections at least annually. The complaint alleged that the Environmental Management Department had made poor management decisions that led to staffing shortages and long-term increased risk to the public health. Several news articles in *The Sacramento Bee* also cited the failure of the county to live up to its policy of annual inspections.

Method of Investigation

- Meetings with the Director, Environmental Management Department; Chief, Environmental Health Division, and two Supervising Environmental Health Specialists
- Accompanying Environmental Specialists on actual inspections of several restaurants
- Reviewing *The Sacramento Bee* articles, including Health Inspections Database link <http://www.sacbee.com/cgi-bin/sacbee/news/inspections.cgi>
- Teleconferences with County of Los Angeles, Environmental Health Department, and County of San Diego, Department of Environmental Health, Food and Housing Division

Background and Facts

Under state law each county is required to fund a program to inspect restaurants to ensure they meet state standards for cleanliness and safety. Counties have wide discretion in how often they conduct inspections and how they enforce state standards. Sacramento County has established a policy of inspection for all food preparation establishments to be inspected at least annually. State law also requires that food inspectors must be registered Environmental Health Specialists with the State Department of Health Services.

The inspection program in Sacramento County costs about \$1.5 million a year and is funded by restaurant permit fees. Sacramento County has approximately 5,000 food preparation businesses, including 2,690 restaurants and 758 mobile food units, each of which must be inspected at least once a year. The Chief of the Environmental Health Division indicated he

would like to inspect each restaurant twice a year with immediate re-inspection for a restaurant having a critical violation.

In the past, restaurant inspections have lapsed from 18 to 36 months. The director cited staffing shortages as the main reason the division did not meet its annual inspection goal. At various times, the division had only 11 or 12 inspectors on the job. In addition to monitoring restaurants, inspectors check on 10,000 other facilities having permits to prepare and serve food, including fair booths, ice cream vendors, and delicatessens operating in grocery stores. Also, mobile facilities by their nature are difficult to inspect causing the inspectors a further delay in these annual inspections. At present, only 5 of the 13 inspectors have access to an automated tracking system for inspections that are due or overdue.

Repeat violators rarely faced a harsher penalty than re-inspection. When critical violations were found, restaurant owners were told to call and leave a message when the problem was fixed, or to fax a receipt showing the repair was made. There was no re-inspection.

The Environmental Health Division has fallen behind with its inspection workload because of additional environmental health issues. Because of these issues, inspectors were required to perform extra duties. The division currently has a backlog of more than 400 inspections.

The Environmental Health Division receives 300 calls a year regarding food-borne illnesses and 200 complaints a week involving minor infractions. The director said that critical violations could lead to food poisoning. At the least, this is unpleasant to all but can be fatal to young children, pregnant women, the elderly, or those with a weakened immune system. Given this danger, counties such as Los Angeles and San Diego have taken a very hard-line approach with restaurants—sometimes allowing them only hours to fix a problem or face being shut down. These counties have policies requiring restaurants to post the results of its last inspection on large, brightly colored signs at restaurant entrances. The signs indicate the letter grade of A, B, or C.

The first year the grade signs were posted in Los Angeles County, 57 percent of the restaurants received an “A” rating. By 2002, 83 percent of the restaurants scored an “A” rating. Conversely, restaurants receiving a “C” rating decreased from 5 percent to 0.2 percent during the same period of time. Complaints of food borne illnesses dropped approximately 30 percent.

In Sacramento County, the only way the public knows the result of an inspection is to ask the restaurant for a copy. There is no policy of grade posting that the public can see readily when entering a restaurant.

According to the director, Sacramento restaurants and grocery-industry members continue to oppose any rating system or the public posting of health inspection reports; consumers and their advocates are overwhelmingly in favor. The director and some inspection staff are not

convinced posting inspection grades would work or be fair as they are still struggling to bring timely mandatory inspections and re-inspections.

Rather than focus on tougher enforcement policies, the director says Sacramento County prefers to emphasize education. He noted that restaurant operations are complex with good and bad days. He believes one inspection may not be a true indicator of the performance of a restaurant.

The Environmental Health Division is in the process of improving the food inspection program. The Environmental Management Department solicited comments from both the regulated community (restaurants, markets, food carts, etc.) and the public. Comments were received through November 30, 2002. Four areas are currently identified for potential improvement. They include the following:

1. Risk-based Inspection Frequency—Base the frequency of inspection on the type and amount of food being handled (level of risk associated with same).
2. Education—Increase education of food workers at retail food facilities.
3. Enforcement—Develop aggressive enforcement activities at facilities with continuous and repeat violations.
4. Public Notification—Improve methods used to notify public of food facility inspection results.

The first three areas of food program enhancements received almost 100 percent of consumer and industry support. The fourth received over 90 percent consumer support for notification either by letter grading or the onsite posting of the full inspection report. Industry did not support grading but favored giving an “Award for Excellence” to facilities found to be consistently in compliance with the regulations.

