ALAMEDA COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH

DIVISION OF
ENVIRONMENTAL PROTECTION

GRADING SYSTEM FOR RETAIL FOOD FACILITIES

Policies & Procedures

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ENVIRONMENTAL PROTECTION DIVISION
1131 Harbor Bay Parkway, Alameda, CA 94502
01.17.2019

Dear Alameda County Retail Food Facility Owner/Operator:

In order to ensure ongoing safe food handling practices and to help you succeed with this new grading system, we are pleased to present you with the Grading Program Manual for Permanent Food Facilities. The document provides the following information:

- How Grades are Determined
- The Inspection Report Form
- The Inspection Process
- How Violations are Identified
- The Appeal Process & Rescore Inspections

This manual serves not only as a reference manual, but as an educational tool to assist the owner/operator in self-assessment using the same criteria used by the Environmental Protection Division. The policy provides detailed information on each category found in the Official Inspection Report (OIR) form along with examples of violations that may be identified. In addition, pertinent sections of the law are provided as well as procedures to assist in compliance. The policy also contains a self-inspection checklist to help you prepare for future inspections.

If you have any questions, please feel free to contact our office:

Phone: (510) 567-6700
E-mail: http://acgov.org/aceh/contact.htm
Website: www.acgov.org/aceh

Sincerely,

Ronald Browder
Director

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Introduction

This Grading System document for Retail Food Facilities provides information to the food service operator on all matters related to the Official Inspection Report form (OIR), the grading system, the retail food inspection process, and common terminology utilized by the Environmental Protection Division's Food Program. The document serves not only as a reference manual but also an educational tool to assist the food service operator in self-assessments using the same criteria currently in use by the Food Program.

The OIR is used both to document violations observed in a food facility and to calculate the final score based on compliance with State law. This document provides detailed information on each violation category found in the OIR along with examples of violations that may be identified in each respective category. In addition, the document contains pertinent sections of the California Retail Food Code (CalCode) as well as procedures/corrective actions to assist in compliance.

To help the food operator maintain a food facility in compliance with the law and to prepare the food operator for the inspection process, a series of supplemental documents have been included in this policy.

- Common Terminology -The terms are defined so that everyone can communicate clearly and openly during the inspection process.
- Understanding the Inspection Report Form – A description of specific sections of the inspection form.
- Inspection Report Form.
- How Violations are identified – An explanation of the violations listed on the Inspection Report Form.
- Self-Inspection Guide - Allows an operator or manager to conduct an inspection using the same criteria as EP Division inspectors.
- Department Policies - Policies and procedures your inspector follows and how those policies may affect your business.

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

Alameda County Department of Environmental Health
1131 Harbor Bay Parkway, Alameda, CA 94502
Telephone (510) 567-6700, Fax (510) 337-9432
www.acgov.org/aceh/contact.htm

Common Terminology

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

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 generally recognized industry standards that protect public health.

California Retail Food Code (CalCode) is part of the California Health and Safety Code dealing with safe food preparation and handling in retail food facilities.

Comminuted means reduced in size by methods including chopping, flaking, grinding, or mincing. Includes fish or meat products that are reduced in size and restructured or reformulated including, but not limited to gefilte fish, formed roast beef, gyros, ground beef, sausage, and a mixture of two or more types of meat that have been comminuted.

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

Cross Contamination is the transfer of harmful microorganisms, such as bacteria and viruses, from one food to another by means of a non-food surface (equipment, utensils, human hands), or from storing or thawing raw meat and poultry adjacent to or above other foods.

Environmental Health Specialist (EHS) also known as "health inspector" is someone who has completed college level studies of biology, chemistry, physics and microbiology, possesses a minimum of a bachelor's degree and has passed the required California State Registered Environmental Health Specialist Examination.

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

Foodborne Illness is an infection or intoxication caused by a bacteria, virus or parasite transmitted by a food.

Food Facility means an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption at the retail level. Food facilities permanent and non-permanent 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.

HACCP Plan is a written document that details the formal procedures for following the Hazard Analysis Critical Control Point (HACCP) principles that were developed by the National Advisory committee on Microbiological Criteria for Foods. The document is a quality management system which identifies and evaluates points during food production in order to set up measures and control hazards to ensure food safety.

Imminent Health Hazard means a 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.

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

Intervention means actions taken to reduce the risk for potential foodborne illness.

Local Enforcement Agency (LEA) means the Division of the local health agency having jurisdiction over the food facility.

Major Violation (CDC Risk Factors) means a violation that poses an imminent health hazard that warrants immediate correction and may require closure of the food facility.

Minor Violation (Approved Retail Practices) means a violation of an approved practice that does not pose an imminent health hazard, but does warrant correction.

Pathogen is a microorganism, such as bacteria or virus that is capable of causing disease or illness after entering the body.

Permit Suspension is an action taken by the Environmental Protection Division to order a food facility temporarily closed.

Permit Revocation is an action taken by the Environmental Protection Division to order a food facility permanently closed.

Person In Charge (PIC) means the individual present at a food facility that is responsible for the operation of the food facility.

Potentially Hazardous Food (PHF) a food that requires time or temperature control to limit pathogenic micro-organism growth or toxin formation. PHF includes a food of animal origin that is raw or heat-treated, a food of plant origin that is heat-treated or

consists of raw seed sprouts, cut melons, cut tomatoes, or mixtures of cut tomatoes that are not modified to render them unable to support pathogenic micro-organism growth or toxin formation, and garlic-in-oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth or toxin formation.

Restrict means 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 linen and unwrapped single-use articles.

Sherman Food Drug and Cosmetic Act is part of the California Health and Safety Code which regulates labeling of foods and truth in menu advertising.

Time as a Public Health Control (TPHC) is 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 a requirement).

Vermin means cockroaches, mice, rats, and similar pests that carry disease.

Warewashing means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.

Inspection Categories

Routine Inspections are unannounced and conducted at a frequency determined by a risk assessment. The risk assessment evaluates the type of food, the 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 OIR. However, if the inspection reveals a condition(s) that is an imminent health hazard then the facility may be ordered to immediately close.

Reinspections are inspections initiated by the inspector when the routine inspection reveals serious or repeat violations at the facility. This is not a routine inspection and only the issues noted on the original OIR are addressed. Multiple re-inspections are not included in the annual Environmental Health Permit fee so additional charges may be incurred by the owner.

Rescore Inspection is a reevaluation of the facility requested by the owner which is conducted as a routine inspection in order to have the facility rescored. A fee based on the current hourly rate will be required and paid at the time of the request. Requesting a rescore inspection is not a guarantee of receiving an upgraded placard.

Complaint Inspections are initiated as a result of a complaint filed by the public. The issues related to complaint received by our Division will be addressed but obvious CDC Risk factor violations will not be ignored. The posted placard will not be changed until the next routine inspection. However, if the inspection reveals a condition(s) that is an imminent health hazard then the facility may be ordered to immediately close.

Emergency Inspections are conducted when an emergency may exist such as a fire, electrical outage, non-potable water, or sewage overflow into the facility.

Owner/Operator Responsibilities

Food safety in Alameda County is the responsibility of our Division 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 maintaining and operating the food facility in compliance with all applicable laws and regulations at all times. 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 are the owner/operator is accountable for:

1. **Change in Permit Information:** The Division 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 the Division determines that they are necessary to assure compliance with CalCode including, but not limited to, a menu change or change in the facility's method of operation.
3. **Person In Charge:** The permit holder is the person in charge (PIC). When the permit holder is not on the premises then he 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 California Retail Food Code.
    b. Restrict a food employee from working with exposed food; clean equipment, utensils, and linens; and unwrapped single-service 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. Notify consumers 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 Certification:** Food facilities that prepare, handle, or serve non-prepackaged potentially hazardous food shall have an owner or employee who

has successfully passed an approved and accredited food safety certification examination. There shall be at least one food safety certified owner or employee at each food facility. Certification must be renewed every five years. If the person who is certified leaves, you have 60 days to replace that person. The certified person is responsible for:

a. Instruct 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.*

Food facilities that prepare, handle or serve non-prepackaged, non-potentially hazardous foods shall do one of the following:

a. Have an owner or employee who has successfully passed a food safety certification examination.
b. Have all other food handling employees successfully pass a Food Handling Card examination.
c. Demonstrate to the enforcement officer that the employees have adequate knowledge in food safety as it *relates to their assigned duties.*

5. **Self Closures:** The food facility shall be **"Closed"** when conditions present a risk to the health and safety of the public. These conditions are called **"Imminent Health Hazards"** and 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 water temperature at any critical sink (handwashing, food preparation, utensil washing) is 100°F or less**
e. **Sewage/Water Overflow into food facility**
f. **Fire**
g. **Vermin (Insect and Rodent) Infestation**

When you self-close your facility and notify us, we will send an inspector to assist you with reopening. Self closing is a positive indicator that you are knowledgeable about food safety principles. <u>If an inspector is conducting a routine inspection and finds one of the above situations your facility will be posted closed.</u>

Understanding the Inspection Report Form

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

Any violation of CalCode is documented on the Official Inspection Report form (OIR), which is issued by the health inspector 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.

The intent of the OIR is to recognize the varying degrees of risk associated with violations of the applicable laws, codes, and regulations. The report contains fifty-one (51) potential violation categories for documenting violations. Violations are separated into two sections based on risk and actions taken.

The OIR is a two-page document. When completed, the OIR provides the food service operator with important information to identify areas within their operation that have the greatest potential for the spread of foodborne illness. As you read the description of the OIR, please refer to the sample document on the following pages.

Page 1 – Front

- Left column is used to record major violations (CDC Risk Factors) that directly relate to the transmission of foodborne illness. The presence of a major violation poses a health hazard and warrants immediate correction. The violations are numbered 1-23 consecutively.

  Four/Two (4/2) points are deducted for each violation marked, unless otherwise indicated. Multiple violations within each category are counted as a repeat violation and multiple points are deducted from the total score. For example, if temperature violations are found in different temperature holding units, a violation will be counted against each piece of equipment found at the incorrect temperature.

- Right column is used to record minor violations that pose a health hazard and warrant correction. The violations are numbered 24-51 consecutively.

  One (1) point is deducted for each item marked. Multiple violations within each item are only counted as a single violation and one point is deducted from the total score.

Page 2 – Front

The front side of page 2 of the OIR is used by the health inspector to document measured food temperatures observed and to convey to the food operator the following:

- The violations observed during the inspection, corrective actions to be taken, compliance timelines.
- Training and information that was provided by the health inspector due to an employee's lack of knowledge or inability to adequately demonstrate a required activity or procedure.
- Recommendations that are made by the health inspector for correcting violations and other inspection observations

County of Alameda Department of Environmental Health 1131 Harbor Bay Parkway, Suite 200 Alameda, CA 94502-6577 510-567-6700 http://www.acgov.org/aceh	**OFFICIAL RETAIL FOOD INSPECTION REPORT**	Date: _____ Time In: _____ Time Out: _____ Page 1 of _____

Facility Name:	Address:	City:	CT:

Permit #:	Exp Date:	PR:	SR:	CO:	Inspection Type R FBInv	FU Const	C/O Consult
Pmt Holder:	Food Safety Cert Name:		Exp Date:				

Major violations pose threats to public health and must be corrected immediately. Non-compliance may warrant closure of the facility.

CDC RISK FACTORS	OUT	PTS	-PTS	APPROVED RETAIL PRACTICES	OUT	PTS	-PTS
Demonstration of Knowledge 1. Demonstration of food safety knowledge		2		**Supervision** 24. Person in Charge present & performs duties		1	
Employee Health & Hygienic Practices 2. Compliance w/ Communicable disease procedures		4		**Personal Cleanliness** 25. Personal cleanliness & hair restraints		1	
3. No discharge from eyes, nose & mouth		2		**General Food Safety Requirements**			
4. Proper eating, tasting, drinking or tobacco use		2		26. Approved thawing methods used, frozen food		1	
5. Hands clean and properly washed; gloves used properly; RTE food handling		4		27. Food separated and protected		1	
6. Adequate handwashing facilities supplied & accessible		2		28. Washing fruits and vegetables		1	
Time & Temperature Relationships				29. Toxic substances properly identified, stored, used		1	
7. Proper hot and cold holding temperatures		4/2		**Food Storage/Display/Service**			
8. Time as a public health control; procedures/ records		4/2		30. Food storage; food storage containers labeled		1	
9. Proper cooling methods		4		31. Consumer self-service		1	
10. Proper cooking time & temperatures		4		32. Food properly labeled & honestly presented		1	
11. Proper reheating procedures for hot holding		4		**Equipment/Utensils/Linens** 33. Nonfood contact surfaces clean		1	
Protection from Contamination				34. Warewashing facilities: installed, maintained, used; testing devices		1	
12. Returned and reservice of food		2		35. Equipment/Utensils ANSI approved		1	
13. Food in good condition, safe and unadulterated		4/2		36. Equipment, utensils and linens: storage & use		1	
14. Food contact surfaces: clean and sanitized		4/2		37. Vending machines maintained		1	
Food from Approved Sources				38. Approved & adequate ventilation and lighting		1	
15. Food obtained from approved source		4		39. Food thermometers provided and accurate		1	
16. Compliance with shell stock tags, condition, display		2		40. Wiping cloths: properly used and stored		1	
17. Compliance with Gulf Oyster Regulations		2		**Physical Facilities**			
Conformance with Approved Procedures				41. Plumbing: proper backflow devices		1	
18. Compliance with variance, specialized process & HACCP Plan		2		42. Garbage and refuse properly disposed; facilities maintained		1	
Consumer Advisory				43. Toilet facilities cleaned, supplied, maintained		1	
19. Consumer advisory for raw undercooked foods and foods with ½ of 1% alcohol		2		44. Premises; personal/cleaning items; vermin-proofing		1	
Highly Susceptible Populations				**Permanent Food Facilities**			
20. Licensed health care facilities/ public & private schools; prohibited foods not offered		4		45. Floor, walls and ceilings are maintained and clean		1	
Water/ Hot Water 21. Hot and cold water available _____Temp		4/2		46. No living or sleeping quarters inside facility		1	
Liquid Waste Disposal				**Signs/ Requirements**		1	
22. Sewage and wastewater properly disposed		4/2		47. Signs and permits posted; last inspection reports and food safety certificates available		1	
Vermin				**Compliance & Enforcement** 48. Compliance with plan review requirements		1	
23. No rodents, insects, birds, or animals		4/2		49. Facility operating with valid permit		1	

Received by: _____ **EHS:** _____

County of Alameda Department of Environmental Health 1131Harbor Bay Parkway, Suite 200 Alameda, Ca 94502-6577 510-567-6700 http://www.acgov.org/aceh	**OFFICIAL RETAIL FOOD INSPECTION REPORT**	Date: _____ Time In: _____ Time Out: _____ Page _____ of _____

Facility Name:	Address:	City:	CT:

All violations of the California Health & Safety Code as listed on this report must be corrected. ***Major violations must be corrected immediately. Non-compliance may warrant immediate closure of the food facility.*** See reverse sides of this inspection report form for code sections that correspond to each violation.

