



Food Facility

GRADING POLICY

Introduction

This Grading Policy for Permanent Food Facilities serves as a reference booklet and an educational tool for food facility operators and provides information on all matters related to the Inspection Report Form (IRF), the grading system, inspection process, and common terminology used by the Kern County Environmental Health Division's (KCEHD) Food Program.

The IRF is used to document violations observed in a food facility and to calculate the final grade based on compliance with State law. This policy provides detailed information on each category found in the IRF along with examples of violations that may be identified in each respective category. In addition, the policy has been updated to provide relevant sections of the California Retail Food Code (CRFC) as well as procedures to assist in compliance.

If you have questions regarding your IRF, actions by your inspector or the Division, or any applicable law or regulation, please contact our office:

County of Kern Public Health Services Department, Environmental Health Division
2700 M Street, Suite 300, Bakersfield, CA 93301

T: 661-862-8740

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Common Terminology

The success of any inspection program requires a clear understanding of the common terminology used by the health inspector and the food industry. The terms below are defined so that everyone can communicate clearly and openly during the inspection process.

Adulterated a) Food that bears or contains any poisonous or deleterious substance that may render the food impure or injurious to health. b) Food that is manufactured, prepared, or stored in a manner that deviates from a HACCP plan and poses a discernable increase in risk.

Approved – Acceptable to the enforcement agency based on a determination of conformity with applicable laws, or, in the absence of applicable laws, current public health principles, practices, and recognized industry standards that protect public health.

Approved Source is a producer, manufacturer, distributor, or food facility that is acceptable to the local enforcement agency based on a determination of conformity with applicable laws, or in the absence of applicable laws, with current public health principles and practices, and recognized industry standards that protect public health.

California Retail Food Code (CRFC) – Part of the California Health and Safety Code addressing the requirements and regulation of retail food facilities.

Code of Federal Regulations (CFR) – Federal government code addressing general and permanent rules and regulations.

Comminuted – Reduced in size by methods including chopping, flaking, grinding, or mincing.

Corrected On Site (COS) – The violation cited under that item number has been corrected and verified prior to completion of the inspection. The violation remains on the Inspection Report Form and the corresponding number of points is deducted from the current score.

Critical Sink – A required sink where there is not another approved sink available for the same purpose (e.g., mop sink, food preparation sink, handwashing sink, utensil warewashing sink) within a reasonable distance.

Cross Contamination – Transfer of harmful microorganisms from one food or food-contact surface to another. Microorganisms may be transferred from contaminated equipment, utensils, and human hands to other food or food-contact surfaces. Microorganisms may also be transferred when raw meat or poultry are stored or thawed above other food or food-contact surfaces.

Environmental Health Specialist (EHS) – EHS (also known as the “*health inspector*” or “*enforcement officer*”) is someone who has completed college level studies in biology, chemistry, microbiology, or environmental science, possesses a minimum of a bachelor’s degree, and meets California Department of Public Health’s (CDPH) requirements to work as an Environmental Health Specialist.

Exclude – Prevent a person from working as a food employee or entering a food facility except for those areas open to the public.

Food-Contact Surface – Surface of equipment or a utensil with which food normally comes into contact or from equipment or utensil from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.

Food Employee/Food Handler – Employee working with food, food equipment or utensils, or food-contact surfaces. Individual who participates in the preparation, storage, or service of food in a food facility.

Food Facility – An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level. Permanent and non-permanent food facilities include, but are not limited to, public and private school cafeterias, restricted food service facilities, licensed health care facilities, commissaries, mobile food facilities, mobile support units, temporary food facilities, vending machines, and certified farmers’ markets.

Food Handler Card – Issued after passing an American National Standards Institute (ANSI) accredited training class and exam. Each food handler must possess a valid Food Handler Card within thirty (30) days of hire. Food Handler Card expires in three (3) years.

Foodborne Illness – Infection or intoxication caused by a bacteria, virus, or parasite transmitted by contaminated food or water.

Food Safety Manager Certification – Issued after successfully passing an American National Standards Institute (ANSI) accredited exam. At least one person working at each food facility must have this within sixty (60) days of employment. Food Safety Manager Certification expires in five (5) years.

Hazard Analysis and Critical Control Point (HACCP) Plan – Written document that complies with the requirements of CRFC, Section 114419.1 and that delineates the formal procedures for following the HACCP principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

Imminent Health Hazard – Significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that can cause food infection, food intoxication, disease transmission,

vermin infestation, or hazardous condition that requires immediate correction or cessation of operation to prevent injury, illness, or death.

Impound – Legal control exercised by the enforcement officer over the use, sale, disposal, or removal of any food, equipment, or utensils.

Infestation (Vermin) – The presence of vermin within the food facility as evidenced by actual live bodies, fresh droppings or vomitus, urine stains, or gnaw marks, which could result in contamination of the food, equipment, packaging, or utensils.

Inspection Report Form (IRF) – A document that indicates the areas that are found out of compliance with CRFC during an inspection and describes these violations. The IRF is issued at the end of inspection. The IRF is used for routine inspections, complaint/foodborne illness investigations and other inspections to indicate the status of the food facility at the time of the inspection.

Intervention – Actions taken to reduce the risk of potential foodborne illness.

Letter Grade Card – Placard that will be placed in the window or another approved location by the health inspector after a routine or re-score inspection.

Local Enforcement Agency (LEA) – The Division of the local health agency having authority over the food facility.

Major Violation – A violation that poses an imminent health hazard that warrants immediate correction and may require closure of the food facility.

Minor Violation – A violation that does not pose an imminent health hazard but does warrant correction.

Multiservice Utensil – Utensil manufactured for use more than one time.

Non-Critical Violation – A violation that presents a low risk to public health, generally not adhering to good retail practices.

Notice of Closure Card – Placard posted by the health inspector at a food facility when the establishment's health permit is suspended or revoked. Once a Notice of Closure Card has been issued, the food facility is required to discontinue all operations. The Notice of Closure Card will be posted in the front window or in a location approved by the health inspector. Removal of the Notice of Closure by anyone other than the health inspector or the refusal of a food facility to close when issued a "Notice of Closure" is a misdemeanor violation.

Pathogen – A microorganism, such as bacteria or virus, that may cause disease or illness after entering the body.

Permit – A document issued by KCEHD that authorizes a person to operate a food facility.

Permit Suspension – An action taken by KCEHD to order a food facility temporarily closed.

Permit Revocation – An action taken by KCEHD to order a food facility permanently closed.

Person in Charge (PIC) – Individual present at a food facility that is responsible for the operation of the food facility.

Potentially Hazardous Food (PHF) – Food that requires time or temperature control to limit pathogenic micro-organism growth or toxin formation. Examples include, but are not limited to, protein-based food (meat, poultry, seafood, and eggs), dairy products (cheese, milk), cooked vegetables, cooked beans, cooked rice, and cooked pasta.

Ready-to-Eat (RTE) Food – Food that is edible without additional preparation to achieve food safety such as cooking, acidifying, etc.

Repeat Violation – A violation marked on the previous inspection that has not been corrected prior to the current inspection.

Restrict – To limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linens, and unwrapped single-use articles.

Sanitization – Application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five logs, which is equal to a 99.999 percent reduction of representative disease microorganisms of public health importance.

Sherman Food, Drug, and Cosmetic Act – Part of the California Health and Safety Code addressing labeling, advertising, and pure foods.

Time as a Public Health Control (TPHC) – An Approved method of holding food, where time only (rather than time in conjunction with temperature) is used as the public health control for a working supply of potentially hazardous food before cooking or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption. Documentation is required.

Variance – Written document issued by the State Department of Public Health (CDPH) that allows the use of an alternative practice or procedure which is equivalent to the existing requirements, and that a health hazard will not result from the alternative practice or procedure.

Voluntary Condemnation and Destruction (VC&D) – The process of denaturing food, which has been deemed unfit for human consumption. This action is taken voluntarily by the food facility operator and witnessed and documented by the enforcement officer.

Warewashing – The cleaning and sanitizing of utensils and food-contact surfaces of equipment.

Inspection Categories

Complaint Inspections

When a complaint is received by KCEHD, an Environmental Health Specialist (EHS) will conduct an inspection regarding the issues related to the complaint. The grade will not be changed until the next routine inspection if the complaint is unfounded. However, if the inspection reveals a condition(s) that is an imminent health hazard then the facility may be ordered to immediately close. The facility must meet minimum standards to re-open and a subsequent billable routine inspection will follow (see Departmental Policies on Closures). If the complaint is founded, but not closed, a billable routine inspection within ten (10) business days is required to ensure compliance. The grade received at this inspection will be posted until the next scheduled routine inspection.

Emergency Inspections

An emergency inspection is conducted when a condition stemming from an emergency may exist such as a fire, electrical outage, non-potable water, or sewage overflow into or out of the facility.

Routine Inspections

A routine inspection is an unannounced inspection and is conducted at a frequency determined by a risk assessment. The risk assessment evaluates the food, preparation, and the population served in determining the potential risk to the public for the occurrence of foodborne illness. The inspector conducts an in-depth evaluation of the facility and records violations on the IRF. However, if the inspection reveals a condition(s) that is an imminent health hazard then the facility may be ordered to immediately close.

Reinspection

A reinspection is an inspection initiated by the inspector when a complaint, emergency, or routine inspection reveals an imminent health hazard, serious condition, or repeat violations at the facility. This is not a routine inspection and only the issues noted on the original IRF are addressed. The grade will not be changed during this inspection. Re-inspections are not included in the annual Environmental Health Permit fee, so an additional charge is incurred by the owner. Facilities with unfounded complaints will not be charged.

Rescore Inspection

A rescore inspection is a reevaluation of the facility requested by the owner which is conducted as a routine inspection to have the facility rescored. A fee will be required and paid at the time

of the request. A rescore is limited to once per fiscal year. Requesting a rescore inspection is not a guarantee of receiving a higher grade.

Owner/Operator Responsibilities

Food safety in Kern County is the responsibility of KCEHD in partnership with the food industry. Jointly, we are responsible for ensuring that the community is provided with safe food by reducing the potential for foodborne illness and the spread of communicable disease.