At the March 11, 2003 meeting of the Board of Supervisors, the Environmental Health Division requested the following changes in the food inspection program:

- To change and prioritize the frequency of inspections for most food facilities from 1 per year to 2 or 3 per year
- To hire additional health inspectors and increase fees
- To require operators with numerous health code violations to attend “food school”
- Beginning July 1, 2003, to publicly display entire health inspection reports

The Board of Supervisors unanimously approved the changes. There was little opposition to the first three recommendations. However, industry representatives opposed the public display of health inspection reports objecting to a grade based on a single inspection.

A comparison of Sacramento County to San Diego and Los Angeles Counties:

	Sacramento County	San Diego County	Los Angeles County
Inspection Goal	Non risk-based Goal 1/yr for full service restaurants	Risk-based 4/yr for full service restaurants	Risk-based High risk—3/yr Moderate risk—2/yr Low risk—1/yr Repetitive problems -- +1/yr
Prioritizing	No prioritizing	Extensive food preparation, potentially hazardous inspected more frequently	Based on risk assessment
Grading System	No grading system Considering “award of excellence”	A,B,C 200-point grading system	A,B,C 3 consecutive A’s receives “Certificate of Excellence”
Public Satisfaction	Public is not aware of inspection results Limited access through <i>The Sacramento Bee</i> website	Public is aware of grading system Restaurants quickly correct violations and request/pay for immediate re-inspection	Public is aware and participates by calling hotline Most recognized program in health services
Facilities	5,000 food preparation businesses	7,000 full service restaurants/limited food preparation	37,000 retail food establishments
Staffing	15 positions, 11 full time equivalents $5000/11 = 454/\text{inspector}$	63 positions, 33 staff years $7000/33 = 212/\text{inspector}$	283 field inspectors $37,000/283 = 131/\text{inspector}$

Findings and Recommendations

Finding #1. In the past the Environmental Health Division has been very lax in its responsibility to provide mandated food inspections in a timely manner. In comparison, San Diego and Los Angeles both have established risk-based programs, which led to more inspections where extensive food preparation occurs and could be potentially hazardous. Sacramento inspectors have to waste time trying to track down mobile food carts who list only their main distribution address but not their site location, causing a backlog of these inspections.

Recommendation #1a. Give priority to inspections based on risk assessment, putting resources to work where the risk is highest. Increase inspections to 2 or 3 per year for full food service establishments with complex menus where large amounts of food are prepared.

Recommendation #1b. Require owners of mobile food carts to come to the County office for their inspections during a single month of the year, e.g., January. Schedule them all during that month.

Finding #2. The Environmental Health Division needs more staff devoted to food preparation inspections and needs to allocate tasks to maximize the staff they have.

Recommendation #2. Staff should be increased from 11 to at least 22 full time inspectors. Each inspector should be provided personal digital assistant devices (palm pilots) to enter timely results of their inspections. All inspectors should have access to the automated database. Increased inspection fees from risk-based inspections and mandatory re-inspection fees should cover the cost of increased staffing.

Finding #3. The Environmental Health Division is not disseminating its inspection results effectively to the public.

Recommendation #3a. Give the public what it wants and issue letter grades to restaurants inspections, which must be prominently displayed. Certificates or awards of excellence could also be given to restaurants consistently receiving a letter grade of A over 3 consecutive inspections.

Recommendation #3b. The county Environmental Health Division should establish its own Web site to post all food inspections results including grades, enforcement or closure actions, follow-up inspections, and complaint remedies.

Finding #4. The county Environmental Health Specialists (inspectors) displayed a high degree of professionalism during inspections. The inspectors took time to explain violations and to train restaurant employees.

Recommendation #4a. The county Environmental Health Division should encourage inspection staff development by allowing staff to attend training programs sponsored by government agencies and leaders in the food safety industry.

Recommendation #4b. The County Environmental Health Division should consider establishing an apprenticeship program to encourage recent college graduates to enter the field. Such a program would allow these individuals to move up to staff positions after they become registered Environmental Health Specialist.

Finding #5. The Environmental Health Division does not provide sufficient penalties for food service establishments to improve.

Recommendation #5a. Enforcement actions with severe implications should require immediate closure of the facility and mandatory re-inspections, paid for by the violator. Increase education for minor violations.

Recommendation #5b. Increased enforcement should lead to administrative hearings for repeat violators with ultimate license revocation.

Commendation

The Grand Jury commends the Sacramento County Environmental Health Division for the substantive progress it has made over the last year in increased inspections, enforcement, education, and disclosure of health inspection results. Although more work certainly needs to be done, it is reassuring to know that those in charge are capable and dedicated to making the changes necessary to provide the citizens of Sacramento County with the quality food inspection program they deserve.

Response Required

Penal Code Section 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by September 30, 2003 from:

- **Director, Sacramento County Environmental Management Department**