TEMPERATURE CONTROL-Documentation is required for all food facilities with PHF (Potentially Hazardous Foods) ☐ **No PHF**

Food Item	Temp (°F)	Temp Violation (✓)	Process/ Holding Location	Food Discarded (Amount)	Food Item	Temp (°F)	Temp Violation (✓)	Process/ Holding Location	Food Discarded (Amount)

OBSERVATIONS AND CORRECTIVE ACTIONS

ACTIONS/STATUS

50. Food/Equipment Impounded or VCD (1) ☐
51. Permit Suspension / Require Closure (1/22) ☐

Inspection Report Total Score_____

Follow-Up Inspection Date_____

The Person-In-Charge (PIC) is responsible for maintaining this food facility in compliance with all applicable sections of the California Health & Safety Code.

Received by (Sign): _____

Name & Title (Print): _____

EHS: _____

Phone: (510) _____

Understanding the Grading System- Placards

The purpose of conducting food facility inspections is to protect the public by preventing incidents of foodborne illness. The Environmental Protection Division employs a green/yellow/red "placarding" system as a simple, visible indicator that the public can use to determine the current standing of a food facility in conforming to health and safety requirements. Violations on the OIR have been assigned a specific point value based on the associated public health risk. The color of the placard the food facility receives reflects the status of the food facility at the time of the inspection. For multiple food facilities in one location and operated under several individual health permits, placards will be posted in each food facility.

Each food facility inspection begins with 100 points. As the environmental health inspector conducts the inspection, violations found are marked in the corresponding box of the OIR. The point value assigned to each violation is based on the level of food safety risk. Points are deducted from the initial 100 points. The resulting score is reflective of the overall food safety risk, however if there are critical violations which cannot be corrected during the inspection, closure of a facility may be necessary. Placards are assigned based on the food safety risk and violations documented during the inspection.

At the conclusion of the routine inspection, the environmental health inspector will place the grading placard in the facility window or other approved location in public view.

Beginning of the Inspection	100 points
Total points deducted	- points

Remaining points	= Score

A Green, Yellow or Red (Notice of Closure) placard will be issued at the end of the inspection:

80 to 100 points	**Green**	Good food handling practices and overall food facility maintenance and sanitation.**(No more than one corrected major CDC Risk Factor violation)**
75 to 79 points	**Yellow**	Minimally acceptable food handling practices and overall food facility maintenance and sanitation. The noted violations must be corrected within seven (7) days to ensure improved food handling practices and overall food facility maintenance and sanitation. This will be a comprehensive reinspection (re-score inspection) and a fee will be charged.
0 to 74 points	**Red Closure**	Poor food handling practices and overall food facility maintenance and sanitation. The facility shall be immediately closed. The Environmental Health Permit will be suspended and a Notice of Closure will be posted until the Environmental Health Permit is reinstated. At the conclusion of the inspection conducted to reopen the facility, a new placard will be posted.

ALAMEDA COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH

PASS

_____
FACILITY NAME

_____
FACILITY ADDRESS

This facility has been inspected by the Alameda County Department of Environmental Health, Environmental Protection Division in accordance to the California Health & Safety Code and passed the inspection conducted on

_____ by _____
Date Registered Environmental Health Specialist

SAMPLE

A copy of the most recent inspection report is available upon request at this location. Inspection report results can also be viewed at: http://www.acgov.org/aceh/

Ronald Browder, Director
Department of Environmental Health
Alameda County

PREVIOUS INSPECTION

Results of previous inspection conducted on _____
Date

☐ **PASS** ☐ **CONDITIONAL PASS** ☐ **CLOSURE**

For additional information contact Alameda County Department of Environmental Health at 510-567-6700
This placard is the property of Alameda County Department of Environmental Health and shall not be removed, copied or altered in any way
ALAMEDA COUNTY CODE OF ORDINANCES

ALAMEDA COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH

CONDITIONAL PASS

_____
FACILITY NAME

_____
FACILITY ADDRESS

This facility has been inspected by the Alameda County Department of Environmental Health, Environmental Protection Division in accordance to the California Health & Safety Code and conditionally passed the inspection conducted on

_____ by _____
Date Registered Environmental Health Specialist

SAMPLE

A copy of the most recent inspection report is available upon request at the location. Inspection report results can also be viewed at: http://www.acgov.org/aceh/

Ronald Browder, Director
Department of Environmental Health
Alameda County

PREVIOUS INSPECTION

Results of previous inspection conducted on _____
Date

☐ **PASS** ☐ **CONDITIONAL PASS** ☐ **CLOSURE**

For additional information contact Alameda County Department of Environmental Health at 510-567-6700
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ALAMEDA COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH

CLOSED

DUE TO THE TEMPORARY SUSPENSION OF HEALTH PERMIT
THIS FOOD FACILITY IS CLOSED

_____
FACILITY NAME

_____
FACILITY ADDRESS

SAMPLE

This facility has been inspected by the Alameda County Department of Environmental Health, Environmental Protection Division in conformance with the California Health & Safety Code and failed the inspection conducted on

_____ by _____
Date Registered Environmental Health Specialist

Inspection report results can also be viewed at: http://www.acgov.org/aceh/

This food facility is ordered to remain closed until the permit to operate is reinstated.

Ronald Browder, Director
Department of Environmental Health
Alameda County

For additional information contact Alameda County Department of Environmental Health at 510-567-6700
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ALAMEDA COUNTY CODE OF ORDINANCES

How Violations Are Identified

The Placard Grading System for Retail Food Facilities has been developed to establish criteria that will be used to evaluate food handling practices and overall maintenance and sanitation at food facilities within Alameda County. The following information provides a foundation for how violations are recorded on the Official Inspection Report form (OIR) by the environmental health inspector. The format used follows the format of the OIR: category; item number and description of the violation; the applicable section(s) of the California Retail Food Code (CalCode); a brief explanation of when the item is a violation; and examples of one or more violations.

The category is in bold lettering with a grey background. The item number and description of the violation are shown in bold lettering. The sections from CalCode are shown in italic lettering. Below the CalCode excerpt is a brief explanation as to why/when the subcategory will be marked and specific examples of violations.

INSPECTION REPORT MARKING GUIDE

CDC RISK FACTORS

DEMONSTRATION OF KNOWLEDGE

1. Demonstration of Food Safety Knowledge **Mark 2 pts.**

Mark this violation out

- when food employees do not demonstrate adequate knowledge of, and proper training in food safety as it relates to their assigned duties. (i.e., demonstrate set-up of 3-compartment utensil sink)

Cal Code Sec.	**113947 -113947.1**
Corrective Action	the inspector must require that the food facility operator provide all food employees, working in a food facility, with sufficient knowledge to perform their job duties in order to prepare and serve food safely

EMPLOYEE HEALTH & HYGIENE PRACTICE

2. Compliance w/ Communicable Disease Procedures **Mark 4 pts.**

Mark this violation out

- when the Person In Charge (PIC) fails to report to the Alameda County Department of Environmental Health (ACDEP) when he/she is aware of a food facility employee with a diagnosed gastrointestinal illness or communicable disease
- when the PIC is aware of two or more food facility employees concurrently experiencing gastrointestinal symptoms
- when the PIC removes a restriction on a foodhandling employee before the employee's gastrointestinal symptoms have ended
- when the PIC removes an exclusion on a food facility employee without local Health Officer written clearance
- when a PIC is aware of a foodhandling employee with an exposed lesion or wound that is not properly covered (i.e., bandaged and covered with a glove)
- when food facility employees are observed touching food or food contact surfaces with cuts, rashes, burns or sores not covered with gloves

Cal Code Sec.	**113949.2, 113949.4, 113949.5, 113950, 113950.5, 113973(a)**
Corrective Action	• the inspector must require that a food employee working with a diagnosed illness be excluded from the food facility **immediately** • the inspector must require that employees working with undiagnosed gastrointestinal symptoms be **immediately** restricted from working with food, equipment, utensils (including single service utensils) and linen

	• the inspector must require that any food handled by the infected foodhandler must be **immediately** discarded and the inspector must also mark #13 • the inspector must also ensure that the manager/PIC understands the association between an ill food handler and foodborne illness

3. No Discharge From Eyes, Nose, & Mouth **Mark 2 pts.**

Mark this violation out

- when an employee is observed working with discharges from the eyes, nose, or mouth (i.e., food employee working with runny nose, uncontrolled coughing or sneezing)

Cal Code Sec.	**113974**
Corrective Action	• the inspector must require that food employees observed with discharges be **immediately** restricted from working with food, equipment, utensils (including single service utensils) and linen • the inspector must require that any food contaminated with discharges be **immediately** discarded or impounded and the inspector must also mark #13 • The inspector must ensure that the manager understands the association between employee health and foodborne illness

4. Proper Eating, Tasting, Drinking or Tobacco Use **Mark 2 pts.**

Mark this violation out

- when an employee is eating/smoking/drinking (i.e., employee observed eating while preparing food, employee observed tasting with a spoon and putting it back into the food.)

Exception:

- drinking from a covered cup with a straw in the food prep area.

Cal Code Sec.	**113977**
Corrective Action	• the inspector must require that the employee, who is eating or drinking, (other than the above approved exception), **immediately** remove the food / beverage item from the food preparation, storage or service area and the utensil wash/storage area. Before handling food or utensils, the food employee must wash their hands • the inspector must also require that employees wash their hands after smoking and prior to returning to the food preparation, storage, services areas and utensil wash/storage areas • the inspector must ensure that the manager/PIC understands the association between personal habits/behavior and foodborne illness **Note:** If the inspector observes an employee handling food after eating without washing his or her hands, the inspector must also mark #13 and require that the food be **immediately** discarded

5. Hands Clean/Properly Washed; Gloves Used Properly; Ready-To-Eat (RTE) Food Handling **Mark 4 pts.**

Mark this violation out

- when hands/nails/exposed bare arms are not clean

- when hands are not properly washed after touching body parts, hair, raw food, emptying the garbage, using the restroom, when arriving or returning to the kitchen, after eating, sneezing, coughing etc.
- when hands are not cleaned prior to the use of a hand sanitizer
- when there is no soap available on the premises
- when bare hand contact with food is not minimized (i.e., touching any RTE foods with bare hands)
- when an employee packages a customer's leftover food with his/her bare hands or unclean utensils
- when food handling employees are handling food with dirty/untrimmed fingernails
- when gloves are not changed with each task
- when food handling employees preparing unpackaged food do not wear gloves over artificial nails, polished nail, rings, exposed jewelry (other than wedding band), bandages etc.
- when hands are not washed prior to putting on gloves

Cal Code Sec.	**113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)**
Corrective Action	• the inspector must require that the employee wash his/her hands properly and use appropriate food handling utensils • if a foodhandler touches food with dirty hands, the foodhandler must stop **immediately** and properly wash his/her hands, and the food must be **immediately** discarded and the inspector must also mark #13 • if the foodhandler touches food with gloves that were not changed after switching tasks, the inspector must require that the foodhandler **immediately** discard the food and the foodhandler must remove and discard the gloves, wash his/her hands and put on new gloves before continuing with foodhandling activities • the inspector must ensure that the manager/PIC understands the association between inadequate hand washing and foodborne illness

6. Adequate Hand Washing Facilities Supplied & Accessible **Mark 2 pts.**

Mark this violation out

- when there are no hand washing sinks available for use in required areas (i.e. food preparation and warewashing areas)
- when hand wash sinks are not operable
- when hand wash sinks are not available due to unapproved use (i.e. for utensil wash, food prep.)
- when a soap/towel dispenser is empty or broken

Cal Code Sec.	**113953, 113953.1, 113953.2, 114067(f)**
Corrective Action	• the inspector must require that empty soap/towel dispensers are filled **immediately** • the inspector must require that the unapproved use of the handsink is discontinued and that the hand wash sink is washed, rinsed and sanitized and made available for hand washing **immediately** • if unavailable or unapproved hand wash sinks result in a lack of hand washing

	or improper hand washing, the inspector must also mark #5 and require that employees designate a hand wash sink and wash their hands **immediately**

TIME & TEMPERATURE RELATIONSHIPS

7. Proper Hot and Cold Holding Temperatures **Mark 4pts/2pts.**

(Inspector must confirm temperature violations with a calibrated probe thermometer)

Mark 4pts.