The owner/operator is responsible for always maintaining and operating the food facility in compliance with all applicable laws and regulations. They should use safe food handling practices and be an example for staff and other employees. They should also maintain the physical property in good operating condition and take action to repair equipment, plumbing, walls, and ceilings as soon as possible. Below are some specific items that the owner/operator is accountable for:

1. **Change in Permit Information.** KCEHD shall be notified before a change of ownership, opening a new business, adding or dropping a partner, or a change in contact information.
2. **Change in Menu or Equipment.** A person proposing to remodel a food facility shall submit easily readable plans drawn to scale to the Division for review and approval before starting any new construction. Plans may also be required if KCEHD determines that they are necessary to ensure compliance with CRFC including, but not limited to, a menu change in the facility's method of operation.
3. **Person In Charge (PIC).** The permit holder is the person in charge. When the permit holder is not on the premises then they shall designate a person in charge. There shall be a person in charge present at the food facility during all hours of operation. The person in charge shall have knowledge of safe food handling practices as they relate to the specific food preparation activities that occur at the food facility. The person in charge shall have the authority to:
 - A. Exclude a food employee that has been diagnosed with an infectious agent as specified in Section 113949.1 of CRFC.
 - B. Restrict a food employee from working with exposed food; clean equipment, utensils, and linens; and unwrapped single-serve articles if the food employee is experiencing an acute gastrointestinal illness or is known to be infected with a communicable disease.
 - C. Ensure that persons unnecessary to the food facility operations shall not be allowed in the food preparation, food storage, or warewashing areas.
 - D. Consumers are notified that clean tableware is to be used when they return to self-service areas, such as salad bars and buffets.

- E. Take appropriate actions when an imminent health hazard exists at the food facility.
- 4. **Food Safety Managers Certification.** Food facilities that prepare, handle, or serve non-pre-packaged potentially hazardous food shall have an owner or employee who has successfully passed an American National Standards Institute (ANSI) approved and accredited food safety certification examination. There shall be at least one (1) food safety manager certified owner or employee at each food facility. Certification must be renewed every five years. If the person who is certified leaves, the facility has sixty (60) days to replace that person. The certified person is responsible for:
 - A. Instructing all food employees regarding the relationship between personal hygiene and food safety, including the association of hand contact, personal habits and behaviors, and food employee health to foodborne illness.
 - B. Ensure that employees are following safe food handling practices and that food employees have adequate knowledge in food safety *as it relates to their assigned duties*.
- 5. **Food Handler Card.** All employees, with some exceptions, that participate in the preparation, storage or service of food must obtain a Food Handler Card within thirty (30) days of hire. Examples of a food handler include wait staff, chefs, head cooks, bussers, bartenders, and hosts or hostesses that handle food, and beverage pourers. Food Handler Cards must be renewed every three (3) years.
- 6. **Self-Closures.** The food facility ***MUST CLOSE*** when serious conditions present a risk to the health and safety of the public. These conditions include:
 - A. Electrical power outage
 - B. No refrigeration – all refrigeration units not working
 - C. No water – lack of potable or pressurized water
 - D. No hot water – the temperature at any critical sink (handwashing, food preparation, utensil washing) is 110° F or less
 - E. Sewage/water overflow into restaurant
 - F. Fire
 - G. Severe vermin infestation

A Self-Closure memo is available on the Kern County Public Health Services Department website and can be submitted to our Division by E-mail (eh@kerncounty.com) or by fax (661-862-8701). When you self-close your facility and notify us, we will not send an inspector to your facility, unless there is a major issue that cannot be corrected in a timely manner such as fire. Self-closing is a positive indicator that you are knowledgeable about food safety principles. If an inspector is conducting a routine inspection and finds one of the above situations the facility will be closed.

Understanding the Inspection Report Form

KCEHD is responsible for enforcing sections of the California Health and Safety Code also known as California Retail Food Code (CRFC). To ensure that each food facility is in compliance with CRFC, the Environmental Health Specialist (EHS), who is more commonly referred to as the health inspector, conducts inspections.

Any violation of CRFC is documented on the Inspection Report Form (IRF), which is issued by the EHS at the conclusion of the inspection. This report is used for routine inspections, complaint/foodborne illness investigations and other inspections to indicate the status of the food facility at the time of the inspection.

Page 1

The intent of the IRF is to recognize the varying degrees of risk associated with violations of the applicable laws, codes, and regulations. The report contains forty-seven (47) violation categories. **Critical Risk Factor** categories may be marked as the following: IH (imminent health hazard), COS (corrected on site), Major (26 points, Imminent Health Hazard requiring closure), Major (5 points, immediate correction required), Minor (3 points, correction required) and R (repeat violation). This section is used to record violations that directly relate to the transmission of foodborne illness. **Good Retail Practices** are non-critical violations (1 point) that require correction but present a low risk to public health.

Repeat violation is indicated by an X in the “R” column under “Critical Risk Factors”. A repeat violation is a violation that was noted on the previous inspection and was not corrected by the current inspection. A repeat of a Major violation will result in an additional 5-point deduction from the total score.

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This section of the IRF is used by the EHS to document and to convey to the food operator the following:

- The violations observed during the inspection.
- Training and information that was provided by the EHS due to an employee’s lack of knowledge or inability to demonstrate an activity or procedure.
- Recommendations that are made by the EHS when documenting violations, comments, observations, and corrective actions ordered or completed on site.
- Intervention strategies the operator may use to help prevent the occurrence of foodborne illness.
- Corrective actions and timeframes to abate violations.



| | | | | | | |
|-------------------|-----|-----|-----|--------------------|--|-------------------|
| Facility Name: | | | | Program Element: | | Score 100.0 |
| Owner Permittee: | | | | Inspection Date: | | |
| Facility Address: | | | | Reinspection Date: | | |
| City/State/Zip: | | | | Phone: | | |
| FA: | PR: | SR: | CO: | Type: | | Grade A |

IH = Imminent Health Hazard COS = Corrected on Site OUT = Out of Compliance
Maj = Major Violation Min = Minor Violation R = Repeat

Conditional approval to reopen after closure

| Critical Risk Factors | | | | | |
|--|----|-----|-----|-----|---|
| The following pose a threat to public health and must be corrected immediately. | | | | | |
| | IH | COS | OUT | | R |
| | | | Maj | Min | |
| EMPLOYEE HEALTH, HYGIENE & KNOWLEDGE | | | | | |
| 1. a. Demonstration of knowledge | | | | | |
| 1. b. Food safety certification | | | | | |
| 2. Communicable disease; reporting, restrictions, & exclusions | | | | | |
| 3. Employee personal hygiene and health | | | | | |
| 4. Proper eating, drinking, or tobacco use | | | | | |
| PREVENT CONTAMINATION BY HANDS | | | | | |
| 5. Hands clean and properly washed; proper glove use; minimizing bare hand contact | | | | | |
| 6. Adequate hand washing facilities; supplied, accessible | | | | | |
| TIME & TEMPERATURE RELATIONSHIP | | | | | |
| 7. a. Hot holding of potentially hazardous food | | | | | |
| 7. b. Cold holding of potentially hazardous food | | | | | |
| 8. Time as public health control; procedures & records | | | | | |
| 9. Proper cooling methods | | | | | |
| 10. Proper cooking time and temperature | | | | | |
| 11. Proper reheating procedures for hot holding | | | | | |
| PROTECTION FROM CONTAMINATION | | | | | |
| 12. Returned and reservice of food | | | | | |
| 13. a. Food in good condition, safe and unadulterated | | | | | |
| 13. b. Food Voluntarily Condemned and Destroyed | | | | | |
| 14. Food contact surface; clean and sanitized | | | | | |
| FOOD FROM APPROVED SOURCES | | | | | |
| 15. Food obtained from approved source | | | | | |
| 16. Compliance with shell stock tags; condition, display | | | | | |
| 17. Compliance with Gulf Oyster Regulations | | | | | |
| ADDITIONAL CRITICAL RISK FACTORS | | | | | |
| 18. Compliance with variance, specialized process, HACCP | | | | | |
| 19. Consumer advisory provided for raw/undercooked food | | | | | |
| 20. Licensed health care facilities/public & private schools: prohibited foods not offered | | | | | |
| 21. a. Hot water available | | | | | |
| 21. b. Water available | | | | | |
| 22. a. Sewage and waste water properly disposed | | | | | |
| 22. b. Operational toilets | | | | | |
| 23. No insects, rodents, birds, or animals present | | | | | |
| 24. Other Imminent Health Hazard | | | | | |

| Good Retail Practices | |
|--|-----|
| Preventive measures that can reduce foodborne illness | |
| | OUT |
| SUPERVISION | |
| 25. Person in charge present and performs duties | |
| 26. Personal cleanliness and hair restraints | |
| GENERAL FOOD SAFETY REQUIREMENTS | |
| 27. Approved thawing methods used, frozen foods | |
| 28. Food separated and protected | |
| 29. Washing fruits and vegetables | |
| 30. Toxic substances - identified, stored, used | |
| FOOD STORAGE/DISPLAY/SERVICE | |
| 31. Food storage; food storage containers labeled | |
| 32. Consumer self service | |
| 33. Food properly labeled and honestly presented | |
| EQUIPMENT UTENSILS/LINENS | |
| 34. Nonfood-contact surfaces clean | |
| 35. Warewashing facility/installed/maintained/used/testing | |
| 36. Equipment/utensils/approve/installed/good repair | |
| 37. Equipment, utensils and linens, storage and use | |
| 38. Adequate ventilation and lighting in designated areas | |
| 39. Thermometers provided and accurate | |
| 40. Wiping cloths properly used and stored | |
| PHYSICAL FACILITIES | |
| 41. Plumbing fixture, backflow devices, drainage | |
| 42. Garbage/refuse properly disposed; facilities maintained | |
| 43. Toilet facilities properly constructed, supplied, cleaned | |
| 44. Premises/personal/cleaning items/vermin proofing | |
| 45. Floors/walls/ceilings properly built/maintained/cleaned | |
| 46. No unapproved sleeping quarters | |
| SIGNS/REQUIREMENTS | |
| 47. Signs posted - routine inspection, handwashing, no smoking and grade | |
| 48. Permits available | |
| Special Programs | |
| Participates in special programs | Y/N |
| 49. Waste Hunger, Not Food | |
| 50. Certified Healthy | |

| | | | | | | | | |
|------------------------|-------|-------|-----|--------|--------------|--|-----------|----------------------|
| Business Name | | | | | | | FA | Activity Date |
| Imminent Health Hazard | Major | Minor | COS | Repeat | Non Critical | Comments/Observation/Corrective Actions. An "X" in the major column indicates the violation poses an immediate threat to public health and must be corrected immediately. An "X" in the minor column indicates the violation poses a risk to public health and shall be corrected by the date specified. An "X" in the non-critical column indicates the violation poses a non-critical risk to public health and shall be corrected by the next inspection. | | |
| | | | | | | Must Comply By: | | |
| <hr/> <hr/> | | | | | | | | |

| | |
|-------------------------|-------------------------------|
| Signature of EHS | Signature of Recipient |
| | |

Understanding the Grade

KCEHD uses the grading system as an indicator that the public can use to determine the standing of a facility in conforming to current health and safety requirements. Violations on the IRF have been assigned a specific point value based on the associated public health risk. The grade a food facility receives reflects the status of the food facility at the time of the inspection.