- when food is received or stored at internal temperatures between 50°F and 130°F

Mark 2 pts

- when internal food temperature is 42˚F to 49˚F or 131˚F to 134˚F

Each holding unit found with food at unsafe temperatures will be marked as a separate violation and scored accordingly (i.e., PHF in steam table at 100'F= 4 pts.; soup in warmer at 132 = 2 pts; chicken on counter at 90'F = 4 pts. Total points deducted = 10 pts)

Exceptions:

- food that is allowed to be stored at or below 45˚F (raw shell eggs, unshucked live molluscan shellfish, pasteurized milk, pasteurized milk products in original sealed containers, potentially hazardous foods held for dispensing in salad bars for not more than twelve hours in any twenty four hour period, food held in vending machines, potentially hazardous foods held for sampling at a certified farmers market, potentially hazardous refrigerated food transported at 45˚F and cooled to 41˚F within four hours of delivery),
- food in active preparation for a maximum of **two hours** (i.e. assembling, cooking, or thawing),
- food cooled in compliance with section 114002,
- food transported in less than thirty minutes and roast beef cooked and held in compliance with sections 114004(b)

Cal Code Sec.	**113996, 113998, 114037,114343(a)**
Corrective Action	• the inspector must require that **PHFs** at high risk temperatures (50˚F - 130˚F) **for four or more hours** to be **immediately** discarded • the inspector must require that food found in a **steam table** at temperatures **at or below 130˚F for less than 4 hours** be **immediately** re-heated to an internal temperature of 165˚F or above and served or placed in a pre-heated steam table and held at 135˚F • the inspector must also mark # 11 if the food was inadequately re-heated prior to placing the food in the steam table • the inspector must require that **PHFs** found to be at temperatures of **70˚F-130˚F for two hours or less** be **immediately** reheated and cooked and served (if the food is raw) or **immediately** reheated and hot held (if the food is already cooked) at 135˚F or reheated and cooled properly • the inspector must require that **PHFs** found at temperatures **42˚F-70˚F for less than four hours** be **immediately** cooled to 41˚F within two hours and placed in the refrigerator or **immediately** cooked and served (if the food is raw) or **immediately** reheated and served or hot held (if the food is already cooked) at 135˚F

	{or exceptions to temperature holding requirements see the exclusions listed in Cal Code section #114000 (TPHC), 114419 (HACCP),1144425 (Chinese Style Roast Duck), and 114429 (Korean Rice Cake)}

8. Time As A Public Health Control (TPHC); Procedures/Records **Mark 4pts/2pts.**

Mark 4 pts.

- when potentially hazardous food is stored at unsafe temperatures and there are no **approved** written procedures for limiting the time at unsafe temperatures to less than four hours; the written plan must be approved by the Environmental Protection Division prior to implementation
- when a Time as a Public Health Control program (TPHC) is not adhered to by food employees (i.e. food TPHC labels do not match with the TPHC monitoring logs)
- when all foods in a TPHC program are not labeled with the discard time that is four hours after the end of cooking, or four hours after the food is removed from the refrigerator or four hours after the pre-packaged food container (i.e. tuna) is opened

Mark 2 pts.

- when time log/records/food labels are not maintained and the four hour time limit has not been exceeded

Cal Code Sec.	**114000**
Corrective Action	• the inspector must require that TPHC food held beyond the labeled discard times or TPHC food observed with no labels be discarded **immediately** • if the inspector observes inaccurate TPHC logs, they must require that the records be updated **immediately** (i.e. logs must reflect the actual foods approved for the TPHC program and their approved discard times) • when a second violation of a TPHC program is observed, the inspector must require that the TPHC program be suspended and the food facility maintain the required food temperatures for hot and cold food holding **immediately**

9. Proper Cooling Methods **Mark 4 pts.**

(Inspector must confirm temperature violations with a calibrated probe thermometer)

Mark this violation out when food is not cooled by the methods approved under Cal Code (i.e., food is not cooled from 135˚F to 70˚F in two hours and 70˚F to 41˚F in **four** hours

Cal Code Sec.	**114002, 114002.1**
Corrective Action	• if food is not cooled to 70˚F within two hours or less or if food is not cooled from 70˚F to 41˚F within four hours or less, the inspector must require that the food employee re-heat the food and start the cooling process over **immediately** • if food cooling time is more than two hours from 135˚F to 70˚F or more than four hours from 70˚F to 41˚F the inspector must require that the food be **immediately** discarded

10. Proper Cooking Time & Temperatures **Mark 4 pts.**

(Inspector must confirm temperature violations with a calibrated probe thermometer)

Mark this violation out

- **when food is not cooked to the following temperatures required by Cal Code:**

- when eggs, fish, and single pieces of meat (including beef, veal, lamb, pork and approved game meat) are cooked to an internal food temperature of 145˚F for 15 seconds (eggs to be hot held must be cooked to 155ºF before hot holding)
- when poultry, comminuted poultry, stuffed fish/meat/ pasta/poultry/ratites and stuffing containing fish, meat, poultry, or ratites are cooked to an internal food temperature of 165˚F for 15 seconds
- when ratites, injected meat, comminuted (ground) meat, foods containing comminuted meat and foods containing raw egg are cooked to internal food temperatures of 155˚F for 15 seconds or to the temperature specified in the chart below

Minimum Internal Food Temperature	Time
145˚F	3 minutes
150˚F	1 minute
158˚F	< 1 second (instantaneous)

- Roast beef is cooked to 130˚F for 112 minutes
- Whole beef roast, corned beef roast, pork roast and cured pork roast such as ham, shall be cooked as specified in Section 114004 (b)(2)

Cal Code Sec.	**114004, 114008, 114010**
Corrective Action	if the minimum required cooking temperature is not met the inspector must require that the food facility manager/PIC or foodhandler **immediately** continue the cooking process until the proper internal temperature is reached

11. Proper Reheating **Mark 4 pts.**

(Inspector must confirm temperature violations with a calibrated probe thermometer)

Mark this violation out

- when food is not reheated to 165˚F within two hours before serving or for hot holding in steam table
- when commercially processed food is not reheated to 135˚F or above
- when remaining unsliced portions of whole roast beef are not reheated for hot holding using the oven temperatures specified as per Section 114004(b)(2)

Cal Code Sec.	**114014, 114016**
Corrective Action	• if at the end of the reheating process the food does not reach the required internal temperature, the inspector must require that the reheating process be continued **immediately** until the proper internal temperature is reached • if the improperly reheated food was placed in the steam table at improper temperatures for four or more hours, the inspector must require that it be discarded **immediately**

PROTECTION FROM CONTAMINATION

12. Returned and Reservice of Food **Mark 2 pts.**

Mark this violation out

- when food served to a customer was previously served to another customer, (i.e., bowl of salsa, basket of bread or chips)

Exception:

- a nonpotentially hazardous food that is served through an approved dispenser or in an unopened original package and maintained in sound condition, and checked on a regular basis

Cal Code Sec.	**114079**
Corrective Action	the inspector must require that any food found to be re-served or returned from the dining area to be **immediately** discarded

13. Food in Good Condition, Safe and Unadulterated **Mark 4pts/2pts.**

Mark 4 pts.

- when a food handling employee contaminates food by any intentional or unintentional acts
- when food is contaminated by unsanitary tasting techniques
- when food is contaminated by leaks or drips (including fluids from raw meat/poultry, chemicals, or plumbing fixtures)
- when sulfites or excessive amounts of food additives are added to food
- when food is contaminated by animal feces, urine, hair, live or dead animals/insects, insect eggs, etc.
- when ice previously used for cold holding is used as an ingredient in food or beverage
- when containers previously used for chemicals or poisonous substances are re-used for food
- when backflow preventers or fittings used between copper tubes and carbonators allow back-siphonage
- when unstable metals such as copper or lead are used as food contact surfaces for high acid foods
- when containers, utensils, linen, or single-use utensils are contaminated by vermin, dirt, chemicals or other deleterious substances

Mark 2 pts.

- when the potential for food contamination exists (i.e. the inspector did not observe any signs of actual contamination of the food that could lead to a major CDC Risk factor violation)

Cal Code Sec.	**113967, 113976, 113980, 113988, 113990, 114035, 114254(c), 114254.3**
Corrective Action	• the inspector must require that contaminated food be **immediately** discarded • the inspector must require that food found to be at risk for contamination is **immediately** removed from the situation which may allow for contamination

14. Food Contact Surfaces: Cleaned and Sanitized **Mark 4pts/2pts.**

Mark 4 pts.

- when food contact surfaces are not cleaned and sanitized
- when food contact surfaces are contaminated and could result in food contamination
- when a sanitizer is not provided in the three compartment sink or final rinse of the dishwasher
- when food-contact surfaces are not washed, rinsed and sanitized before a change in use

(between raw and cooked food or between different raw animal products) or every four hours during the same use

Mark 2 pts.

- when the frequency or process of cleaning and sanitizing of food contact surfaces is inadequate (i.e. the sanitizer concentration is measured lower than required ppm)
  - (1) Contact with a solution of 100 ppm available chlorine solution for at least 30 seconds.
  - (2) Contact with a solution of 25 ppm available iodine for at least one minute.
  - (3) Contact with a solution of 200 ppm quaternary ammonium for at least one minute.
  - (4) Contact with any chemical sanitizer that meets the requirements of Section 180.940 of Title 40 of the Code of Federal Regulations when used in accordance with the manufacturer's use directions.)

Note:

- surfaces of utensils and equipment used for potentially hazardous foods may be cleaned less frequently than every four hours if any of the following occurs:
  - (1) when storage containers of potentially hazardous food and their contents are maintained at or below 41˚F or at or above 135˚F or at or below 45˚F (for conditions specified in Section 113996) and the containers are cleaned and sanitized when they are emptied
  - (2) utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at or below 55°F. In that case, the utensils and equipment shall be cleaned at the frequency that corresponds to the temperature as depicted in the following chart and the cleaning frequency based on the ambient temperature of the refrigerated room or area shall be documented and records shall be maintained in the food facility and made available to the enforcement agency upon request:

Temperature	Cleaning Frequency
41˚F or less	Every 24 hours
>41˚F - 45˚F	Every 20 hours
>45˚F - 50˚F	Every 16 hours
>50˚F - 55˚F	Every 10 hours

Cal Code Sec.	**113984(e), 114097, 114099.1, 114099.4, 114099.6, 114101 (b-d), 114105, 114109, 114111, 114113, 114115(a, b, d), 114117, 114125(b), 114141**
Corrective Action	○ the inspector must require **immediate** closure and notify his or her uni manager when the food facility does not have a method to wash, rinse sanitize utensils ○ the inspector must require **immediate** closure and notify his or her unit manager if there is gross contamination of food contact surfaces that can result in contamination of food ○ the inspector must ensure that the manager/PIC understands the association between contaminated food contact surfaces and

	foodborne illness

FOOD FROM APPROVED SOURCES

15. Food Obtained From Approved Source **Mark 4pts.**

Mark this violation out

- when food or ice is not from an approved source
- when food received was not transported in an approved manner

Note:

  - local enforcement agencies inspect food delivery vehicles only when they arrive at the retail food facility
  - food delivery vehicle violations are to be referred to the Department of Public Health Food and Drug Branch (FDB) for follow-up
  - violations observed on vehicles found at a food facility will not be marked unless the food facility has accepted delivery of the food

- when a food facility receives unpasteurized liquid, frozen, or dry eggs
- when a food facility receives unpasteurized frozen milk products (i.e. ice cream)
- when a food facility receives unlabeled raw (unpasteurized) milk and raw milk products or raw (unpasteurized) milk and raw milk products from an unapproved source
- when a food facility receives fish, shellfish, or game animals from unapproved sources
- when a food facility receives broken or unclean shell eggs
- when a food facility receives meat or meat products from a non-USDA inspected facility

Cal Code Sec.	**113980, 113982, 114021-114031, 114041**
Corrective Action	if food is from unapproved, unsafe, or otherwise unverifiable (no tag or label) sources the inspector must require that the food be **immediately** discarded or impounded until proof of safe source can be produced

16. Compliance with Shell Stock Tags, Condition, Display **Mark 4pts/2pts.**

Mark 4pts.

- when shell stock tags are missing or incomplete
- when shellfish are not received at or below 45˚F
- when there is improper wet shellfish storage (i.e. when water used for fish or other shellfish is allowed to flow into the shellfish tank or if safety of the shellfish as they were received is compromised by the use of the tank)
- when shell stocks are comingled

Mark 2 pts.

- when raw shucked shellfish are not properly labeled
- when shell stock is not discarded due to excessive mud, dead shellfish, or broken shells
- when shell stock has been removed from the original container unless displayed on drained ice or held in a display container with the source properly identified and recorded
- when shell stock tags are not attached to the container in which they were received until

empty

- when tags/labels are not held for 90 calendar days from the date the lot was emptied
- when a live shellfish tank is used for human consumption without a HAACP plan

Exception:

- live tanks in existence prior to Cal Code)

Cal Code Sec.	**114039 – 114039.5**
Corrective Action	• the inspector must require that raw shucked shellfish or shell stock from unapproved, unsafe, or otherwise unverifiable sources shall be **immediately** discarded or impounded until the appropriate documentation is provided • inspectors must require that dead shellfish or shellfish with badly broken shells be **immediately** discarded

17. Compliance with Gulf Oyster Regulation **Mark 4pts.**

Mark this violation out

- when raw Gulf Oysters are offered for sale between April 1st and October 31st without evidence of a treatment approved by the Department of Public Health FDB
- when raw Gulf Oyster warning signs are not posted for untreated oysters between the months of November 1, and March 31st

Cal Code Sec.	**113707**
Corrective Action	• the inspector must require that all untreated Gulf Oysters are **immediately** removed from sale during banned months (April 1st through October 31st) unless evidence is provided that the oysters have been treated by a method approved by the California Department of Public Health FDB • if an inspector observes untreated Gulf oysters at a food facility between the months of April 1st and October 31st and the operator refuses to remove them from sale, the inspector must **immediately** impound the oysters and notify the Department of Public Health FDB • if Gulf Oyster warning signs are missing for untreated gulf oysters between the months of November 1st and March 31st, the inspector must require that the operator provide the approved signage **immediately**

CONFORMANCE WITH APPROVED PROCEDURES

18. Compliance with Variance, Specialized Process & HACCP Plan **Mark 4pts/2pts.**

Mark 4 pts.