Each food inspection begins with one hundred (100) points. As the EHS conducts the inspection, violations found are marked on the corresponding box of the IRF. The point value from each marked violation is summed and this total is then deducted from the initial one hundred (100) points. Letter grades are assigned based on the facility score (written as a percentage) as indicated in the chart below.

At the conclusion of the routine inspection, the EHS will place the Letter Grade Card in the facility window or other approved location.

| | |
|-------------------------|-----------------------------------|
| Beginning of Inspection | 100 Points |
| Total Points Deducted | - Points |
| <hr/> | |
| Remaining Points | = Score (written as a percentage) |

A Letter Grade Card A (Blue), B (Green), C (Yellow), or a Notice of Closure (Red) will be issued at the end of the inspection based on the remaining points:

- 90 - 100 **A** Good food handling practices and overall food facility maintenance and sanitation.
- 80 - <90 **B** Adequate food handling practices and overall food facility maintenance and sanitation.
- 75 - <80 **C** Minimally acceptable food handling practices and overall food facility maintenance and sanitation. A mandatory billable reinspection will be conducted in seven (7) business days to ensure improved food handling practices and overall facility maintenance and sanitation.
- 0 - <75 **NOTICE OF CLOSURE** Poor food handling practices and overall food facility maintenance and sanitation. The facility shall be immediately closed and permit suspended. (See procedures for re-opening following Notice of Closure)


INSPECTION GRADE

ENVIRONMENTAL HEALTH DIVISION

A

FACILITY: _____
 ADDRESS: _____

ENVIRONMENTAL HEALTH SPECIALIST _____



KERN COUNTY PUBLIC HEALTH
Committed to Health
 ENVIRONMENTAL HEALTH DIVISION
 2700 W ST, SUITE 300 • BAKERSFIELD CA 93301
 (661) 321-3000 OR (877) 898-4787

A COPY OF THE MOST RECENT INSPECTION REPORT IS AVAILABLE FOR REVIEW UPON REQUEST AT THIS LOCATION
 DOWNLOAD THE **SAFE DINER APP** TO VIEW INSPECTION REPORTS
 TAMPERING OR REMOVAL OF THIS REPORT IS A VIOLATION OF K.C.O.C. § 8.58.040


INSPECTION GRADE

ENVIRONMENTAL HEALTH DIVISION

B

FACILITY: _____
 ADDRESS: _____

ENVIRONMENTAL HEALTH SPECIALIST _____



KERN COUNTY PUBLIC HEALTH
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 ENVIRONMENTAL HEALTH DIVISION
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INSPECTION GRADE

ENVIRONMENTAL HEALTH DIVISION

C

FACILITY: _____
 ADDRESS: _____

ENVIRONMENTAL HEALTH SPECIALIST _____



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INSPECTION GRADE


ENVIRONMENTAL HEALTH DIVISION

CLOSED

THIS FACILITY WAS FOUND TO HAVE VIOLATIONS WHICH CONSTITUTE AN IMMEDIATE DANGER TO THE PUBLIC HEALTH AND SAFETY. THE PERMIT TO OPERATE HAS BEEN TEMPORARILY SUSPENDED AND THIS FACILITY HAS BEEN ORDERED TO CLOSE.

FACILITY: _____
 ADDRESS: _____

ENVIRONMENTAL HEALTH SPECIALIST _____



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How Violations Are Identified

California retail food safety agencies have refocused facility inspection practices based on the Centers for Disease Control and Prevention foodborne illness risk factors and public health interventions in accordance with California Retail Food Code (CRFC).

The General Marking Instructions were established by The California Retail Food Safety Coalition in conjunction with the Food and Drug Administration as a method to mark violations of California Retail Food Code upon inspection. The General Marking Instructions are intended to implement a risk and intervention-based inspection approach and to establish a more consistent compliance and enforcement program statewide. This approach focuses on the most prevalent contributing risk factors related to foodborne illness or injury. Assuring that the following risk factors do not occur is vital to preventing foodborne illness:

1. Food from unsafe sources
2. Improper holding temperatures
3. Inadequate cooking
4. Contaminated equipment
5. Poor personal hygiene

The Grading Policy for Permanent Food Facilities has been developed to establish criteria that will be used to evaluate food handling practices and overall maintenance and sanitation at food establishments within Kern County. The following information provides a foundation for how violations are recorded on the Inspection Report Form (IRF) by EHS. The format used follows the format of the IRF: category, item number and description of the violation; the applicable section(s) of the California Retail Food Code (CRFC); a brief explanation of when the item is a violation; and examples of one or more violations.

The IRF is divided into two sections: **Critical Risk Factors** and **Good Retail Practices**. The category is in bold lettering with a grey background. The item number and description of the violation are shown below each category. In this section, violation categories and numbers coincide with those listed on the IRF. This section contains brief explanation as to why/when the subcategory will be marked and specific examples of violations. Examples listed are common violations, and not an all-inclusive list. The code sections from CRFC are shown in bold italic lettering.

Violations boxes are marked as follows:

- IH** This item is marked when the subcategory is observed as an imminent health hazard requiring temporary closure of the facility.

- COS** This item is marked to indicate the violation has been corrected on site and verified prior to the completion of the inspection. The actual corrective actions taken for each violation will be documented in the inspection report; however, the violation will be marked, and points will be deducted.
- MAJ** This item is marked when the subcategory is determined to be a major violation.
- MIN** This item is marked when the subcategory is determined to be a minor violation.
- R** This item is marked when the subcategory is a repeat violation observed at the previous routine inspection.

Critical Risk Factors

The following categories pose a threat to public health and must be corrected immediately.

EMPLOYEE HEALTH, HYGIENE & KNOWLEDGE

1.a. Demonstration of knowledge

This subcategory is marked **MINOR** when the Person in Charge (PIC) is not able to demonstrate food safety knowledge, practice, and principles applicable to their assigned duties [i.e., employee washing the utensils does not know the procedure for manually washing, rinsing, and sanitizing dishes or Certified Food Safety Manager (CFSM) does not know when to exclude ill employees.]

California Retail Food Code, Section: 113947

1.b. Food safety certification

This subcategory is marked **MAJOR** when the following violations are observed:

- The PIC does not identify an imminent health hazard or initiate a self-closure.
- Dishwasher does not know the procedure for manually washing, rinsing, and sanitizing dishes.
- Cook does not know the minimum cooking temperatures for items on the grill.

This subcategory is marked **MINOR** when the following violations are observed:

- No one at the facility possesses a valid Food Safety Manger's Certificate (FSMC) or one of the following occurred more than 60 days prior: the prior Food Safety Manager left employment; the facility experienced a change of ownership; or the facility began operation.
- One or more food employees lack a valid Food Handler Card, and the employee(s) began employment more than 30 days prior.

California Retail Food Code, Sections: 113947.1.- 113948

2. Communicable disease; reporting, restrictions, and exclusions

This category is marked **MAJOR** when:

- The Person In Charge (PIC) is aware of a food employee who has been diagnosed with an “*illness*” as listed in Section 113949.1 and has not notified the enforcement agency.
- The PIC is aware that two or more food employees are concurrently experiencing symptoms associated with an acute gastrointestinal illness and has not reported it to the local enforcement agency.
- The PIC has not excluded a food employee with an “*illness*” as required.
- The PIC has been made aware of a food employee who is suffering from an acute gastrointestinal illness and has not restricted the duties of the food employee.
- The PIC removes a restriction of a food employee before resolution of symptoms of acute gastrointestinal illness.
- The PIC removes exclusion of food employee prior to receiving clearance.
- A food employee does not inform the PIC of a lesion or wound on their hand that is exposed and not properly protected with an impermeable cover and single-use glove.

“*Illness*” includes *Salmonella typhi*, *Salmonella spp.*, *Entamoeba histolytica*, *Enterohemorrhagic* or *Shiga toxin* producing *Escherichia coli*, *Hepatitis A virus*, *Norovirus*, or other communicable diseases that are transmissible through food.

Additional Violations:

- Contamination of food by an infected food employee will result in disposal of the food and be marked in subcategory #13 (Food in good condition, safe and unadulterated).
- Contamination of food-contact surfaces by an infected food employee is also marked in subcategory #14 (Food-contact surfaces: clean and sanitized).

NOTE: A food employee is required to report to the PIC when he/she has been diagnosed with an “*illness*” or has an open lesion on the hands, wrists, or exposed portion of the arms. The food facility may be closed until, in the opinion of the Enforcement Agency, identified danger of disease outbreak has been addressed.

CRFC, Sections: 113949 - 113950.5, 113973(a), 113975

3. No discharge from eyes, nose, and/or mouth

This subcategory will be marked **MAJOR** if the following violation is observed:

- Food employee is experiencing persistent sneezing, coughing, or runny nose that is associated with discharges from the eyes, nose or mouth that cannot be controlled by medication, and the employee is working with exposed food, clean equipment, clean utensils, or cleanlinen.

CRFC, Section: 113974

4. Proper eating, drinking or tobacco use

This subcategory will be marked **MINOR** if any of the following violations are observed:

- Food employee eating in the food preparation area rather than the employee break room.
- Food employee drinking from an open cup in the food preparation area.
- Food employee chewing tobacco while preparing food and expectorating into nearby cup.
- Server eating at a serving station.

NOTE: A food employee may drink from a closed beverage container if the container is handled to prevent contamination of employee's hands, the container, non-prepackaged food, and food-contact surfaces. In general, an employee beverage container should not be placed on or directly above a food-contact surface.

CRFC, Section: 113977

PREVENT CONTAMINATION BY HANDS

5. Hands clean and properly washed, proper glove use

This subcategory is marked **MAJOR** if any of the following violations are observed:

- Food employees in a facility handling open food are unable to wash their hands due to the lack of soap or paper towels and handwashing supplies are not available by the end of inspection.
- Food employee not washing their hands after using the restroom and either puts on gloves for working with food or handles food, equipment, utensils, linen, or tableware.
- Food employee preparing raw chicken fails to wash their hands prior to handling clean tableware or ready-to-eat food.
- Food employee using hand sanitizer instead of washing their hands.
- Food employee fails to change gloves when handwashing would normally be required.
- Food employee not washing their hands after sneezing, coughing, eating, drinking, or using tobacco products and either puts on gloves for working with food or resumes preparing food.
- Food employee with an open wound/lesion not wearing an impermeable cover and gloves for lesions at the hand or wrist, or an impermeable cover for lesions at the arms.
- Food employee washing hands while wearing single-use gloves or donning previously worn single-use gloves.

This subcategory is marked **MINOR** if any of the following violations are observed:

- Food employee not minimizing bare hand contact with exposed food that is not in ready-to-eat form by using utensils, tongs, forks, or gloves.
- Food employee handling non-ready-to-eat food not wearing gloves while he/she has artificial nails, nail polish and/or rings (other than plain band).
- Food employee washing hands for less than 10seconds.
- Food employees handling non-read-to-eat food with fingernails that are not trimmed, cleanable, and smooth.
- Employee re-using single use gloves.
- Food employee washing hands with cold water (less than 100° F).
- Employee washing hands in an unapproved sink (i.e., food preparation/janitorial/ware washing sink).

Additional Violations:

- Contamination of food by a food employee that has open lesions will result in disposal of the food and will be marked in subcategory #13 (Food in good condition, safe and unadulterated).
- Contamination of food-contact surfaces by a food employee that has open lesions is also marked in subcategory #14 (Food-contact surfaces: clean and sanitized).
- When a food employee with an open wound or lesion on a hand or arm without a glove does not inform the PIC of the condition, subcategory #2 (Communicable disease; reporting, restrictions & exclusions) is marked.

CRFC, Sections: 113952, 113953.1, 113953.3, 113953.4, 113961, 113967, 113968, 113973(a-f)

6. Adequate handwashing facilities; supplied and accessible

This subcategory is marked **MINOR** if any of the following violations are observed:

- Empty or missing soap or towel dispenser
- Use of bar soap or cloth towels
- Lack of handwashing sinks that are sufficient in number and conveniently located in a food preparation area or ware washing area (if facility was constructed after January 1, 1996).
- Handwashing sink is not separated from a ware washing sink by a six (6) inch high metal splashguard or twenty-four (24) inch separation.
- Obstructed, inaccessible, improper use of, or unclean handwashing sink.
- Non-functional heated-air hand drying device in restroom.
- Non-fictional soap and/or paper towel dispenser.
- Lack of handwashing supplies on the premises of a pre-packaged facility.
- No soap or towels are available on premises but provided by end of inspection.

EXCEPTION: If not provided by end of inspection, mark #5

CRFC, Sections: 113953, 113953.1, 113953.2, 114067(f)

TIME & TEMPERATURE RELATIONSHIP

7.a. Hot holding of potentially hazardous food

7.b. Cold holding of potentially hazardous food

7.c. Thawing of potentially hazardous food

Note: Frozen potentially hazardous food shall only be thawed in one of the following ways:

- ***Under refrigeration that maintains the food temperature at 41°F or below***
- ***Completely submerged under potable running water for a period not to exceed two hours at a temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain***
- ***In a microwave oven if immediately followed by preparation***
- ***As part of a cooking process***

These subcategories are marked **MAJOR** if any of the following violations are observed (unapproved method of thawing under the following conditions):

- Multiple PHF servings in hot or cold holding equipment held in the range of 50°F – 130°F
- Multiple PHF found in the range of 50°F – 130°F exceeding 2-hour preparation time.
- Multiple PHF found in the range of 50°F – 130°F exceeding 30-minute transport time.
- During thawing process, PHF in the range of 50°F – 130°F more than 2 hours.
- Pooled eggs held at temperatures of 50°F – 130°F that has exceeded the 2-hour limit for food preparation.

This subcategory is marked **MINOR** if any of the following violations are observed (unapproved method of thawing under the following conditions):

- Multiple servings of PHF holding in the range of 131°F - 134°F in hot holding equipment.
- Multiple servings of PHF holding in the range of 42°F - 49°F in a cold holding unit.
- Multiple servings of PHF held at room temperature exceeding two hours preparation time and are in the range of 42°F – 49°F or 131°F – 134°F.
- Previously refrigerated raw shell eggs stored at 46°F – 134°F.
- Raw shell eggs held at room temperature past 2 hours for preparation at the grill line.

CRFC, Sections: 113996, 113998, 114037, 114343(a)

8. Time as a public health control; procedures & records

This subcategory is marked **MAJOR** if the following violations are observed:

- Time marked on food has been exceeded. **(Dispose of the food)**
- Time as a public health control is used for food, but the food has not been marked or

otherwise identified and the food has been out of temperature control for less than four (4) hours. **(Dispose of the food)**

This subcategory is marked **MINOR** if any of the following violations are observed:

- A written procedure is not maintained and available for food that has been time marked and is within the 4 hours period when using time as a public health control.

CRFC, Section: 114000

9. Proper cooling methods

This subcategory is marked **MAJOR** when:

- PHF is not cooled rapidly from 135° F to 70° F within two (2) hours (e.g., pot of cooked beans found at 90° F cooling for more than two (2) hours using approved or unapproved method)
- PHF is not cooled from 70° F to 41° F within four (4) hours (e.g., roast found at 60° F cooling for more than six (6) hours using approved or unapproved method).
- After heating or hot holding, potentially hazardous food is not cooled rapidly from 135° F to 41° F or below within six (6) hours.
- PHF is not cooled within four (4) hours to 41° F if prepared from ingredients at ambient temperature.
- Deliveries of PHF not cooled to below 41° F within four (4) hours if received between 41° F and 45° F.

This subcategory is marked **MINOR** if the following is observed:

- PHF is cooling in an unapproved method but is still within time & temperature parameters.

CRFC, Sections: 114002, 114002.1

10. Proper cooking time and temperature

This subcategory is marked **MAJOR** if the following is observed:

- Cooking process did not meet required cooking temperatures (i.e., cooked fruits and vegetables for hot holding: 135°F; eggs prepared for immediate service, fish, single pieces of meat: 145°F; comminuted meats, ratites, eggs prepared from pooled eggs or for hot holding: 155°F; poultry, comminuted poultry, stuffed meats, stuffing containing meats: 165°F) and an employee attempts to serve the product without returning the product to the cooking process.

| <u>Food Type</u> | <u>Minimum Internal Temperature</u> | <u>Minimum time at Temperature</u> |
|---|-------------------------------------|--|
| Roasts, including formed roasts | 130° F | 112 minutes or as chart specified and according to oven parameters in Section 114004 |
| Cooked fruits and vegetables | 135° F | For immediate hot holding |
| Raw eggs cooked to order for immediate service; game animals; all other raw animal food (i.e., beef, pork); fish | 145° F | 15 seconds |
| Raw eggs broken but not prepared for immediate service; Ratites or injected meats; comminuted fish, meat (i.e., hamburger meat) | 155° F | 15 seconds |
| Poultry, stuffed fish/meat/pasta/poultry/ratites, or stuffing containing fish, meat, poultry, or ratites | 165° F | 15 seconds |
| Raw animal foods rotated, stirred, covered, and heated in microwave | 165° F | Food reaches 165° F, then must stand covered for 2 minutes after cooking |

CRFC, Sections: 114004, 114008, 114010

11. Proper reheating procedures for hot holding

This subcategory is marked **MAJOR** if any of the following are observed:

- PHF is not rapidly reheated within two (2) hours to 165° F for 15 seconds for hot holding, such as attempting to reheat in a steam table (e.g., previously cooked and cooled stew being reheated for hot holding has exceeded the two (2) hour time limit without reaching a minimum internal temperature of 165° F for 15 seconds).
- PHF is reheated in a microwave to 165° F and the food is not rotated or stirred, covered, and not allowed to stand covered for two minutes after reheating.
- Commercially processed ready-to-eat PHF is not reheated to 135° F or above within two (2) hours for hot holding.
- Remaining unsliced portions of roasts are not reheated for hot holding to the required minimum temperature.

CRFC, Sections: 114014, 114016

PROTECTION FROM CONTAMINATION

12. Returned and re-service of food

This subcategory is marked **MINOR** if any of the following violations are observed:

- Re-served tortilla chips, salsa, or unpackaged bread.
- Popcorn, nuts, or snack mix left on bar for communal service.
- Previously served steamed rice used in the preparation of fried rice.

CRFC, Section: 114079

13. Food in good condition, safe, and unadulterated

This subcategory is marked **MAJOR** if any of the following violations are observed:

- A foreign object is found in food product (e.g., glass, Band-Aid).
- Rodent, cockroach, or fly adulterated food products.
- Open food products stored inside and in direct contact with the handwashing/janitorial sink.
- Food employee using a utensil to taste food more than once without utensil being properly washed, rinsed, and sanitized between uses.
- Food employee with illness or open lesion on hands or arm touching food items/preparing food.
- Raw oysters from the Gulf of Mexico are offered for sale during the period from April 1 – October 31 and the oysters have not been treated to reduce pathogenic bacteria.
- Refrigerator condensate leaking into open pan of ready-to-eat-food.
- Re-using a chemical container of food storage.
- Food on floor in contact with overflowing sewage or wastewater
- Washing hands over defrosting meat.
- Acidic foods capable of leaching found stored in lead glazed container.
- Food prepared using reduced oxygen packaging (ROP), other than for immediate cooking and removal from the package, and the facility does not have or is not adhering to an approved HACCP plan.
- Washing produce in a ware washing compartment without first washing and sanitizing the compartment.
- Ice that has been used for cooling the exterior surfaces of food such as melon or fish, canned beverages, or equipment is used as food.
- Food cans leaking or swelling.

This subcategory is marked **MINOR** if any of the following violations are observed:

- Meat, fish, or poultry products have the appearance of spoilage.
- Linen used as lining in the breadbasket is not changed between customers.
- PHF in reduced oxygen package exceeds a “use by” date.
- Infant formula or baby food exceeds “sell by” date.
- Food infesting insects (e.g., beetle, moths, larvae, ants, gnats) in food.
- Fruit flies in liquor bottle.
- Condensate from refrigerator dripping onto raw meat/poultry.
- Lining food containers with newspaper.
- Food not inspected upon receipt (as soon as practical) and prior to any use, storage, or resale.