- when a food facility is packaging potentially hazardous food products using a reduced-oxygen packaging (ROP) method and has not obtained HACCP Plan approval from the Department of Public Health FDB
- when a food facility is modifying food using acidification or water activity as a means to prevent the growth of Clostridium Botulinum and has not obtained HACCP Plan approval from the Department of Public Health FDB
- when a food facility is required to have a HACCP Plan approved by the Department of Public

Health FDB and is not following the Department of Public Health FDB's approved HACCP Plan procedures

- when a food facility has obtained a variance from the Department of Public Health FDB to allow for deviation from specific code requirements and is not following the approved variance conditions or procedures

Mark 2 pts.

- when the smoking of food is used as a method of preservation without a written HACCP Plan
- when food is cured without a written HACCP Plan
- when food additives are used as a method of preservation or as a means to change the food to non-potentially hazardous without a written HACCP Plan
- when operating a molluscan shellfish life support tank for shellfish intended for human consumption without a written HACCP Plan

Exception:

  - molluscan shellfish life support tanks for shellfish intended for human consumption in use prior to Cal Code

- when animals are custom processed as food for personal use without a written HACCP Plan
- when food is prepared by another method without the required written HACCP Plan as determined by CDPH

Exception:

  - Chinese Roast Duck and Korean Rice Cakes

- when a HACCP Plan is not followed as written and approved

Cal Code Sec.	**114057, 114057.1, 114417.6, 114419**
Corrective Action	• if it is determined during an inspection that a Department of Public Health FDB approved HAACP Plan is required, or that the Department of Public Health FDB approved HACCP Plan is not being followed, the inspector must require that the affected food products be **immediately** discarded or impounded and notify the Department of Public Health FDB as soon as possible • if it is determined during an inspection that the alternate procedures detailed in the variance letter are not being followed, the inspector must require that the affected food be **immediately** discarded and notify the Department of Public Health FDB as soon as possible • if it is determined during inspection that a CDPH required HACCP plan, is not being followed, or is not available for viewing, the inspector must **immediately** conduct a risk assessment to determine the safety of the food • if the safety of the food is questionable following the inspector's risk assessment, the inspector must require that the food handling practice be discontinued **immediately** until a HACCP Plan approved by the CDPH has been developed and implemented and require that the food be immediately discarded • if the food is determined to be safe following the inspector's risk assessment,

	(i.e. safe internal temperature) the inspector must require that the foodhandling practice be discontinued **immediately** until a HACCP Plan approved by the ACDEP has been developed and implemented and require the food to be transferred **immediately** to a refrigeration unit or reheated for hot holding **Note:** o The plan must include all of the following: 1. water used with fish other than molluscan shellfish does not flow into the molluscan shellfish tank 2. the safety and the quality of the shellfish when they are received is not compromised by the use of the tank 3. the identity of the source of the shellfish is retained as required in section 114039.1

CONSUMER ADVISORY

19. Consumer Advisory for Raw Undercooked Foods and Foods with ½ of 1% Alcohol **Mark 2 pts.**

Mark this violation out

- when pasteurized eggs or pasteurized egg products are not substituted for raw shell eggs in foods such as Caesar salad dressing or hollandaise sauce and no consumer warning is provided
- when the food facility serves raw or undercooked food and fails to provide an advisory (oral or written) that a food item is being served less than thoroughly cooked

Exception:

o sashimi, seared ahi tuna, steak tartar and customer requests for specified undercooked foods are exempted from this requirement

Note:

o Gulf Oysters are addressed in data field # 17 (Compliance with Gulf Oyster Regulations)

Cal Code Sec.	**114012, 114093, 114093.1**
Corrective Action	• the inspector must require that these oral or written advisories precede the service of undercooked foods • when an inspector observes that an advisory is not provided to customers prior to service of undercooked or raw foods, he or she must require that the operator **immediately** suspend service of those foods until the advisory is provided

HIGHLY SUSCEPTABLE POPULATIONS

20. Licensed Healthcare Facilities/Public & Private Schools;

Prohibited Foods Not Offered **Mark 4pts.**

Mark this violation out

- when unpasteurized juice, unpasteurized fluid milk or unpasteurized dry milk is served
- when unpasteurized shell eggs are used, unless raw eggs are used for one customer's serving at a single meal (no pooling of raw unpasteurized eggs) and cooked as required by code or combined as an ingredient before baking and thoroughly cooked to a ready-to-eat form, or the

food facility is operating pursuant to a HACCP Plan

- when food in an opened original package is re-served
- when ready-to-eat foods that contain raw food of an animal origin or partially cooked foods are served
- when raw seed sprouts are served

Cal Code Sec.	114091
Corrective Action	• the inspector must require **immediate** voluntary disposal, impound or removal of all unpasteurized dairy and juice products and raw sprouts from facilities serving highly susceptible populations **Exception:** o unless raw eggs are used for one customer's serving at a single meal (no pooling of raw unpasteurized eggs) and cooked as required by code or combined as an ingredient before baking and thoroughly cooked to a ready-to-eat form, or the food facility is operating pursuant to a HACCP Plan • the inspector must require the **immediate** continuation of the cooking process of undercooked foods until the proper cooking temperatures and times are reached

WATER/HOT WATER

21. Hot Water and Cold Water Available **Mark 4pts/2pts.**

Mark 4 pts.

- when the hot water temperature does not reach 110˚F at the ware washing sink faucets
- when the temperature of the wash solution (1ST compartment) in ware washing sinks is less than 100˚F
- when the water supply is contaminated or unapproved (the water supply is from a water system that is not approved by the local enforcement agency)
- when the food facility has no potable water or no hot water.

Mark 2 pts.

- when an adequate, protected, pressurized, potable supply of hot and cold water is not provided
- when the hot water temperature is between 110°F-119°F at the warewashing sink faucet
- when there is a lack of warm water (less than100˚F) at the hand wash sink
- when there is a lack of hot water (less than 120°F) at the food preparation sink
- when there is a lack of hot water (less than 120°F) at the janitorial sink

Cal Code Sec.	113953(c), 114099.2(b), 114101(c), 114163(a)(3), 114189, 114192, 114192.1, 114195
Corrective Action	• when the wash solution in a warewashing sink measures less than 100˚F, the inspector must require **immediate** correction (repair or closure) or a safe alternative (i.e. chemical sanitization if the water temperature is warm enough to remove grease and protein matter) • if the food facility only has pre-packaged food, the inspector can allow the food

	facility to remain open for twenty four hours while the hot water is restored • when a food facility has no water, no potable water, or no hot water, the inspector must require the food facility to close **immediately** and notify his or her unit manager • when the water supply is contaminated or unapproved, the inspector must require the food facility to close **immediately** and notify his or her unit manager • when nonpotable water is used to prepare ice, the inspector must require the **immediate** disposal of the contaminated ice, and require that the ice machines and beverage dispensers be washed, rinsed and sanitized prior to reuse (once potable water is restored) and the inspector must also mark #13

LIQUID WASTE DISPOSAL

22. Sewage and Wastewater Properly Disposed **Mark 4pts/2pts.**

Mark 4 pts.

- when sewage/waste water over flows or backs up into a food facility that can or does result in contamination of food contact surfaces and adulteration of foods
- when a grease trap or interceptor over-flows or clogs
- when there are no operable toilets

Mark 2 pts

- when liquid waste is disposed of in an unapproved manner (i.e. grease poured down the floor drain or storm drain)

Cal Code Sec.	**114197**
Corrective Action	• the inspector must require **immediate** closure and notify his or her unit manager when there is sewage over flowing/backing up or when there are no operable toilets • the closure must remain in effect until the inspector confirms that the sewage disposal system is repaired and all contaminated surfaces are thoroughly washed, rinsed and effectively sanitized and all contaminated food is disposed of and the inspector must also mark #'s 14 and 13 • if the food facility is causing an overflow outside the food facility, the inspector must require that the source of the overflow **immediately** cease (i.e. the food facility that is the source of the sewage overflow is closed or the activity inside the food facility causing the sewage overflow is discontinued) • if a septic tank or grease interceptor is overflowing, the inspector must require that it be pumped as often as necessary until the sewage system is restored to a fully functional condition • the inspector must also ensure that the manager/PIC understands that there is a great potential for the contamination of food and food contact surfaces when sewage overflows in a food facility

VERMIN

23. No Rodents, Insects, Birds or Animals **Mark 4pts/2pts.**

Mark 4 pts.

- when rats, mice, cockroaches, flies or similar disease carrying vermin are present in a food facility evidenced by live bodies, fresh droppings, vomitus, urine stains, or gnaw marks that have already caused or can potentially cause contamination to food, equipment, food packages, or utensils

Mark 2 pts.

- when food handling employees care for or handle animals that may be present (such as patrol dogs, service animals, or pets) in areas that are used for food preparation, storage, or display or areas used for utensil washing or storage
- when live animals that are not service animals, are allowed in a food facility
- when non-disease transferring food infesting insects (i.e. fruit flies, moths, beetles, ants, spiders) or birds are observed in a food facility
- when old signs (dry droppings, etc.) of the presence of vermin are observed with no indication of a current infestation

Cal Code Sec.	**114259.1, 114259.4, 114259.5, 114259.3**
Corrective Action	• if the inspector observes a live vermin infestation in a food facility, **immediate** closure and notification of the inspector's unit manager is required and the food facility will remain closed until the infestation is removed • if the inspector observes food adulterated by any vermin (rats, mice, cockroaches and other disease carrying pests) the inspector must also mark data field # 13 and require that the contaminated food be **immediately** discarded • the inspector must ensure that the operator understands the potential for vermin to contaminate food directly by leaving eggs, carcasses, urine, feces and saliva on the food and indirectly by leaving eggs, carcasses, urine, feces, and saliva on food contact surfaces

APPROVED RETAIL PRACTICES (#24-49)

SUPERVISION

24. Person In Charge & Performance Duties **Mark 1pt.**

Mark this violation out

- when the Person In Charge (PIC) is not on the premises during hours of operation
- when the PIC does not ensure that customers don't pass through food prep/storage areas or utensil wash/storage areas without a 3 ft. barrier
- when the PIC does not ensure that customers use clean tableware for return trips to salad bars or buffets
- when the PIC doesn't monitor the food displays
- when the PIC fails to report to the ACDEP when he/she is aware of an employee with a diagnosed illness or when he/she is aware of two or more employees concurrently experiencing gastrointestinal symptoms

- when the PIC fails to restrict ill employees with undiagnosed gastrointestinal illnesses from food, equipment and utensil related operations until the employee's gastrointestinal symptoms are gone
- when the PIC fails to exclude employees with diagnosed gastrointestinal illnesses from the food facility
- when the PIC is aware of a food handling employee with an exposed lesion or wound that is not properly covered (i.e. bandaged and covered with a glove)

Cal Code Sec.	**113945-113945.1, 113984.1, 114075**
Corrective Action	• the inspector must instruct the owner/operator to ensure that the PIC is present during all hours of the operation • when customers must pass through a food prep or storage area or utensil wash or utensil storage area to go to the restroom, the inspector must require that a barrier at least 3 ft. high be installed with a separation of at least 3 ft. between the customers and the food and utensil related areas • any food that the inspector finds to be contaminated by customers must be **immediately** discarded and the inspector must also mark #13 • If the PIC fails to restrict food handling employees with gastrointestinal illnesses or fails to exclude food handling employees with diagnosed gastrointestinal illnesses from the food facility, the inspector must require that the food handling employee be restricted or excluded and the inspector must also mark #2

PERSONAL CLEANLINESS

25. Personal Cleanliness and Hair Restraints **Mark 1pt.**

Mark this violation out

- when food handling employees preparing, serving or handling food or utensils are not wearing hair restraints designed and worn to keep their hair from contacting nonprepackaged food, clean equipment, utensils, linens and unwrapped single-use utensils
- when employees are observed wearing soiled clothing

Cal Code Sec.	**113969, 113971**
Corrective Action	• the inspector must require that operators ensure that all employees preparing, serving or handling food, handling clean equipment, utensils, linens and unwrapped single-use utensils wear hair restraints sufficient to keep hair from coming into contact with food and food contact surfaces • if an inspector observes foodhandlers with soiled clothing, he or she must require that the employee replace the soiled clothing with clean clothing or cover the soiled clothing with a clean uniform

General Food Safety Requirements

26. Approved Thawing Methods Used, Frozen Food **Mark 1pt.**

Mark this violation out

- when frozen food is not stored and displayed frozen

• when an unapproved procedure is used to thaw potentially hazardous food	
Cal Code Sec.	**114018, 114020, 114020.1**
Corrective Action	• the inspector must require that when food is observed thawing at room temperature and the inspector determines that the food's exposure to unsafe temperatures was less than two hours and the food's internal food temperature is less than 70˚F, the food must be **immediately** switched to an approved thawing method (i.e. thawing under running water that is less than 70˚F, or cooled to 41˚F and placed in the walk-in refrigerator to complete the thawing process or placed in the oven or microwave as part of the cooking process) and the thawing must be completed within the time remaining of the original two hours • the inspector must require that food thawing at room temperature for less than two hours with an internal temperature greater than 70˚F be cooled to 41˚F within two hours and placed in a refrigerator to complete the thawing process or cooked to the proper temperature and either hot held at 135˚F or **immediately** served • the inspector must require that food thawing at room temperature for more than two hours but less than four hours to be immediately cooked to the proper temperature and either hot held at 135˚F or **immediately** served • the inspector must require that food left at room temperature for four or more hours with internal temperatures between 50˚F and 130˚F be discarded **immediately** and the inspector must also mark #7