CRFC, Sections: 113967, 113976, 113980, 113986, 113988, 113990, 114035, 114041(a), 114094, 114254.3; California Code of Regulations, Title 17, Section 13675

13. Food-contact surface; clean and sanitized

This subcategory is marked **MAJOR** if any of the following violations are observed:

Food-contact surfaces

- Failure to clean and sanitize food-contact surfaces every four hours or as required when changing from raw food of animal origin to ready to eat food, between species of raw food of animal origin, between unwashed produce and PHF.
- Food is in direct contact with dirty equipment.
- Sanitizer level is not detectable or is below 50 ppm for Chlorine or below 100 ppm for Quaternary Ammonia in bucket used to store wiping cloths.
- Contamination of food-contact surfaces by soiled wiping cloth.

Manual Warewashing

- Warewashing sink is missing, non-functional, or clogged and no other approved means of cleaning and sanitizing is available **(CLOSURE)**.
- During *active manual* warewashing, water temperature in the first compartment is below 100° F, or temperature specified by the detergent manufacturer on the instruction label.
- Sanitizer level is not detectable or below 50 ppm for Chlorine or below 100 ppm for Quaternary Ammonia during active manual warewashing.
- Sanitizing rinse for manual heat sanitizing measures below 171° F.
- No approved detergent or sanitizer used during warewashing.

Mechanical Warewashing

- Sanitizer level in the final sanitizing rinse is below 50 ppm for Chlorine, below 100 ppm for Quaternary Ammonia, or below required concentration as indicated on the manufacturer’s data plate during active mechanical warewashing.
- Utensil temperature at a heat sanitizing mechanical warewasher measures below 154° F during active mechanical warewashing.

This subcategory is marked **MINOR** if any of the following violations are observed:

Food-contact surfaces

- Food-contact surface that does not contact PHF (i.e., soda dispenser nozzle) is not cleaned and sanitized as required.
- Returned empty containers intended for refilling with food or beverages are not cleaned and sanitized prior to being refilled or facility is not using a contamination-free process to refill.
- Sanitizer level is above 50 ppm but below 100 ppm for Chlorine or above 100 ppm but below 200 ppm for Quaternary Ammonia in bucket used to store wiping cloths.
- Equipment and utensils are not allowed to drain or air dry before reuse.

Manual Warewashing

- Sanitizer level is above 50 ppm but below 100 ppm for Chlorine or above 100 ppm but below 200 ppm for Quaternary Ammonia during active manual warewashing.
- Sanitizer for manual warewashing is unavailable but obtained at the end of inspection (no active ware washing at time of observation).
- Inadequate contact time with an approved sanitizer (Chlorine = 30 seconds, Quaternary Ammonia = one (1) minute, hot water = 30 seconds).

Mechanical Warewashing

- Utensils are not properly scraped or flushed of food debris, pre-soaked, or scrubbed, as necessary.
- During active mechanical warewashing the water temperature at a heat sanitizing mechanical warewasher measures between 155°F - 159°F and can only be readily adjusted at time of inspection.

CRFC, Sections: 113984(e), 114075(a)(e), 114097, 114099, 114099.1 - 114099.4, 114099.6, 114101, 114105, 114109, 114111, 114113, 114115, 114117, 114118, 114125(b), 114141.

FOOD FROM APPROVED SOURCES

15. Food obtained from approved source

This subcategory is marked **MAJOR** if any of the following violations are observed:

- PHF or ice is not from an approved source (such as tamales prepared in a private home).
- Molluscan shellfish are not received from source listed in the Interstate Certified Shellfish Shippers list.
- A game animal from an unapproved source, and/or listed in 50 CRF 17 Endangered and Threatened Wildlife and Plants, is sold/served at a food facility.
- Ice for use as food or a cooling medium not from potable water supply.
- Fish is not commercially and legally caught or harvested.
- Prepared food is served but there is no cooking equipment on the premises.
- Retail food facility manufacturing yogurt/ice cream without required CDPH Milk and Dairy Branch approval.
- Invoices for PHFs suspected of being from an unapproved source are not available on site.

- Liquid, frozen, and dry egg products or frozen milk products are not obtained pasteurized.

This subcategory is marked **MINOR** if any of the following violations are observed:

- Home grown produce used/offered for sale at the food facility.
- Baked goods or other “Cottage” type food made in a private home that is not a Class B Cottage Food Operation is sold/served at the food facility.
- Invoices for a non-PHF food suspected of being from an unapproved source are not available on site.

CRFC, Sections: 113980, 114021, 114023 - 114025, 114027, 114029, 114031, 114035, 114039, 114041(b), 114365.5

16. Compliance with shell stock tags, condition, display

This subcategory is marked **MAJOR** if any of the following violations are observed:

- Identity of shell stock is not maintained after removal from original container by: (1) failing to keep records, (2) commingling shell stock, (3) repackaging shell stock without shell stock tag or approved labeling.
- Molluscan shellfish life support system display tanks are operated in a manner that allows water used for other fish to flow into the tank or the safety of the shellfish as they are received is compromised by use of the tank.
- Shell stock is not obtained with proper tags or labels.
- Shell stock received is not discarded when they are not free of mud, dead shellfish, or broken shells.
- Shell stock tags/labels are not maintained in chronological order.

CRFC, Sections: 114039, 114039.1, 114039.2, 114039.3, 114039.4, 114039.5

17. Compliance with Gulf Oyster Regulations

This subcategory is marked as **MAJOR** if any of the following violations are observed:

- Raw Gulf Oysters are offered for sale, without evidence of approved treatment, between the months of April 1 – October 31.
- Raw Gulf Oyster warning signs are not posted for untreated oysters between the months of November 1 – March 31 (Title 17 CCR 13675).
- Required warning signs do not conform to size/language specifications.

CRFC, Sections: 114090; Title 17 CA Code of Regulations 13675

ADDITIONAL CRITICAL RISK FACTORS

18. Compliance with variance, specialized process, HACCP

This subcategory is marked **MAJOR** if any of the following violations are observed:

- A food facility operator did not submit a HACCP plan for approval by the enforcement agency (California Department of Public Health, CDPH) for smoking, curing, using vinegar or other additives for food preservation, custom slaughtering, or for a molluscan shellfish tank.
- An operator does not have a HACCP plan approved by CDPH for the use of reduced oxygen packaging, other than for immediate packaging, cooking, and removal of the cooked product from the package.
- An operator violates the conditions of a variance or HACCP plan.
- The facility is not able to provide variance documentation to support the use of alternative practices or procedure.
- The facility that utilizes a HACCP plan is unable to provide the required documentation.
- A satellite food facility is operating without enforcement agency approved written standard operating procedures.

CRFC, Sections: 114039.5, 114057, 114057.1, 114067, 114417-114417.7, 114419-114423

19. Consumer advisory provided for raw/undercooked food

This subcategory is marked **MINOR** if any of the following violations are observed:

- Pasteurized eggs or pasteurized egg products are not substituted for raw shell eggs in food such as Caesar salad dressing, or Hollandaise sauce and no consumer warning is provided.
- If food facility serves raw or undercooked food and fails to provide an advisory (oral or in writing) that a food item is being served less than thoroughly cooked (i.e., hamburgers are routinely and/or intentionally served medium rare without notifying the customer).

CRFC, Sections: 114012, 114093

20. Licensed health care facilities/public & private schools; prohibited foods not offered

This subcategory is marked **MAJOR** if any of the following violations are observed:

- Juice, fluid milk or dry milk is served unpasteurized at a licensed health care facility, public or private school.
- Hamburgers are served medium rare at a licensed health care facility, public or private school.
- Raw seed sprouts are served at a licensed health care facility, public or private school.
- Multiple servings of scrambled eggs are made from unpasteurized eggs at a licensed health care facility, public or private school.
- Fish is served raw or undercooked at a licensed health care facility, public or private school.

CRFC, Section: 114091

21.a. Hot water available

This subcategory is marked **MAJOR** if any of the following violations are observed:

- Water temperature measures less than 100° F throughout the food facility. **(CLOSURE)**
- Water temperature measures less than 100° F ONLY at the faucet of the warewashing sink.
- Water temperature measures less than 100° F throughout the facility, however it is restored between 100° F - 119° F by the end of the inspection, facility is given 24 hours to correct violation.
- Delicatessen or meat counter inside a food market has water at less than 100° F, discontinue operation of delicatessen/meat counter.
- Temperature of water at handwash sink is not adjustable and exceeds 108° F.

This subcategory is marked **MINOR** if any of the following violations are observed:

- Water throughout the facility is measured at 100° F - 119° F, facility is given 24 hours to correct violation.
- Unable to provide hot water at the janitorial sink at a temperature of 100° F or above.
- Lack of warm water (100° F) at a handwashing sink.
- Water is less than 100° F at a pre-packaged food facility (24 hours to correct violation).

CRFC, Sections: 113941, 113953(c), 114099.2 (b), 114189, 114192, 114192.1, 114195

21.b. Water available

This subcategory is marked **MAJOR** if any of the following violations are observed:

- The water supply is contaminated or unapproved. **(CLOSURE)**
- No adequate, protected, pressurized, potable water is available to the facility. **(CLOSURE)**

CRFC, Sections: 113941, 113953(c), 114099.2 (b), 114189, 114192, 114192.1, 114195

22. a. Sewage and wastewater properly disposed

22. b. Operational toilets

These subcategories are marked **MAJOR** if any of the following violations are observed:

- Overflow or backup of floor sinks/drains of sewage/wastewater onto floors in the food preparation areas. **(CLOSURE)**
- Overflowing or clogged grease trap/interceptor. **(CLOSURE)**
- Lack of operable toilet facilities. **(CLOSURE)**

This subcategory is marked **MINOR** if any of the following violations are observed:

- Floor sinks clogged with standing water but sewage not backing up (slowly draining).
- Liquid waste (not sewage) is not disposed of through the approved plumbing system or does not discharge into the public sewer system or an approved private disposal system.
- Mop bucket is emptied outside the facility, not in approved receptacle.