27. Food Separated and Protected **Mark 1pt.**

Mark this violation out

When unpackaged food is not protected from potential contamination:

- when food is not prepared (thawed, washed, sliced, cooled etc.) in a fully enclosed food facility

Exception:

  - an Open-air BBQ, or limited food preparation in an approved food compartment (i.e. hot dog assembly on a hot dog cart)

- when limited food preparation does not take place in an enclosed food facility or in an approved food compartment
- when food other than pre-packaged non-potentially hazardous foods or whole produce are displayed outdoors
- when food at outdoor displays is not checked for periodically by the PIC
- when outdoor display or satellite food service operations are not fully enclosed during non-operating hours or during bad weather
- when bulk milk container dispensing tubes are not cut diagonally to limit the protrusion of the dispensing head to one inch

Note:

  - **this section only refers to circumstances for the potential for contamination**
  - **the inspector must mark actual contamination under # 13**

Cal Code Sec.	**113984(a,b,c,d,f), 113986, 114060, 114067(a,d,e,j.), 114069(a,b), 114077,**

	114089.1(c), 114143 (c)
Corrective Action	• when the inspector finds food stored, prepared, displayed in unapproved areas, he or she must require that the operator transfer the food to approved areas or use safe dispensing procedures • since storing food in unapproved areas can lead to contamination, the inspector must require that the corrective action be started **immediately** • the inspector must mark food found to be contaminated under #13 and require that the food be discarded **immediately** • the inspector must ensure that the operator understands what and where the potential sources of food contamination are in a food facility and how to protect the food from those potential sources of contamination during storage, preparation and service

28. Washing Fruits and Vegetables **Mark 1pt.**

Mark this violation out

- when produce is not washed before its cut, mixed with other ingredients, cooked, served or offered for human consumption in ready-to-eat form (i.e. in a salad bar)

Cal Code Sec.	113992
Corrective Action	• the inspector must require that produce that is not washed prior to cooking, be **immediately** discarded in addition to all of the other food that it comes in contact with and the inspector must also mark #13 • the inspector must require that unwashed raw produce that is offered for **immediate** consumption be removed from service and thoroughly washed

29. Toxic Substances Properly Identified, Stored, Used **Mark 1pt.**

Mark this violation out

- when any pesticide is not used in accordance with the manufacturer's instructions
- when any chemical (i.e. bleach, detergent, cleaner, toxic substances, medicine etc.) is stored in a manner that can cause adulteration or contamination of food, or food contact surfaces (utensils, equipment, packages etc.)

Cal Code Sec.	114047, 114049, 114051 114053, 114055, 114067 (h), 114069(b)
Corrective Action	• the inspector must require that chemicals or pesticides stored in food or utensil related areas to be relocated to areas away from food and utensils • if an inspector observes the unsafe use of a pesticide or chemical that results in the contamination of food contact surfaces, the inspector must mark #14 and require the operator to immediately wash, rinse and sanitize all contaminated areas to completely remove the pesticide or chemical • if the inspector observes food contaminated by chemicals or pesticides, he or she must also mark #13 and require that all contaminated food be **immediately** discarded

Food Storage/Display/Service

30. Food Storage/Display/Service **Mark 1pt.**

Mark this violation out

- when the storage area is not clean, dry or large enough for the amount of food stored
- when food is not elevated at least 6" above the floor (except food on pallets, or dollies and pressurized beverage containers etc.)
- when food is stored on pallets, dollies, racks or skids that are not easily movable by hand and there are no available hand trucks or forklifts to move them
- when food is stored in unapproved areas (lockers, toilet rooms, dressing rooms, refuse rooms, mechanical rooms, under stairwells, under other sources of contamination)
- when working/bulk containers of food or ingredients removed from original packages are not labeled with the common name of the food
- when packaged food is stored improperly in ice and water seeps into the food
- when returned food, food held for return to the distributor or damaged food products are not stored separately from other food or they are stored in a manner that contributes to a vermin problem
- when food and food contact surfaces are not stored in a fully enclosed permanent food facility

Cal Code Sec.	**114047, 114049, 114051, 114053, 114055, 114067(h), 114069(b)**
Corrective Action	• the inspector must require that all food is stored 6" or more above the floor in approved areas at all times • the inspector must require **immediate** relocation of any food storage observed in areas where there is a great potential for contamination (i.e. toilet rooms, refuse rooms, outdoors, beneath sewer lines) • inspectors must check foods stored in unapproved areas for signs of contamination and require that all contaminated foods be marked under #13 and **immediately** discarded • inspectors must require that the storage room/area is well ventilated and equipped with enough space and approved equipment (i.e. stainless steel shelving or dunnage racks) to safely store dry foods

31. Consumer Self Service **Mark 1pt.**

Mark this violation out

- when a food dispensing utensil is not provided for buffet or salad bar food containers
- when raw meat, poultry, or eviscerated fish is offered for consumer self service

Exception:

  - sushi, raw shellfish or ready to cook individual portions to be cooked immediately by the customer and consumed on-site or selected by the customer at a Mongolian BBQ for **immediate** cooking and consumption

- when self service beverage dispensers are not properly operated or maintained

Cal Code Sec.	**114063, 114065**
Corrective Action	• if the inspector observes buffet or salad bar food containers without service utensils, he or she must require that the operator provide them **immediately** • any buffet or salad bar food found by the inspector to be contaminated, must

	be **immediately** discarded • if the inspector observes unpackaged raw meat, poultry or eviscerated fish offered for self service, he or she must require that the operator discontinue that practice **immediately** and relocate the food to approved storage areas for dispensing by the food facility employees or offered for self service in a pre-packaged form • the inspector must require that beverage dispensers are clean and sanitary and used in a manner that prevents contamination of the beverage dispensed • the inspector must ensure that the operator knows that it is the PIC's responsibility to monitor the buffet, salad bar and beverage dispensing operations • if there is no PIC available during inspection, the inspector must also mark #24 and require that the operator provide a PIC

32. Food Properly Labeled & Honestly Presented **Mark 1 pt.**

Mark this violation out

- when food is offered for human consumption and is not honestly presented or is misleading (i.e. fish, poultry or meat is advertized as fresh, but the fish, poultry or meat was previously frozen, the quarter pounder burger did not weigh a ¼ of a pound prior to cooking, a pink light is used inside the meat display case, or when margarine is advertised as butter)
- when bulk food containers are not labeled
- when pre-packaged food does not have a label with the name of the food, list of ingredients in descending order, net weight of ingredients, name and address of manufacturer, packer or distributor, nutritional labeling (unless exempt in the Federal Food Drug and Cosmetic Act) or does not comply with the Food Allergen Labeling and Consumer Protection Act of 2004 (except bakery products sold to other food facilities or directly over the counter to consumers by the manufacturer or bakery distributor)
- when sell-by or use-by dates are concealed or altered
- when confectionary foods with more than ½% of alcohol do not identify the alcohol content on their label
- when a food facility stores or uses oil, shortening or margarine containing 0.5 grams or more of artificial trans fat per serving for preparation of any food
- when 20 or more chain food facilities do not list the nutritional content of its menu items by:
  - ✓ **caloric content** on the menu next to the menu item at sit-down restaurants
  - ✓ **complete nutritional content** on a table tent or menu insert at sit-down restaurants (until the second tier enforcement begins)
  - ✓ **caloric content** on menu boards at take-out counters
  - ✓ **pamphlets containing complete nutritional content** at drive through windows

Cal Code Sec.	**114087, 114089, 114089.1 (a,b), 114090, 114093.1**
Corrective Action	• the inspector must require that the operator discontinue any practice that results in the misrepresentation or in misleading the public about the food's condition or identity • the inspector must require that all bulk food and pre-packaged food is properly

	labeled • the inspector must require that any food whose origin, identity or ingredients are in question, should be impounded until the origin, identity or ingredients are determined • the inspector must require that all food facilities store or use oil, shortening or margarine that contains less than 0.5 grams of artificial trans fat per serving • the inspector must require that any fat, oil, shortening, margarine or food items containing .5grams or more per serving of trans fat be impounded or discarded • the inspector must require that 20 or more chain food facility list the nutritional content of its menu items by: ✓ **caloric content** on the menu next to the food item at sit-down restaurants ✓ **complete nutritional content** on a table tent or menu insert at sit-down restaurants (until the second tier enforcement begins) ✓ **caloric content** on menu boards at take-out counters ✓ **pamphlets containing complete nutritional content** at drive through windows • the inspector must require that food products with expired sell-by or use-by dates be **immediately** discarded or allow the operator to return these food products to the distributor • the inspector must refer pre-packaged manufactured food other than dairy or baby food with expired sell-by or use-by dates to the Department of Public Health FDB for enforcement action • the inspector must refer all labeling violations related to food packaged by wholesale food facilities to the Department of Public Health FDB for follow-up

Equipment/Utensils/Linens

33. Nonfood Contact Surfaces Clean **Mark 1pt.**

Mark this violation out

- when nonfood contact surfaces of equipment are not kept clean of an accumulation of dust, dirt, food debris/residue, or other contaminants

Cal Code Sec.	**114115 (c)**
Corrective Action	• the inspector should ensure that the manager/PIC understands that unclean non-food contact surfaces can lead to cross contamination of food contact surfaces and food when hands, clothing or utensils touch the contaminated nonfood contact surfaces and afterwards touch food contact surfaces and food • the inspector should require that the operator has a written maintenance schedule to clean the equipment as often as necessary

34.Warewashing Facilities: Installed, Maintained **Mark 1pt.**

Mark this violation out

- when the food facility prepares food and does not have a three-compartment sink with dual integral metal drain boards

- when the sink compartments are too small to accommodate the largest utensil
- when alternative manual warewashing methods or equipment are used without ACDEP approval
- when the warewashing machine is not approved (i.e. home-style unit) or the warewashing machine is not installed or operated per manufacturer instructions
- when the warewashing machine does not have a data plate with the machine's design and operating specifications
- when the warewashing machine is not equipped with a water temperature measuring device
- when the warewashing machine or sink unit does not have integral metal drain boards
- when the warewashing sink is used for hand washing
- when there is no testing equipment available to check sanitizer concentrations
- when employees don't monitor sanitizer concentrations while operating mechanical or manual utensil washing equipment
- when a thermometer is not provided to measure washing and sanitizing temperatures throughout the warewashing period

Cal Code Sec.	**114067(f, g), 114099, 114099.3, 114099.5, 114101(a)114101.1, 114101.2, 114103, 114107, 114125**
Corrective Action	• inspectors must require all food facilities to provide ANSI approved (or equivalent) 3-compartment sink units with compartments large enough to accommodate the largest utensil and two integral metal drain boards Note: inspectors should consult their unit managers for enforcement directions on existing facilities with space challenges • inspectors must require that all food facility warewashing machines be approved and equipped with temperature measuring gauges and data plates • the inspector must require that chemical testing equipment (i.e. chlorine, iodine, quaternary ammonium test strips) or temperature testing equipment (i.e. thermal labels) be provided for testing mechanical and manual warewashing equipment sanitizers • the inspector must require that warewashing sinks are not used for any other purpose (i.e. hand washing) unless the alternative use is approved by the ACDEP and adhered to • the inspector must also mark #14 when food contact surfaces are not properly washed, rinsed and sanitized

35. Equipment/Utensils ANSI Approved **Mark 1 pt.**

Mark this violation out

- when equipment and utensils are not constructed to be durable, intact and functional under normal use
- when new and replacement equipment are not certified or classified for sanitation by an ANSI accredited certification program or approved by the ACDEP (when no standard may exist)

Exception:

- See section 114130 (c) for restricted food facility exemption circumstances

- when new and replacement electrical appliances do not meet UL standards
- when unstable, or unapproved surfaces are used for equipment, utensils (including single-use-utensils), and food contact surfaces that allow for the transfer of harmful substances, odors, colors or tastes to food (i.e. low fired ceramic ware, galvanized metal containers, copper or copper alloys, etc) is used in contact with food with a ph lower than 6.0 (i.e. vinegar, juice, wine)
- when copper fittings are used between a backflow preventer and a carbonator
- when copper or copper alloys are used in contact with beer brewing ingredients
- when multi-use utensils are not smooth, not free of cracks/breaks/chips/open seams, not free of sharp internal edges/angles/corners, do not have smooth welds/seams, are not easily disassembled when disassembly is necessary for accessibility during cleaning or cannot be disassembled without the use of tools

Exception:

  - utensils that can be easily disassembled by the use of easily available hand tools are allowed

- when nonfood contact surfaces exposed to splash, spillage or other food soiling are not made of rust resistant, nonabsorbent, and smooth easily cleanable material free of sharp edges, crevices and projections
- when the Clean-in-Place (CIP) is not designed so that the cleaning and sanitizing solutions circulate through a fixed system to clean and sanitize all the interior surfaces and then self drains the cleaning and sanitizing solutions from the equipment or when the sanitizing solution is not completely drained from the system
- when wood or wood wicker is used as a food contact surface

Exceptions:

  - commercial cutting boards, rolling pins, chopsticks made from hard maple or equivalent hard woods may be used as food contact surfaces
  - raw whole fruit/vegetables/nuts may be stored in wooden shipping crates

- when equipment is installed with "V" type threads
- fixed equipment is not readily accessible for cleaning
- table top equipment is not sealed to the table or mounted on 4" legs
- when utensils and equipment are not kept clean, fully operative and in good repair
- when equipment surfaces are damaged and no longer cleanable
- when the number of equipment needed for cooling, cooking, re-heating, or holding hot and cold food is not sufficient to maintain proper food temperatures during preparation, holding and transporting of the food
- when electrical power is not supplied at all times
- when live molluscan shellfish tanks are used for human consumption without an approved HACCP Plan for operating a live shellfish tank
- when live shellfish tanks are present for display only purposes without written notification to the public that it is only intended for display
- when an approved food preparation sink is not provided
- when fogging device reservoirs aerosol tubing and discharge nozzles are not washed, rinsed and sanitized at least once a week

• when fogging devices are installed with reservoirs after July 1, 2007	
Cal Code Sec.	**114130, 114130.1, 114130.2, 114130.3, 114130.4,114130.5, 114132, 114137, 114139, 114153, 114155, 114163, 114165, 114167, 114169, 114175 114177, 114180, 114182**
Corrective Action	• the inspector must require that all unapproved equipment be replaced with equipment certified by an ANSI accredited certification program • if electrical appliances are observed that don't meet UL standards, the inspector must require that they are replaced by UL certified equipment • the inspector must require that non-food contact surfaces exposed to splashing or food spillage are made of rust resistant, nonabsorbent easily cleanable surfaces • the inspector must require that the CIP cleaning, rinsing and sanitizing process contacts all interior surfaces and that the solutions are completely drained from the equipment • the inspector must require that all food contact surfaces are made of approved materials and all unapproved food contact surfaces are removed from the food facility • when copper is used as a food contact surface for foods with a pH lower than 6.0, the inspector must require that the food be **immediately** discarded and mark #13 and the inspector must require that the unapproved use of the copper utensil or equipment is **immediately** discontinued • the inspector must require that operators maintain their equipment clean, operational and in good repair • the inspector must require the replacement of all equipment with damaged and uncleanable surfaces and equipment made of unapproved surface materials • if the inspector observes live molluscan shellfish tanks storing shellfish intended for human consumption, without a HACCP plan on site, the inspector must require that the shellfish cannot be used for human consumption until an approved HACCP Plan is provided and the inspector must also mark #18 • the inspector must require that all facilities provide a food preparation sink • inspectors must require that existing fogging devices (prior to July 1, 2007) be washed, rinsed and sanitized on a regular basis • inspectors must not allow fogging devices with reservoirs after July 1, 2007

36. Equipment, Utensils and Linens: Storage & Use **Mark 1 pt.**

Mark this violation out

- when pre-set tableware is not protected from contamination
- when tableware used by customers is again used for second portions
- when lip-contact surfaces of utensils are not protected from contamination during handling, storage and display
- when equipment and utensils are not stored in a manner to allow for air drying
- when single-use utensils are not protected from contamination by storage in their original

protective packages or protected otherwise

- when service utensils are not stored in a sanitary manner (i.e. handles of service utensils not stored above the food and container, utensils used for non-PHFs are not stored with the handle up above the top of the food surface, utensils for potentially hazardous food are not stored on a clean surface, in hot water at least 135˚F or under cold running water)
- when clean linen, single-use utensils, equipment or multiservice utensils are stored in unapproved areas (i.e. in the restroom, under stairs, under sewer lines, etc)

Exception:

  - clean linen and single-use utensils can be stored in a protective compartment in the locker room

- when pressurized cylinders (i.e. CO_2 tanks) are not fastened securely to a rigid structure
- when linen is used as a food contact surface

Exception:

  - use of clean linen to line food containers is only allowed under the following conditions:
    1. the type of food items stored in linen lined food containers must be restricted to dry baked foods, such as muffins, bread or pastries
    2. the linen must be replaced each time the container is re-filled for a new customer and they must be laundered prior to re-use

- when adequate storage space is not available for clean linen
- when soiled linen is not kept separately from clean linen, equipment and utensils
- when a mechanical washer is located in areas with exposed food, utensils and linen
- when linen is washed at facilities that don't have mechanical washers
- when mechanical washers on the premises are used for personal clothing

Cal Code Sec.	**114074, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5**
Corrective Action	• the inspector must require that all unused pre-set tableware that remain on the table after a customer is seated at that table be removed and washed, rinsed and sanitized prior to seating the next customer at that table or prior to use of the utensils by another customer • if the inspector observes used tableware being used to provide second portions, he or she must require that the food contaminated by the soiled utensils be **immediately** discarded and the inspector must also mark #13 • if the inspector observes utensils handled on the lip-contact portion, the inspector must require that the utensil be **immediately** removed from service and washed, rinsed and sanitized prior to distributing to other customers • if an inspector observes utensils stored in unapproved areas, not properly stored to allow for air drying, or when service utensils are stored improperly (i.e. not stored in the food or in 135˚F water or under cold running water), he or she must require that the utensil be washed, rinsed and sanitized prior to further use **Note:** o If the improperly stored or dried utensils results in food contamination,

	the inspector must require that the food be **immediately** discarded and the inspector must also mark # 13 • if an inspector observes single-use utensils not in their original package and exposed to contamination he or she must require that those single-use utensils be **immediately** discarded and the inspector must also mark #14 • if an inspector observes single-use utensils or clean linen stored in unapproved areas (i.e. the restroom, garbage room, or soil linen stored next to clean linen) he or she must require that the single-use utensils be relocated to an approved and sanitary storage area and the linen be washed, rinsed and sanitized in a mechanical washer and relocated to an approved and sanitary storage area. • If contamination of single-use utensils is suspected, the inspector must require that those single-use utensils be **immediately** discarded and the inspector must also mark #14 • if the inspector observes linen covering food, he or she must require that the linen is removed **immediately** • If the inspector observes food covered by dirty linen the inspector must require that the food be **immediately** discarded and the inspector must also mark #13 • the inspector must require that the operator provide adequate and approved storage for clean and soiled utensils, equipment, clean and soiled linen and single-use utensils • the inspector must require that operators wash their linen separately from personal clothing • the inspector must require that any linen he or she observes washed with personal clothing be re-washed, rinsed and sanitized • the inspector must require that all food facilities provide an approved means of laundering their linen, either by providing their own on-premises mechanical washers or a professional laundry service • the inspector must require that any linen that was hand washed be re-washed, rinsed and sanitized in an approved mechanical washer prior to use

37. Vending Machines Maintained **Mark 1 pt.**

Mark this violation out

- when the contact information for the operator is not posted on the vending machine
- when there is wet storage (melting ice) of pre-packaged food
- when PHF's are not dispensed in the original package
- when thirty day cleaning records are not provided
- when the vending machine is not constructed to ANSI or NAMA standards
- when overhead protection is not provided for outdoor machines
- when the dispensing compartment of outdoor machines are not equipped with a self closing door or cover

Cal Code Sec.	**114145**
Corrective Action	• if an inspector observes unapproved vending machines or food held or dispensed in an unsanitary manner, the inspector must require that the

	vending machine be put out of service until the corrections are made • if the inspector observes contaminated food or food contact surfaces, he or she must also mark #13 or #14 and require that the food be **immediately** discarded and also require that the food contact surfaces be washed, rinsed and sanitized

38.Approved & Adequate Ventilation and Lighting **Mark 1 pt.**

Mark this violation out

- when sufficient ventilation is not provided to ensure proper food storage and provide reasonable comfort to all employees working in the food facility
- when toilet rooms are not ventilated with an openable window, air shaft or mechanical exhaust operated by a light switch and approved by the building department
- when mechanical exhaust equipment is not provided over all cooking equipment to effectively remove smoke, odors, heat, grease, vapors and steam

Exceptions:

- equipment submitted to the ACDEP and found not to produce grease, smoke, odors, toxic gases, vapors or heat
- restricted food facilities are exempt but still must provide adequate ventilation to exhaust smoke, odors, heat, grease, vapors, and steam

- when HVAC systems are designed or installed in a manner where intake or exhaust vents cause contamination to food, equipment, or utensils or cause air currents that make it difficult to maintain PHF temperatures
- when mechanical exhaust ventilation equipment is not installed or maintained in accordance with the Uniform Mechanical Code except for units subject to part 2 , beginning with section 18000 of division 13 of the Uniform Mechanical Code

Note:

- local enforcement agencies may exempt cooking equipment from mechanical exhaust requirements when appropriate
- exhaust hoods must be constructed with tight seams, sufficient clean-outs to clean ducts, and properly sloped ducts
- exhaust hoods must be maintained to ensure that filters are changed and intake and exhaust air ducts/shafts are cleaned as often as necessary to avoid becoming a source of contamination and a fire hazard

- when sufficient lighting is not provided in every room where food is prepared, manufactured, processed or packaged or where utensils and equipment are cleaned:
  - 10 foot candles measured 30 inches from floor in the walk-in refrigerator and dry storage areas
  - 20 foot candles on customer self service or pre-packaged food equipment, inside reach-in or counter refrigeration units and 30 inches from the floor in hand wash, utensil/equipment washing and storage areas and toilet rooms
  - 50 foot candles where an employee is working with food or utensils or equipment to ensure food safety and employee safety (when working with knives, saws, grinders, slicers etc.) and in all areas during cleaning
- when light bulbs are not shielded coated or shatter proof in areas where there is open food, clean

equipment, utensils, and linen or unwrapped single-use-utensils

Exceptions:

- shielded, coated or shatter proof bulbs are not required in areas where only prepackaged food is stored

- when infrared and heat lamps do not have shatter resistant bulbs

Cal Code Sec.	**114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1**
Corrective Action	• if the inspector observes insufficient ventilation in the food storage room he or she must require that the operator provide adequate ventilation • the inspector may have to require that the food storage be relocated to a better ventilated area or require that the operator reduce the food inventory to decrease product storage time • If the inspector finds that restricted food facilities cannot provide adequate ventilation, exhaust ventilation approved by the ACDEP must be provided • if the inspector observes a toilet room without adequate ventilation (no openable window or no or inadequate mechanical exhaust ventilation) he or she must require that the operator submit plans to the ACDEP and the Department of Building inspection to install a mechanical exhaust system • the inspector should require that all light bulbs in areas with open food, clean linen, and utensils be shielded, coated, or unbreakable • if the inspector observes a shattered bulb, he or she must require that all open food beneath the shattered bulb be **immediately** discarded and all food contact surfaces be carefully cleaned to remove all glass and the inspector must also mark #'s 13 and 14

39. Food Thermometers Provided and Accurate **Mark 1 pt.**

Mark this violation out

- when a readily visible thermometer is not provided in the warmest area of the refrigerator
- when hot and cold holding equipment is not equipped with a temperature measuring device or the temperature measuring device is not located to allow for reading the temperature display

Exception:

- equipment that are designed in a manner where placement of a thermometer is not a practical method for measuring ambient temperature due to the equipment design (i.e. heat lamps, cold plates, bain maries, steam tables, insulated food transport containers, salad bars and calrod units)

- when thermometers are not readily readable or have increments greater than 2˚F
- when a probe thermometer for measuring food is not readily available
- when a thermocouple or similar device used to measure thin masses of food is not provided to measure hamburger patties, fish fillets etc
- when thermometers are not accurate to plus or minus 2˚F
- when glass thermometers are used unless they are candy thermometers encased in a shatter proof coating

Cal Code Sec.	**114157, 114159**

Corrective Action	• if the inspector finds there are no thermometers on site and active food preparation (cooking, reheating, cooling, holding) is taking place, the inspector must require that the food facility obtain an adequate supply of probe thermometers **immediately** **Note:** • **proper cooling, reheating or cooking cannot be conducted without monitoring internal food temperatures** • when the inspector observes foodhandlers conducting cooling, cooking, or reheating, without monitoring food temperatures with a thermometer, the inspector must also mark violations #9, #10, or #11 • the inspector must ensure that the manager/PIC understands the need to monitor food temperatures throughout food storage and preparation procedures in order to maintain safe food temperatures • the inspector should check the food facility's thermometers for accuracy and provide on-site thermometer calibration training when necessary • if thermometers are not washed, rinsed and sanitized between uses, the inspector must also mark #14 and require that the thermometer be washed, rinsed and sanitized prior to further use • if the inspector observes a foodhandler using an unwashed, unsanitized thermometer on food, he or she must require that the food be **immediately** discarded and also require that the thermometer be washed, rinsed and sanitized **immediately** and the inspector must also mark #13 and #14

40. Wiping Cloths: Properly Used and Stored **Mark 1 pt.**

Mark this violation out

- when sponges are used on food contact surfaces
- when wiping cloths are used for wiping food spills and are used for another purpose
- when dry cloths used to clean food spills are used more than once
- when used cloths are not stored in a sanitizing solution
- when dry or wet cloths used to clean raw animal fluids are used for other purposes or not kept separate from cloths used for another purpose or not kept in a separate sanitizing solution
- when sanitizing solutions are not changed as often as necessary to remove food debris and visible soil
- when containers of sanitizing solution are not used or stored in a manner to prevent contamination of food, equipment, utensils, linen or single-use utensils
- when wet wiping cloths are not laundered daily
- when dry wiping cloths are not laundered as often as necessary to prevent contamination of food and clean serving utensils

Cal Code Sec.	**114135, 114185.1, 114185.3 (d-e)**
Corrective Action	• when inspectors observe employees using soiled wet or dry cloths or sponges to clean food contact surfaces, they must require that the food contact surface be **immediately** washed, rinsed and sanitized using a clean sanitized cloth and the inspector must also mark #14

	• the inspector must require that soiled dry wiping cloths used to clean up spills be washed, rinsed and sanitized after each use • the inspector must require that soiled, properly stored wet wiping cloths be washed, rinsed and sanitized every four hours • the inspector must require that improperly stored wet wiping cloths be washed, rinsed and sanitized prior to re-use • the inspector must require that any sponges found at the food facility be **immediately** discarded • the inspector must require that the wiping cloth sanitizing solution be changed every four hours or more frequently when necessary • the inspector must ensure that the manager/PIC understands the relationship between ineffective sanitizing solutions for food contact surfaces and food contamination • when an inspector observes the contamination of food by soiled wiping cloths, he or she must also mark #13 and the inspector must require that the food be **immediately** discarded