CRFC, Sections: 114123, 114197, 114250, 114276

23. No insects, rodents, birds, or animals present

This subcategory is marked **MAJOR** if any of the following violation are observed:

- A rodent infestation as evidenced by any of the following: fresh droppings, gnaw marks, nesting materials, grease marks, live or dead rodents in the food preparation, food storage, ware washing, indoor customer dining area, or restrooms. **(CLOSURE)**
- A cockroach infestation as evidenced by live activity of numerous cockroaches and other evidence or infestation in the food preparation, food storage, ware washing, indoor customer dining area, or restrooms. **(CLOSURE)**
- Fly infestation as evidenced by numerous flies in food preparation areas contacting food, food-contact surfaces, or both. **(CLOSURE)**

This subcategory is marked **MINOR** if any of the following violations are observed:

- A food employee caring for or handling animal that is present, such as a service animal or pet, in areas that are used for food preparation, storage, or display.
- Old rodent droppings with no evidence of active infestation.
- One live cockroach with no other evidence of an infestation.
- Cockroaches in a utility room with no immediate risk to the public's health and safety.
- Old dead cockroaches and/or fecal spots with no evidence of active infestation.
- An active infestation at exterior trash area or exterior dining area.
- Customer's pet allowed inside the food facility.
- Several flies in the food preparation area.
- Flies in a pre-packaged food facility.
- Flies in the delivery staging area.
- Gnats in the ware washing area or around floor sink.
- Ants found in the kitchen.
- Multiuse customer utensils used for animal(s).

CRFC, Sections: 114259, 114259.1, 114259.4, 114259.5

Good Retail Practices

The following categories are preventive measures that can reduce foodborne illness.

SUPERVISION

24. Person in charge present and performs duties

This subcategory is marked **OUT** if any of the following violations are observed:

- A Person In Charge (PIC) is not present during operation hours.
- Customer allowed to access through the food preparation area wo ware washing area where there is not at least three (3) feet of clearly delineated or a rail at least three (3) feet high.
- Customers are not notified that clean tableware is to be used when they return to self-service areas (e.g., salad bars).

CRFC, Sections: 113945, 113945.1, 113984.1, 114075

25. Personal cleanliness and hair restraints

This subcategory is marked **OUT** if any of the following violations are observed:

- Food employee preparing, serving, handling food or clean utensils without wearing hair restraints.
- Food employee working with soiled outer garments.
- Food employee working without adequate clothing to protect food, clean equipment, utensils, or linen.

CRFC, Sections: 113969, 113971

GENERAL FOOD SAFETY REQUIREMENTS

26. Approved thawing methods used, frozen foods

This subcategory is marked **OUT** if any of the following violations are observed:

- PHF thawing using an unapproved method.
- Frozen foods displayed for sale are thawing in display case.

CRFC, Sections: 114018, 114020

27. Food separated and protected

This subcategory is marked **OUT** if any of the following violations are observed:

- Raw food of animal origin is stored above ready-to-eat food (e.g., produce).
- Food is being thawed, washed, sliced, or cooled in an unenclosed, unapproved facility or overhead protection is not provided where required (i.e., outdoor food displays, vending machines, or satellite food service operations).
- Food displayed without a sneeze guard, or the sneeze guard is inadequate to protect food.
- Ice machine/refrigeration unit located where contents are accessible to consumers.
- The open-air barbeque or outdoor wood burning oven is not separated from public access to prevent food contamination or injury to the public.
- During non-operating hours and periods of inclement weather, satellite food service operations or outdoor displays are not fully enclosed, or food, food-contact surfaces, and utensils are not stored inside a fully enclosed permanent food facility.
- Food products held for return to distributors are not separated and stored in a manner that prevents adulteration of other foods or contributes to a vermin problem.
- Food stored in ice or water was subject to the entry of water because of the nature of the packaging, warping of container, or the positioning in the ice or water.

CRFC, Sections: 113984(a,b,c,d,e), 113986, 114047, 114055, 114060, 114067(d,e,j), 114069(a,b), 114073, 114077, 114089.1(c), 114143(c), 114145(g)

28. Washing fruits and vegetables

This subcategory is marked **OUT** if any of the following violations are observed:

- Raw whole produce has not been washed prior to being cut, combined with other ingredients, cooked, served, or offered for customer consumption in ready-to-eat form.

CRFC, Sections: 113992

29. Toxic substances properly identified, stored, and used

This subcategory is marked **OUT** if any of the following violations are observed:

- Employee applying unapproved (e.g., household only) insecticide, pesticide, or rodenticide inside food facility.
- Chemical container without a label identifying the contents.
- A chemical container is stored where it may result in contamination of food, utensils, or food-contact surfaces, such as detergent above the drain board of a ware washing sink where clean utensils are allowed to dry.

CRFC, Sections: 114254, 114254.1, 114254.2

FOOD STORAGE / DISPLAY / SERVICE

30. Food storage, food storage containers labeled

This subcategory is marked **OUT** if any of the following violations are observed:

- Working food containers, such as those located at the rear storage area, are missing labels that identify the food by common name (except food that can be easily identified, such as rice or pasta).
- Food stored in an unapproved area (e.g., outside, cargo containers, toilet room, or locker room).
- Containers of food stored on the warewashing sink drain board.
- Double stacking food inside the refrigerator without adequate protection of the food product.
- Food container that is not waterproof/rodent-proof is not stored at least six (6) inches above the floor surface.

CRFC, Sections: 114047, 114049, 114051, 114053, 114067(h), 114069(b)

31. Consumer self service

This subcategory is marked **OUT** if any of the following violations are observed:

- A food dispensing utensil is not provided for each container at buffets and salad bars.
- Consumer self-service bulk beverage dispensers not properly operated and/or maintained.
- Customer utensils are not protected from contamination by being individually wrapped or dispensed to avoid customer contact with any part other than the handle.
- Raw, non-prepackaged food of animal origin such as lamb, beef, pork, poultry, and eviscerated fish is offered for customer self-service (Mongolian stir fry/grills are exempt).

CRFC, Sections: 114063, 114065

32. Food properly labeled and honestly presented

This subcategory is marked **OUT** if any of the following violations are observed:

- Pre-packaged food without required labeling information: e.g., common name, name and address of manufacturer, packer or distributor, ingredients listed in descending order of predominance by weight, and net weight of contents.
- Pre-packaged food products not labeled in English.
- Bulk food containers for consumer self-service are missing required labeling information.
- Lack of “use by” date on a PHF packaged at a facility using reduced oxygen packaging.
- Meat or seafood information on menu, package label, or sign is false and/or misleading.
- Previously frozen fish is advertised as “Fresh”.
- Primal cut information missing from the label on package of cut of meat.
- Use of deceptive lighting to misrepresent freshness of meat.
- The manufacturers of food facility’s dating information on foods are concealed or altered.
- A confectionery contains more than ½% alcohol and is not prominently displayed or disclosed.
- CFO product is being used and not disclosed.

CRFC, Sections: 114087, 114089, 114089.1(a,b), 114090, 114093.1, 114094, 114094.5, and the Sherman Food, Drug, and Cosmetic Law

EQUIPMENT / UTENSILS / LINEN

33. Non-food contact surfaces clean

This subcategory is marked **OUT** if any of the following violations are observed:

- Accumulated grease or food debris on the nonfood-contact surfaces of equipment, shelving, cabinets, or fryers.

- Accumulation of mold/mildew inside soda gun holder.
- Dirty fan guards or door gaskets in walk-in refrigerator.
- Debris encrusted drawer used for storage of utensils
- Dirty shelving in refrigeration unit with no direct food contact.
- Accumulation of calcium or chemical buildup on the interior surfaces of the mechanical warewasher unit.
- Reach-in units with unclean handle or door gaskets.

CRFC Section: 1141519(c)

34. Warewashing facilities: installed, maintained, used, test equipment

This subcategory is marked **OUT** if any of the following violations are observed:

- The food facility prepares food and the approved warewashing sink has been removed but there is a mechanical warewash machine available.
- The sink compartments are not large enough to accommodate the largest equipment or utensil.
- The warewashing sink is not cleaned and sanitized before and after each time it is used to wash wiping cloths, wash produce, or thaw food.
- Warewashing sink is missing one or both drain boards.
- The mechanical warewashing machine is missing one or both approved, integral metal drain boards attached at point of entry and exit of mechanical warewash.
- Mechanical warewashing machine is not approved, installed, or operated according to manufacturer's specifications.
- The warewashing sink is used for handwashing and the facility was constructed or remodeled after January of 1996.
- The sanitizing test kit is missing or the wrong type.
- Sanitizer levels are found to be more than 200 ppm for chlorine and more than 400 ppm for quaternary ammonia, indicating that test strips were not used to verify sanitizer level.
- The mechanical warewashing machine is evaluated and determined to be non-functional or does not effectively sanitize (ppm of chemical/contact time/temperature) and cannot be readily adjusted at time of inspection. A three-compartment sink is available for warewashing.

CRFC Section: 114067(f, g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

35. Equipment/utensils – approved, installed, good repair, capacity

This subcategory is marked **OUT** if any of the following violations are observed:

Approved Equipment

- All new and replacement food-related and utensil related equipment is not certified by an ANSI accredited certification program, or if no standard exists, is not approved by the local enforcement agency.
- Electrical equipment is not UL listed.

- Using domestic “household use” utensils or equipment.
- Using wood and/or wood wicker as a food-contact surface.
- Using enamel/ceramic/stoneware pots or pans or lead glazed containers.
- Unapproved use of portable propane burner/propane stored inside the facility.
- Fogging device installed after July 1, 2007, using a reservoir instead of water under pressure for fogging or misting food.
- Copper or copper alloys are used in contact with food that has a pH below 6.0, such as vinegar, fruit juice, or wine, or for a fitting between a backflow prevention device and a carbonator.
- Clean In Place (CIP) equipment is not self-draining or designed for effective cleaning and sanitizing.

Good Repair

- Refrigeration unit not holding required temperature (alternative refrigeration available).
- Non-working refrigeration unit used for storage.
- Equipment is non-functional or in disrepair.
- Cutting boards are not smooth, easily cleanable, in good repair.
- Torn door gaskets, rusty shelves, or missing fan guard in a refrigeration unit.
- Ice build-up on the condenser unit in the walk-in freezer.
- Damaged utensils.
- Cracked/leaking condensate pan in the walk-in refrigeration unit.
- Piece of cloth or other item used to hold equipment in place.
- Plastic bags used as sink stoppers in three-compartment sink.
- Cracked sink or sink not secured to wall.
- Deteriorated caulking at the wall and sink backsplash.
- Sink unapproved or damaged.

Capacity

- No food preparation sink installed when the food facility conducts thawing, rinsing, washing or similar food preparation.
- Equipment used for cooling, heating, hot holding, or cold holding is not sufficient in quantity or capacity to ensure safe food temperatures during transportation or operation.
- Electrical power is not provided at all times.