Physical Facilities

41.Plumbing: Proper Backflow Devices **Mark 1 pt.**

Mark this violation out

- when plumbing and plumbing fixtures are not installed in compliance with local plumbing ordinances, not maintained to prevent contamination, not fully operative or not in good repair
- when nonpotable water piping is not visibly distinguishable from potable water piping
- when liquid waste drain lines pass through an ice machine or an ice storage bin
- when boiler water additives do not meet requirements per 21C.F.R.: 173.310
- when a potable water hose is not constructed of nontoxic materials, or is used for other purposes, or is not clearly labeled for its use or is not stored in a manner to prevent contamination
- when indirect waste receptors (i.e. floor sinks) are not easily accessible
- when the potable water supply (mop sinks, other sinks with threaded faucets) is not provided with a backflow prevention device
- when food equipment that discharge liquid waste is not drained through an air gap into a floor sink or other approved receptor (i.e. properly installed and functioning evaporator for refrigerators)
- when warewashing machines connected directly to the sewer are not connected downstream from a floor drain

Exception:

  - warewashing sinks directly plumbed prior to January 1, 1996 may continue use
  - warewashing sinks are not required to provide indirect plumbing when the local plumbing code requires that the sink be directly plumbed

- when a grease trap or interceptor is located in a food or utensil handling area without approval from the ACDEP
- when the grease trap or interceptor is not readily accessible for cleaning

Exception:

- grease traps or interceptors in place prior to when this section of Cal Code came into effect are exempt

- when a food facility is newly constructed or extensively remodeled and floor drains are not installed or improperly installed (the floor is not sloped 1/4 inch to the floor drain) in areas where floors are flushed or pressure sprayed
- when an equipment compartment subject to moisture accumulation from condensation, melting ice, food or beverage drip are not sloped to a draining receptacle

Cal Code Sec.	**114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269**
Corrective Action	• the inspector must require that any incorrectly installed plumbing lines or fixtures, equipment drains or grease traps be corrected or replaced with the approval from the ACDEP and the Department of Building Inspection • the inspector must require that all sinks with threaded faucets are provided with a back siphonage prevention device and all food equipment is protected during waste discharging by an air gap and drained to an approved receptor • the inspector must require that drain receptors are accessible for cleaning • the inspector must require the correction or replacement of ice machines and ice bins, when liquid waste lines pass through the ice • the inspector must require that the operator make potable and non potable water piping distinguishable • the inspector must require that the potable water hose is made of nontoxic material, is only used for food, equipment or utensils, is clearly labeled for its use and is stored in a manner to prevent contamination • the inspector must mark sewer back-ups under #22

42. Garbage and Refuse Properly Disposed; Facilities Maintained **Mark 1 pt.**

Mark this violation out

- when facilities (approved garbage disposal service and frequency of service) and equipment (approved/adequate receptacles with tight fitting lids for solid and liquid waste) necessary to store or dispose of waste in a sanitary manner are not provided by the food facility
- when refuse containers are not leak proof, durable, nonabsorbent and vermin proof with tight fitting lids
- when waste receptacles are not provided for customers when needed
- when waste receptacles are not provided in each area of the food facility where waste is generated or recyclables are stored
- when an area away from food, utensils, equipment, linens and single-use articles is not provided to store waste, returnables, and recyclables and equipment, resulting in the creation of a public health hazard, nuisance or attraction or harborage of pests
- when receptacles and waste handling units are placed in areas that cause a public health hazard or nuisance or prevent cleaning of adjacent areas
- when walls, floors and/or ceiling of the indoor waste storage area are not made of approved materials and do not exclude vermin
- when an outside waste storage area or enclosure is not constructed of an nonabsorbent, easily

cleanable, durable floor material sloped to a drain

- when waste receptacles, storage areas and enclosures are not maintained clean and in good repair
- when waste receptacles and handling units are cleaned in a manner that causes contamination of food, equipment, linen, utensils, or single-use utensils
- when the necessary cleaning supplies and equipment are not provided to maintain the waste receptacles, storage or enclosures
- when cardboard and other recyclable materials are not removed at a frequency that prevents attraction or harborage of pests
- when animal byproducts and inedible kitchen grease is not disposed of by a renderer or registered transporter of inedible kitchen grease licensed by the Department of Agriculture

Exception:

- inedible kitchen grease does not include grease from a grease interceptor
- the food facility can transport kitchen grease in their own vehicle to an approved central collection point

Cal Code Sec.	**114244, 114245, 114245.1, 114245.2, 114245.3, 114245.4, 114245.5, 114245.6, 114245.7, 114245.8**
Corrective Action	• the inspector must require that all food facilities maintain their food facility free of garbage accumulation by contracting with an approved and adequate, licensed garbage disposal service • the inspector must require that garbage receptacles and garbage areas are cleaned frequently and maintained in a sanitary manner • the inspector must also mark #23 when garbage or recyclable storage methods result in vermin attraction and/or harborage • the inspector must ensure that the manager/PIC understands the relationship between improper maintenance of refuse storage operations and vermin attraction and harborage

43.Toilet Facilities Cleaned, Supplied, Maintained **Mark 1 pt.**

Mark this violation out

- when toilet facilities are not provided or the number of toilet facilities is not in compliance with the local plumbing and building codes
- when toilet facilities are not clean or in good repair
- when toilet facilities are not conveniently located and accessible to employees at all times the food facility is in operation
- when the toilet facility is used to store food, utensils, equipment or supplies

Note:

  - food facilities located in amusement parks, stadiums, arenas, zoos, food courts, fair grounds, etc do not have to have a toilet facility in each food facility, if a toilet facility is located within 200 feet of their food facility, but each food facility must provide hand washing equipment on their premises

- when toilet facilities are not provided for patrons when there is on-site consumption of food or when at least one toilet for men and at least one toilet for women is not provided when the food

facility is more than 20,000 sq ft. and constructed after July 1, 1984

Note:

- gas pump areas of service stations maintained in conjunction with a food facility should not be included in the measurement of square footage

Note:

- food facilities constructed before January 1, 2004 that provide food for on-site consumption must either provide a toilet for food facility customers or post a sign prominently in a public area that toilet facilities are not provided

- when patrons must pass through food preparation, food storage, or utensil wash or storage areas to go to the toilet facility
- when toilet facility doors are not self closing and well-fitted
- when hand washing facilities are not provided or are not in good repair

Cal Code Sec.	**114250, 114250.1, 114276**
Corrective Action	• the inspector must require that each food facility provides adequate, sanitary, well equipped toilet facilities with hand washing equipment and self closing doors for their employees and patrons • the inspector must ensure that the manager/PIC understands the relationship between inadequate toilet facilities and disease transmission • the inspector must take the necessary action noted under #24 and the inspector must also mark #24 when customers must pass through food preparation/storage areas or utensil wash/storage areas to go to the toilet facility

44.Premises; Personal/Cleaning Items; Vermin Proofing **Mark 1 pt.**

Mark this violation out

- when satellite food service operations are not completely enclosed during nonoperating hours or severe weather
- when food preparation sinks, warewashing sinks or hand wash sinks are used to store or clean maintenance tools (i.e. mops) or dispose of mop water and similar liquid wastes
- when the food facility and the surrounding land under its control are not kept free of litter and items that are not necessary to its operation (i.e. broken equipment, construction debris, and stored personal belongings etc)
- when an open air barbeque is not operated on the same premises as, in conjunction with, and in close proximity to a permanent food facility or poses a fire hazard
- when all areas of a food facility are not kept clean, fully operative and in good repair
- when cleaning equipment and chemicals are not stored in areas or cabinets away from food storage/preparation areas and utensil storage/wash areas
- when wet mops are not stored to air dry in a manner that prevents soiling of walls, equipment or supplies
- when a curbed cleaning facility or mop sink is not provided or not conveniently located

Exception:

- restricted food facilities are exempt if they have hot water for cleaning and an approved

sewage disposal system for liquid waste disposal • when employee storage areas are located in areas where food, equipment, utensils, linen and single-use utensils can become contaminated • when employee lockers or other approved storage facilities are not provided for employees to store their personal belongings or clothing or change rooms are not provided for employees who change their clothes in the food facility • when medicines are not labeled, and not stored in a container away from food storage/preparation and utensil washing/storage areas • when first aid kits are not labeled with the manufacturer label and/or not stored in a kit or container away from food preparation/storage and utensil washing/storage areas • when the food facility is not constructed, operated or maintained in a manner to prevent entrance or harborage of vermin, animals (including insects) or birds • when a pass through window opening does not comply with Cal Code requirements • when insect electrocution devices are not UL certified or equivalent and are not constructed to keep the insect within the device or is located above food or utensil handling areas	
Cal Code Sec.	**114067 (j), 114123, 114143 (a), & (b), 114256, 114256.1, 114156.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282**
Corrective Action	• if the inspector observes a satellite food service operation that is not completely enclosed after operating hours, he or she must require that all food contact surfaces be washed, rinsed and sanitized prior to opening and that the operator provides a complete enclosure • the inspector must order a cease and desist to open-air barbeque facilities that are not operated on the same premises as, in conjunction with, and in close proximity to a permanent food facility or that pose a fire hazard • when an inspector observes hand wash sinks, ware washing sinks or food prep sinks used for cleaning or storage of mops or other maintenance tools, he or she must require that the unapproved operations cease **immediately** and the sinks are washed, rinsed and sanitized prior to re-use • inspectors must require that operators provide areas separate from food, equipment and utensil operations for employee lockers, change areas, medicine and chemical storage • inspectors must require that all holes, cracks or crevices are sealed with ¼ inch wire mesh, sheet metal or other approved materials and that pass through windows comply with Cal Code to exclude vermin • inspectors must require that any insect electrocution device is UL certified or the equivalent and constructed to keep the insect in the device and is not located above food, or utensil handling areas • the inspector must require that the operator maintain the food facility and the land under its control, free of litter and items that are not necessary to its operation, such as broken or unused equipment, stored personal belongings, and construction debris etc.

Permanent Food Facilities

45. Floors, Walls, and Ceilings are Maintained and Clean **Mark 1 pt.**

Mark this violation out

- when a permanent food facility is not fully enclosed in a building or does not have permanent walls, floors and ceilings that meet minimum Cal Code requirements

Exceptions:

  - food facilities not fully enclosed that are in operation before January 1, 1985 do not need to comply until they remodel, change their menu or change their operation
  - outdoor dining areas and other outdoor operations approved for food service
  - a produce stand that was in operation before July 1, 2007 can have a maximum of one side open to the open air during business hours

- when floor surfaces are not clean, not in good repair, not durable, not nonabsorbent, not smooth, not coved 3/8 of an inch at the floor wall juncture and do not extend up the wall 4 inches

Exceptions:

  - public and private schools unless there is a major remodel
  - sawdust, wood shavings and peanut hulls are allowed in the dining room
  - use of dust arresting floor sweeping and cleaners is allowed
  - use of anti slip floor finishes is allowed
  - methods that are not dustless are used to clean (i.e. wet cleaning, vacuum cleaning, mopping with treated dust mops or sweeping using a broom and dust arresting compounds)

Cal Code Sec.	**114143(d), 114266, 114268, 114268.1, 114271, 114272**
Corrective Action	• if the inspector observes a food facility that is not fully enclosed and was not previously approved for operation under those conditions, the inspector must refer the food facility to his or her unit manager for possible closure until full enclosure is provided and approved by the ACDEP • if the inspector observes a floor in disrepair or improperly constructed, the inspector must require that the floor be repaired or replaced with a timeline relative to the level of the hazard it presents • the inspector must require that the floors, walls, and ceilings in all permanent food facilities are of approved construction

46. No Living or Sleeping Quarters Inside Facility **Mark 1 pt.**

Mark this violation out

- when a private home, a room used for living or sleeping or an area directly opening into a room used as a living or sleeping quarters is used to conduct food facility operations
- when sleeping accommodations are kept in a room where food is prepared, stored or sold or sleeping quarters are located on the same premises as the food facility and are not separated from the food facility areas by solid walls and self closing doors

Exception:

  - restricted food facilities are exempt as long as no sleeping accommodations are in any area where food is prepared or stored

Note: • nonperishable prepackaged food may be given away, sold or handled from a private home • food with expired sell-by dates must not be sold	
Cal Code Sec.	**114285, 114286**
Corrective Action	• if the inspector finds sleeping accommodations are not separated from the food facility by a solid wall and a self closing door, he or she must require that the practice be discontinued **immediately** and the sleeping accommodations be removed from the food facility • pre-packaged nonperishable food with expired sell-by dates should be referred to the Department of Public Health FDB for enforcement

Signs/Requirements

47. Signs and Permits Posted; Last Inspections Reports and Food Safety Certificates Available **Mark 1 pt.**

Mark this violation out

- when a copy of the most recent inspection report is not maintained at the food facility and available upon request
- when a copy of the public advisory notice informing customers that a copy of the most recent inspection report is available for review upon request is not posted or not visible to customers
- when food safety certificates are not posted
- when food handler cards are not in the possession of food employees
- when hand wash signs are not posted at hand wash sinks
- when a no-smoking sign is not posted in food preparation, food storage and warewashing areas
- when the permit to operate is not posted

Cal Code Sec.	**113725.1, 113953.5, 113978, 114381 (e)**
Corrective Action	• when an inspector does not observe a sign that is required to be posted, he or she must require that the operator acquire the sign and post it promptly and prominently in the required area and maintain it at all times • when a manager does not have a food safety certificate • when a food handler does not have a food handler card

Compliance and Enforcement

48. Compliance With Plan Review Requirements **Mark 1 pt.**

Mark this violation out

- when complete plans are not submitted to the ACDEP prior to new construction or remodel of a food facility or when a new construction or remodel of an existing food facility is started without approval from the ACDEP

Note:

- a change in menu may require plan submission when the menu change results in the

need to expand food storage areas or when a pre-packaged only food facility or a minimum food preparation food facility expands to include food preparation and/or cooking operations • structural and sanitation requirements are based on the food service activity to be conducted, the type of food to be prepared and served and the extent of food preparation	
Cal Code Sec.	**114380**
Corrective Action	• if an inspector observes a food facility under construction and the inspector confirms that the food facility did not submit plans nor receive the approval from the ACDEP, the inspector must issue a written order to **immediately** cease and desist construction until plans are submitted and approval from the ACDEP is received • if an inspector observes cooking or food preparation in a food facility that is not approved for those activities, he or she must issue a written order to the operator to cease and desist from those activities **immediately** and to submit plans for the proposed operation

49. Facility Operating With Valid Permits **Mark 1 pt.**

Mark this violation out

- when a satellite food service is not operated in conjunction with a fully enclosed permanent food facility or written procedures are not available

Note:

- satellite food service is defined as a remotely located food service operation that is constructed on the same property as and in reasonable proximity to and in conjunction with a fully enclosed permanent food facility
- satellite food service does not include remote food service operations within a fully enclosed permanent food facility

- when a food facility is open for business without a valid permit

Note:

- even though inspectors are authorized by law entry to licensed food facilities during hours of operation for the purpose of inspection, a food facility employee may refuse entry if the inspector fails to produce a ACDEP picture ID or a business card and a California Driver's License

Cal Code Sec.	**114067(b, c), 114381 (a), 114387**
Corrective Action	• the inspector must issue an order for closure (and notify his or her unit manager) to facilities operating without a valid permit or to remote food service operations not on the same property as or not operating in conjunction with or not in close proximity to the fully enclosed permanent food facility

SELF INSPECTION CHECKLIST

This checklist is provided so that you may perform periodic reviews of your food facility's operation and to assist you in identifying areas that may need improvement. Since the items listed in this checklist are considered to be related to the transmission of foodborne illness it can also be used as a training resource for your employees. The Environmental Protection Division is dedicated to working with the food operator to assure that their patrons are protected from foodborne illnesses. The use of this self-inspection checklist is one method that will help you provide a safe and healthy dining experience for your patrons.