Installed

- Fixed equipment that is not easily moveable is not installed with adequate spacing or sealing, or floor mounted equipment that is not easily movable is not sealed to floor or elevated on 6-inch legs or on raised curb.
- Table-mounted equipment that is not easily movable is not sealed to table or elevated on four (4) inch legs.
- Cutting or piercing parts of can openers are not readily removable for cleaning.

CRFC, Sections: 114130, 114130.1, 114130.2, 114130.3, 114130.4, 114130.5, 114132, 114133, 114137, 114139, 114153, 114163, 114165, 114167, 114169, 114175, 114177, 114180, 114182, 114185

36. Equipment, utensils, and linens: storage and use

This subcategory will be marked **OUT** if any of the following violations are observed:

Use

- Unapproved use of approved equipment, such as merchandise refrigerator approved for canned or bottled non-PHF is used for open foods or PHF.
- Laundry facilities on premises are used for laundering items other than those used in the operation of the food facility.

Storage

- Storing serving utensils in ice water, in sanitizing solutions, or in standing water less than 135° F.
- Handle of approved scooping utensil submerged in ice or bulk food that requires further processing.
- Storing knives in between equipment.
- Clean pots, pans, multi-service dishes, or clean take-out containers stored where they are subject to contamination, such as on the floor or in an unapproved area.
- Kitchen utensils stored together with tools/hardware.
- Easily movable equipment/utensils stored inside/on top of handwash, food preparation, or janitorial sink.
- Tableware present at outside dining areas without adequate protection.
- Single use articles in preparation/storage area are not kept in original protective package or otherwise protected from contamination until used.
- Clean equipment and utensils are not stored covered or inverted such that they are self-draining.
- Unsecured pressurized CO₂ tanks.

Linens

- Linens used to line food service containers are not changed and washed each time the container is refilled.
- Linens, cloth gloves, or cloth napkins are not washed as required.
- Clean linens are stored where they are subject to contamination, such as on the floor or in an unapproved area.
- Linens or work clothes are laundered on the premises and a mechanical washer and dryer are not provided.

CRFC, Sections: 114074, 114075, 114081, 114083, 114119, 114121, 114161, 114172, 114178, 114179, 114185, 114185.2, 114185.3, 114185.4, 114185.5

37. Adequate ventilation and lighting in designated areas

This subcategory is marked **OUT** if any of the following violations are observed:

- Sufficient ventilation is not provided in all areas to facilitate proper food storage and provide a reasonable condition of comfort consistent with job performed by employees (i.e., non-functioning air conditioner). Temperatures outside of reasonable comfort generally range above 90° F, and employees are visibly sweating and may contaminate food. Facility is given twenty-four (24) hours to correct.
- Hood filter(s) are missing or improperly installed.

- Hood (exterior/interior) has an accumulation of grease and/or dust.
- Hood is not functioning properly (does not effectively remove smoke, odors, grease, etc.)
- Grease-collecting device at hood is missing.
- Mechanical ventilation at hood is not turned on as required.
- Grill/broiler is not fully under the canopy-type hood (no 6-inch overhang).
- Gas rice cooker not installed under a hood.
- Deep fryer installed under a Type II hood instead of a Type I hood.
- Table-top cooking (e.g., Korean barbecue) without required ventilation system.
- Solid fuel burning equipment is not installed under a separate exhaust duct.
- No ventilation system or window in the restroom room/dressing room.
- Un-vented gas water heater (refer to Gas Co./Building Department/Fire Prevention immediately).
- Missing/damaged light shields in food preparation area, refrigerators, or display cases.
- Water inside the light shield of a walk-in refrigeration unit.
- Not maintaining at least fifty (50) foot-candles where safety is a factor, such as at a cutting table, slicer, or grinder.
- Light shields with accumulated dust or dead insects.

CRFC, Sections: 114149, 114149.1, 114149.2, 114149.3, 114252-114252.1

38. Thermometers provided and accurate

This subcategory is marked **OUT** if any of the following violations are observed:

- Missing/non-functional/inaccurate thermometer in any refrigeration unit holding PHF.
- Missing/non-functional/inaccurate/unapproved probe thermometers, for warewashing sink and for taking internal temperatures of food.
- Thermometer missing/not working at high-temperature warewashing machine.

CRFC, Sections: 114157, 114159

39. Wiping cloths properly used and stored

This subcategory is marked **OUT** if any of the following violations are observed:

- Sponges are used in contact with cleaned and sanitized or in-use food-contact surfaces.
- Cloths used to wipe spills from tableware or take out containers are not dry and used only once.
- Cloths used for wiping tables or seats are used repeatedly and not stored in an approved sanitizing solution.
- The same wiping cloth is used for multiple purposes, such as wiping food preparation surfaces and customer tables.

- Same sanitizer bucket is used to keep wiping cloths used for raw foods of animal origin, and wiping cloths used for other purposes.
- Clean wiping cloths are stored in an area subject to contamination, such as a restroom.
- Wiping cloths are not laundered and dried in a mechanical washer/dryer or not properly laundered in a warewashing sink.

CRFC, Sections: 114135, 114185.1, 114185.3(d,e)

PHYSICAL FACILITIES

40. Plumbing fixtures, backflow devices, drainage

This subcategory is marked **OUT** if any of the following violations are observed:

- Leaking faucet or drain line from any sink.
- Hose used to clean floor mats is also used to supply water to food preparation equipment (e.g., wok stove), or unapproved hose used at a faucet extension.
- Floor sinks are not readily accessible for cleaning.
- Non-potable water piping is not identified to be readily distinguishable from potable water piping.
- Backflow prevention device is missing, leaking or of unapproved material.
- Drain line without an air gap on equipment that requires.
- An air gap between end of drainpipe or condensate line and flood level rim of floor sink is not twice the diameter of the pipe or is less than one inch.
- Food preparation sink/ice machine drain line is directly connected to the sewer.
- A grease trap/interceptor located in a food or utensil handling area without approval.
- A grease trap/interceptor is not easily accessible for servicing.
- Faucet unable to reach all compartments of the sink.
- Floor sink with food debris.
- Accumulation of mold or slime on drain lines.
- Uncapped sewer clean-out (no discharge).
- Refrigeration unit draining to a bucket/floor drain/pan/exterior ground surface.

CRFC, Sections: 114171, 114189.1, 114190, 114192, 114192.1, 114193, 114193.1, 114199, 114201, 114269

41. Garbage/refuse properly disposed; facilities maintained

This subcategory is marked **OUT** if any of the following violations are observed:

- Exterior refuse container lids propped open or missing.
- Exterior/customer area refuse container encrusted with waste.
- Lack of adequate refuse containers/inadequate refuse pick-up resulting in overflowing trash.
- Cardboard box used as a refuse receptacle.
- No waste receptacles are present for use by customers.
- Storage areas and/or receptacles are not clean and/or in good repair.
- Refuse is overflowing and creating a nuisance.
- Animal byproducts and inedible kitchen grease is not disposed of as required.
- Refuse, recyclables, or “return for vendor credit” items are not kept in nonabsorbent, durable, cleanable, leakproof, and rodent-proof containers.
- Cast-off/non-functional equipment stored at the interior or exterior of the facility.
- Trash containers in outdoor dining area are not vermin-proof or are not emptied at the end of the operating day.

CRFC, Sections: 114211, 114244, 114245, 114245.1

42. Toilet facilities properly constructed, supplied, cleaned

This subcategory is marked **OUT** if any of the following violations are observed:

- Toilets not accessible to employees while the facility is in operation. (If no toilets functional or available, **CLOSURE**)
- One of the available toilets is damaged, leaking, clogged or inoperative.
- Toilet paper not provided in permanently installed dispensers at each toilet.
- Missing toilet paper dispenser.
- Door removed or propped open at the restroom.
- Missing or damaged self-closing device.
- Unclean toilet facilities.

CRFC, Sections: 114250, 114250.1, 114276

43. Premises/personal/cleaning items/vermin proofing

This subcategory is marked **OUT** if any of the following violations are observed:

- Dressing area is cluttered or unclean.
- No changing area provided, as necessary.
- Personal items stored in food preparation/storage area.
- First aid kit available, labeled, and stored in a kit or container that is located to

prevent contamination of food, utensils, and single-use articles.

- Open doors/pass-through window left open.
- Missing/torn window screens.
- Insect removal devices do not retain the insect or are located over food or utensil handling areas.
- Air curtain ineffective, non-functional, or turned off at open door.
- Pass-through window exceeds 432 square inches and missing an air curtain.
- Door to exterior has a gap at bottom greater than ¼ inch.
- Roll-up metal door does not seal adequately (at sides, top, or bottom).
- Mops/brooms stored in food preparation area.
- No designated room/area or cabinet for the storage of cleaning equipment and supplies, separate from food preparation/storage area.
- No mop sink or a designated cleaning facility.

CRFC, Sections: 114143(a,b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282

44. Floors/walls/ceilings properly built/maintained/cleaned

This subcategory is marked **OUT** if any of the following violations are observed:

- Missing or broken cove tiles, floor tiles, or grout between tiles.
- Unapproved floor material (carpet/vinyl tiles, rubber base) installed in required areas.
- Damaged walls (e.g., holes, cracks, peeling paint, deteriorated caulking, plaster not smooth, or loose metal flashing).
- Missing electrical outlet or light switch cover.
- Missing or unapproved type of ceiling panels.
- Deteriorated floors/walls/ceilings in the walk-in refrigerators (aggregate/gravel exposed).

45. Unapproved sleeping quarters

This subcategory is marked **OUT** if any of the following violations are observed:

- Bedding in food storage area/facility.
- Door/opening between food facility and living/sleeping quarters.

SIGNS/REQUIREMENTS

46. Signs posted – routine inspection, handwashing, “no smoking” and grade

This subcategory is marked **OUT** if any of the following violations are observed:

- A copy of the most recent routine inspection report is not maintained at the food facility or made available upon request.
- The required signs are not posted (e.g., hand washing, no smoking, public restroom).
- The grade card is not prominently posted.

CRFC, Sections: 113725.1, 113953.5, 113978, 114276(f)(1), 114381(e)

47. Permits available

This subcategory is marked **OUT** if any of the following violations are observed:

- Food facility is open for business and does not have a valid Public Health Permit.
- Permit is not posted in a conspicuous location.
- The permit holder of the permanent food facility and the permit holder of the satellite food service are not the same.
- Satellite food service not operated in conjunction with a fully enclosed permanent facility, written procedures are not available, food and utensils are not stored inside the fully enclosed food facility during period of closure, or the activities are not conducted under constant and complete control by the permit holder.