FOOD

- ❑ 1. Food is purchased from an approved source (licensed by the county, state, or federal government).
- ❑ 2. Food is inspected and found to be free from contamination, adulteration, and spoilage.
- ❑ 3. Unpackaged foods which have been served or returned from the dining area are discarded.
- ❑ 4. All foods are stored a minimum of 6" off the floor.
- ❑ 5. Restrooms are not used for the storage of food, equipment, or supplies.
- ❑ 6. All paper products are stored in a manner so as to protect them from contamination.
- ❑ 7. Food, and food related products, is being protected from dirt, unnecessary handling, overhead leakage, and other forms of contamination.
- ❑ 8. All food storage containers have tight fitting lids and are properly labeled.
- ❑ 9. Foods are dispensed in the self-serve area in an approved manner.
- ❑ 10. The use of sulfites is prohibited.
- ❑ 11. Food products are labeled in an approved manner.
- ❑ 12. Food products with an alcohol content exceeding 0.5% are properly labeled.
- ❑ 13. Shellfish tags kept for 90 days; warning signs posted.

TEMPERATURE CONTROL

- ❑ 1. Potentially hazardous foods are maintained at or below 41°F or at or above 135°F at all times.
- ❑ 2. A thermometer, accurate to + or -2°F, is provided either as an integral part of the refrigerator and freezer (dial outside), or is located inside each unit at its warmest point, readily visible.
- ❑ 3. An accurate metal probe thermometer, suitable for measuring food temperatures, is readily available and is being used to check food temperatures.

- ❑ 4. Food products are thawed in one of the following methods only: a) in refrigeration units; b) under cold running, potable water of sufficient velocity to flush loose food particles; c) in a microwave oven; d) as part of the cooking process.
- ❑ 5. Thawed food items are not refrozen.
- ❑ 6. Cooked or processed foods may be refrozen.
- ❑ 7. Rapid cooling and reheating procedures used for all potentially hazardous foods.

PERSONNEL

- ❑ 1. An owner or employee has successfully passed an approved and accredited food safety certification examination.
- ❑ 2. All food handling employees possess food handler's cards.
- ❑ 3. Employees wash their hands with soap and hot water (100°F) for the following reasons: a) before starting work; b) immediately after using the restroom; c) any time needed to prevent food contamination.
- ❑ 4. Employees handling food or utensils have no open sores, and are not sick.
- ❑ 5. Employees are wearing clean outer garments.
- ❑ 6. Tongs or other implements are used for serving food products.
- ❑ 7. Hair of employees is properly confined.
- ❑ 8. Employees do not smoke or use tobacco inside the facility.

WATER AND SEWAGE

- ❑ 1. All sinks are fully operable with hot and cold water at each faucet.
- ❑ 2. All sinks drain properly. Floor drains and floor sinks are in good working order.
- ❑ 3. Plumbing is in good repair.
- ❑ 4. Grease traps and septic tanks are routinely serviced.

EQUIPMENT

- ❑ 1. All equipment (i.e. stoves, grills, refrigerators, tables, sinks, etc.) is clean and well maintained; food contact surfaces are properly washed and sanitized.
- ❑ 2. Inoperable equipment has been repaired or replaced (removed from the facility).
- ❑ 3. Equipment is listed or certified by ANSI or equivalent.
- ❑ 4. No equipment has been replaced, moved, or added without prior approval from the Environmental Protection Division.

UTENSILS

- ❑ 1. Multi-service utensils are being washed using one of the following methods: a) in a three compartment sink (wash-rinse-sanitize); b) dishwasher, conforming to ANSI standards, using a chemical sanitizing rinse; c) dishwasher, conforming to ANSI standards, using rinse water that reaches at least 171°F for 30 seconds, or as specified by the manufacturing specifications. The appropriate sanitizer concentration test strips must be available.
- ❑ 2. All utensils are clean and well maintained.
- ❑ 3. Damaged or unapproved utensils have been repaired or replaced.
- ❑ 4. Utensils are properly protected during storage.

FLOORS / WALLS / CEILINGS

- ❑ 1. Floors are clean, well maintained and in good repair.
- ❑ 2. Walls, ceilings and windows are clean, well maintained and in good repair.

TOILET / DRESSING ROOM / HANDWASHING SINKS

- ❑ 1. Toilet facilities are clean, well maintained and in good repair.
- ❑ 2. Self-closing doors in toilet and dressing rooms are working properly.
- ❑ 3. Single service soap and paper towel dispensers for all handwash sinks are operable and full.
- ❑ 4. Toilet tissue dispensers are full.
- ❑ 5. Legible handwashing signs are properly posted.
- ❑ 6. Either mechanical ventilation or an openable window is provided in each restroom and are in proper working order.

LIGHT AND VENTILATION

- ❑ 1. Adequate lighting and ventilation is provided throughout the facility.
- ❑ 2. Exhaust ventilation filters are clean and well maintained.
- ❑ 3. Light fixtures have approved safety covers.

PEST CONTROL

- ❑ 1. Facility is free from insect and rodent infestations.
- ❑ 2. Live animals, birds, or fowl are not located in the facility.
- ❑ 3. Outside doors and screen doors are self-closing and closures are in working order.
- ❑ 4. Air curtains are operating properly.
- ❑ 5. Only approved pesticides are used and stored in the proper manner.

REFUSE

- ❑ 1. Trash containers are leak-proof and covered.
- ❑ 2. Outside trash bin lids are closed.
- ❑ 3. Outside premises and refuse areas are clean and well maintained.

OPERATION

- ❑ 1. Hazardous substances (example: chemicals, cleaning supplies, etc.) are properly labeled and stored away from food products.
- ❑ 2. No smoking signs are properly posted.
- ❑ 3. Cleaning equipment and soiled linens are properly stored.
- ❑ 4. Returned, damaged, or unlabeled food products are properly stored.
- ❑ 5. Facility has a current Environmental Health Permit to operate posted in public view.

THE FOLLOWING CONDITIONS ARE CONSIDERED SERIOUS. YOUR FACILITY MUST CLOSE UNTIL CORRECTIONS ARE MADE.

- ❑ 1. Overflowing sewage inside the facility.
- ❑ 2. No potable water.
- ❑ 3. No hot water.
- ❑ 4. No electricity.
- ❑ 5. No operating refrigeration equipment.
- ❑ 6. Vermin infestation.
- ❑ 7. An employee who is a carrier of a communicable disease.
- ❑ 8. Gross insanitary conditions.

QUESTIONS?

Contact the Environmental Protection Division at 510-567-6700 or visit our web site at www.acgov.org/aceh

Operator's Inspection Notes:

Departmental Policies

The Environmental Protection Division has policies and procedures 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 annual health permit is effective for one year from the issue date. You will be invoiced two months prior to the permit expiration date. The fee must be paid timely to maintain the status of your health permit and to avoid penalties. Facilities operating without valid permits will be closed.

For new facilities or for a change in ownership, payment of the fees is required at the time the application for a health permit is submitted.

The health permit fee has been established to recover the costs of conducting routine inspections and other food program related activities.

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 reinspection is conducted to ensure compliance has been achieved.
2. An administrative hearing is held.
3. Other enforcement actions are necessary.

Rescore Inspection Fee: **A** rescore fee, based on the current hourly rate, must be submitted when a request for a rescore inspection is made. The fee is to recover the costs of conducting the inspection, any additional enforcement activities and an unannounced inspection within 90 days from the last routine inspection.

Multiple Health Permits for One Facility

Multiple food establishments operated by the same permittee within one facility, for example, a bakery and meat counter located within a supermarket, each facility be issued a separate Environmental Health Permit and each facility will be scored/graded individually. A separate permit fee will be required for each facility.

Posting Requirements for Retail Food Facilities

Green, Yellow , Red Placards

The Placard, which is posted by the health inspector, is based on the score on the Inspection Report Form. The Placard must be posted in an area that is clearly visible to patrons of the food facility and the public. If the food facility has multiple Environmental

Health Permits, the inspector will post the Placard of each separately permitted facility at its individual customer service counter or area. For example, a supermarket that has a permit for a retail food market and a separate permit for a bakery will post the Placard of the retail food market at the entrance to the market, and the Placard for the bakery at the bakery's customer service counter. The Placard must remain posted until the next routine inspection, when the inspector will post a new Placard.

Notice of Closure

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

1. A score of 74.0 or less after a routine inspection by an REHS; OR
2. An imminent health threat exists that requires an REHS to close the facility to protect the public health and safety.

The Notice of Closure must be posted in an area that is clearly visible to patrons of the food facility and the 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 by an REHS.

Reopening after receiving a score of 74.0 or less:

The facility must be inspected by an REHS before it may be reopened. The score received after this inspection will determine the Placard issued to the facility. This is the Placard that will remain until the next routine inspection. To reopen, the facility must achieve a score of at least 75 points. If the facility receives a score of 75 to 79 a mandated reinspection will be conducted in seven (7) days to ensure improved food handling practices and overall food facility maintenance and sanitation is achieved.

Reopening after an imminent health hazard:

The facility must receive permission from the Food Program Supervisor before it may be reopened. The facility will be inspected after permission is given to confirm that the imminent health hazard has been corrected.

Availability of Inspection Reports

In addition to the posting requirements, the food operator is required to have available the most recent Inspection Report Form that corresponds to the posted Placard. The food operator is required to post a notice advising patrons "that a copy of the most recent inspection report is available for review by interested parties". The inspection report 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 Placard (from a Yellow or Red Placard to a Green Placard).

1. Yellow Placard:

   The food operator must correct the noted violations and request a rescore inspection no later than seven (7) days after the original routine inspection.

2. Red Placard

   A mandatory reinspection is required before the facility will be re-opened. After the violations are confirmed corrected, a rescore may be requested at the end of this mandatory reinspection.

The rescore inspection will be completed within seven (7) days of the request. Before the inspection is conducted, the food operator must pay a fee to recover the costs of conducting the inspection. At the conclusion of the rescore inspection, a new Placard will be posted. At the conclusion of each unannounced routine inspection, a new Placard will be posted.

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:

- 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 the faucet of any critical sink: handwashing is100°F or less), food preparation and utensil washing is 120°F or less.
- Unsafe food temperatures (e.g. all refrigeration units are inoperable).
- Gross unsanitary conditions.
- Communicable disease transmission (e.g. Hepatitis A, Shigella).
- Rodent or insect infestation

If a condition exists that requires the closure of the food facility, the health inspector must also notify his/her supervisor. When the notification has been done, the health inspector 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 health inspector will post a Notice of Closure sign.

The food facility operator will receive an Inspection Report Form that notes the immediate health hazards with the reason(s) for the permit suspension and 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 serious violations, failure to comply with the orders on the Official Inspection Report form or interference with duties of the health inspector. The process followed is similar to suspension of an Environmental Health Permit.

The health inspector must obtain notify his/her supervisor of the need to close the facility. When the notification is done, the health inspector will inform the food operator of the suspension of the Environmental Health Permit and the Division's intentions to revoke the permit. The health inspector will direct the food operator to discontinue the operation of the food facility and will post a Notice of Closure sign.

The food operator/permit holder will receive an official "Notice of Violation" correspondence from the Chief of the Division of Environmental Protection summarizing the violations noted that lead to the closure. In addition, the correspondence will include a historical summary of violations (repeat violations are specifically highlighted) noted at the food facility. The correspondence also provides the operator an opportunity to request an administrative office hearing to show 'cause" why the Environmental Health Permit should not be revoked.

The Division of Environmental Protection Chief or his designee will determine, after the administrative hearing, whether the food facility's 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 Placard, the permittee may request an appeal.

1. The permittee must submit a written request for an appeal within three (3) business days following the inspection.

2. The appeal will be reviewed by the Unit Supervisor in consultation with the Division Chief.

3. The previously issued Placard shall remain posted until the final decision by the Unit Supervisor and Division Chief.

4. After the final decision, the new Placard shall be posted within one (1) business day.