CRFC, Sections: 114067, 114381

- Cardboard or unapproved floorboards used on floors.
- A permanent food facility not fully enclosed in a building or does not consist of permanent floors, walls, and an overhead structure that meet minimum standards.
- The floor surfaces extending from a permanent open-air barbeque or wood-burning oven are not a minimum of five (5) feet.
- Dirty and not easily cleanable or moveable floor mats.
- Using an unapproved method of cleaning the floor.
- Accumulated food debris, grease, mold, or dirt on floors, walls, ceilings including inside of walk-in refrigerator.
- Cockroach fecal spots, rodent droppings/rub marks/urine on floors, walls, or ceiling (no visible cockroaches, live or dead).

CRFC, Sections: 114143(d), 114266, 114268, 114268.1, 114271, 114272

Departmental Policies

KCEHD has policies that are in conformance with the state law or local ordinance and are used to protect the public's health and safety. These policies ensure that we perform our job in a consistent and fair manner. The following information is provided to help the food operator understand the most common policies and procedures that may apply to a food facility.

Fees

Annual Health Permit Fee

The health permit fee is effective until June 30. Health permit fees must be received prior to KCEHD issuing a permit to operate. You will be invoiced every July for an annual health permit renewal fee which must be paid to maintain the status of your health permit. The renewal fee is delinquent if not paid by July 30 after which 50% penalties will be imposed and your permit may be suspended.

For new facilities or a change in ownership, payment of the fees is required at the time the application for a health permit is submitted. An affidavit for exemption from health permit fees must be completed by all religious, fraternal organizations, and non-profit organizations prior to commencing operation. You may request the affidavit by contacting our office at 661-862-8740. The affidavit may also be found on our website www.kernpublichealth.com.

The health permit fee has been established to recover the costs of conducting routine inspections.

Service Fee

A service fee, at the current amount established in ordinance, will be assessed to the owner/operator of a facility for the time accrued by staff when:

1. A complaint inspection reveals a violation of the California Retail Food Code.
2. A reinspection is conducted to ensure compliance has been achieved after facility has been closed, and in order to reopen.
3. An administrative hearing or review is held.
4. Construction site inspections are performed in lieu of plan submission.
5. A business changes ownership and a review of the facility is required.
6. Other enforcement actions are necessary.

Rescore Inspection Fee

The rescore fee, at the current amount established in ordinance, must be submitted with the application for a rescore inspection. The application and fee must be received no later than seven (7) business days from the date of the original inspection. The fee is to recover the costs of conducting the inspection and related services.

Multiple Health Permits for one Facility

If one (1) health permit covers multiple food establishments operated by the same permittee within one (1) facility, for example, a bakery and meat counter located within a supermarket,

the permittee may request that each facility be issued a separate Environmental Health Permit and have each facility graded individually. A separate permit fee will be required for each facility. Requests to obtain separate health permits or to revert to one (1) health permit for the entire facility must be made no later than April 1st of the current fiscal year to become effective on July 1st of the next fiscal year.

Multiple Activities at Different Locations

If a facility conducts more than one (1) activity for which an Environmental Health permit is required, they are deemed to be conducting the activity separate and apart from each other (*Kern County Ordinance 8.04.040*). A separate permit is required for each activity. For example, a bakery that has a valid health permit must also hold a Temporary Food Facility Permit to sell their product at booth at a sponsored community event or Farmer's Market.

Unannounced Inspections

Inspectors may enter a permitted food facility unannounced to perform their inspections during the facility's hours of operations or other reasonable times. During inspections, inspectors may collect evidence in the form of photographs, video, and samples, issue violations and citations, and provide education and recommendations. Official Inspection Report and all evidential findings are public record. It is a violation to refuse to permit entry or inspection (*CRFC Section 114390*). If entry is refused, further attempts to perform inspection are billable to the facility.

Posting Requirements for Retail Food Facilities

Inspection Letter Grade Card

The Letter Grade Card, which is posted by the EHS, is based on the score on the Inspection Report Form (IRF). The Letter Grade Card must be posted in an area that is clearly visible to patrons of the food facility and the public at all entrances. If the food facility has multiple Environmental Health Permits, the food operator must post the Letter Grade Card of each separately permitted facility at its individual customer service counter area. For example, a supermarket that has a permit for a retail food market and a separate permit for a bakery must post the Letter Grade Card for the retail food market at the entrance to the market, and the Letter Grade Card of the bakery at the bakery's customer service counter. The Letter Grade Card must remain posted until the next routine inspection, when the inspector will post a new Letter Grade Card.

Notice of Closure

A Notice of Closure sign is posted by the EHS when the facility receives either:

1. A score below 75.0 after a routine inspection by an EHS; **OR**
2. An imminent health hazard exists that requires an EHS to close the facility to protect the public health and safety.

The Notice of Closure must be posted at all entrances in an area that is clearly visible to patrons of the food facility and public. If the food facility has multiple Environmental Health Permits, the food operator must post the Notice of Closure Sign at the affected facility's entrance or individual customer service counter or area. The sign may only be

removed or relocated by an EHS, unless given permission by an EHS Supervisor, Manager or Director to remove it themselves. Removal or tampering with Notice of Closure Card is a Misdemeanor (*Kern County Ordinance 8.58.040, 8.58.080*)

Re-opening after a Closure

Closures for scores lower than 75.0 or for imminent health hazard requires a billable reinspection to verify that conditions to reopen have been met and imminent health hazards have been abated. Minimum closure periods for vermin infestation are forty-eight (48) hours for rodents and twenty-four (24) hours for cockroaches. This allows licensed pest control to provide sanitary surveys and abatement methods according to the needs of the facility. Once the EHS has verified that all imminent health hazards are abated and minimum requirements for opening have been met, the EHS removes the closure sign and issues approval to re-open. A follow-up billable routine inspection will be conducted within ten (10) business days. The score received at this inspection will be the Letter Grade Card displayed until the next routine inspection.

Environmental Health Food School, where all owners, managers, and employees are in attendance, may be required for closures. Closures due to emergencies such as structural issues or fire do not require participation in Food School.

Availability of Inspection Reports

In addition to the posting requirements, the food operator is required to have available on site the most recent Inspection Report Form that corresponds to the posted Letter Grade Card. The food operator is required to post a notice advising that *“a copy of the most recent inspection report from is available for review by interested parties”*. The inspection report form must be available for review by the public when requested.

Rescore Inspection

The rescore inspection gives the food operator an opportunity to improve the food facility’s Letter Grade Card by requesting a rescore inspection. To qualify for a rescore the facility must have received a Letter Grade Card of B or C (75 points or higher). The food operator must request a rescore on the *Request for Rescore Form* no later than seven (7) BUSINESS days from the original inspection. The rescore inspection will be conducted unannounced within seven (7) BUSINESS days of the request.

Before a rescore inspection is conducted, the food operator must pay a fee to recover the costs of conducting the inspection and related services. At the conclusion of the rescore inspection, a new Letter Grade Card will be posted. Only one (1) rescore inspection is allowed each fiscal year. Facilities may not apply for a rescore if they have had a closure within the same fiscal year.

Enforcement Actions

Suspension of Environmental Health Permits

Suspension of an Environmental Health Permit is also commonly referred to as ‘Notice of Closure’ of a food facility. A permit is suspended when:

- There is an immediate danger to the public health and safety.

- The inspection score is less than 75 points.

Some examples of the conditions that are an immediate danger to the public's health and safety include, but are not limited to:

- Sewage overflowing in the facility.
- Lack of potable pressurized, hot and cold water supply (e.g., presence of contaminated water or no water).
- The water temperature at any critical sink (handwashing, food preparation, utensil washing) is 110° F or less.
- Unsafe food temperatures (e.g., all refrigeration units are inoperable).
- Gross unsanitary condition.
- Communicable disease transmission (e.g., Hepatitis A, Shigella).

If a condition exists that requires the closure of a food facility, the EHS must obtain their supervisor's approval. If the closure is approved, the EHS will inform the food operator of the suspension of the Environmental Health Permit and will direct the food operator to discontinue the operation of the food facility. The EHS will post a Notice of Closure sign.

The food operator will receive the Inspection Report Form and will be issued two other notices:

1. Temporary Suspension of Environmental Health Permit. This notice identifies the section(s) of the law that area applicable to the permit suspension and the food operator's appeal rights.
2. Request for Administrative Hearing Form. This form notifies the food facility operator of time and date of hearing to review all findings, sets requirements for corrective action, and allows the food operator to request to appeal the temporary suspension.
3. Voluntary Condemnation & Destroy Form is issued when food is not fit for consumption and must be condemned and destroyed.

Note: A permit may also be suspended due to non-payment of required permit fees.

The facility must remain closed until the Environmental Health Permit is reinstated.

Revocation of an Environmental Health Permit

The revocation of an Environmental Health Permit is for more serious reasons, such as repeated major violations, failure to comply with the orders on the Inspection Report Form or interference with duties of the EHS. The process followed is similar to the suspension of an Environmental Health Permit.

The EHS must obtain their supervisor's approval to close the facility. If the closure is approved, the EHS will inform the food operator of the suspension of the Environmental Health Permit and the Division's intention to revoke the permit. The EHS will direct the food operator to discontinue the operation of the food facility and will post a Notice of Closure sign.

The food operator will receive the Inspection Report Form and will be issued two (2) other notices:

1. Temporary Suspension of Environmental Health Permit. This notice identifies the section(s) of the law that area applicable to the permit suspension and the food operator's appeal rights.
2. Request for Administrative Hearing Form. This form notifies the time and date for Administrative Hearing for the operator to show cause why the Environmental Health Permit shall not be revoked. The Public Health Services Department Director or his designee must determine, after an administrative hearing, whether a food facility' Environmental Health Permit will be revoked.

The facility must remain closed until a new permit is issued.

Appeal Process

If, after completion of an inspection, the permittee disagrees with the inspection findings or the resulting Letter Grade Card, the permittee may request an appeal.

1. The permittee must submit a written request for appeal on the Request for Appeal Form within five (5) business days following the inspection.
2. The appeal shall be heard within three (3) business days following the receipt of the written appeal request.
3. The appeal shall be heard by the Director, at which time the appeal will be reviewed, and a final decision will be issued within one (1) business day.
4. The previously issued Letter Grade Card shall remain posted until the final decision by the Director. After the final decision, the new Letter Grade Card shall be posted within one (1) business day.

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