

RETAIL FOOD INSPECTION GUIDE

FOR PERMANENT
FOOD FACILITIES

MAY 2025

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I. INTRODUCTION

Background

According to the Centers for Disease Control and Prevention, it's estimated that 48 million illnesses, 128,000 hospitalizations, and 3,000 deaths that occur annually in the United States are related to foodborne diseases. The food industry and the Los Angeles County Department of Public Health's Environmental Health Division share the crucial responsibility of ensuring that food provided to consumers is safe and free from contaminants that could lead to foodborne illness outbreaks or the transmission of communicable diseases. The Retail Food Inspection Guide for Permanent Food Facilities was developed to help food facility operators understand food inspection reports and the public health significance of the violations identified during a routine inspection, with the goal of preventing foodborne illnesses through proactive education and prevention.

A copy of this guide and additional information regarding the permitting and inspection of restaurants and retail food stores can be found at our website at:

<http://publichealth.lacounty.gov/eh/business/restaurants-retail-food-stores.htm>

Authority

The California Retail Food Code (CRFC), which is part of the California Health and Safety Code, delegates enforcement to the local enforcement agency. The Department of Public Health Environmental Health Division (EH) is the local enforcement agency for the County of Los Angeles, with the exceptions of the cities of Long Beach, Pasadena, and Vernon. Under this authority EH is responsible for the permitting and inspection of all retail food facilities, with the exceptions of those on federal land or operated by the University of California Regents. EH is also delegated authority by the State to enforce requirements for food within the Sherman Food, Drug, and Cosmetics Law. The California Department of Food and Agriculture delegates authority to EH to enforce regulations related to the retail sale of soft serve ice cream. EH is authorized by the Board of Supervisors to enforce the Los Angeles County Code, Title 8 – Consumer Protection, Business and Wage Regulations, regarding the requirements for Public Health Permits.

The Department's Environmental Health Specialists (EHSs) are required to hold a Registered Environmental Health Specialist certification from the California Department of Public Health (CDPH) or are required to be authorized to work as a trainee by CDPH.

EH exercises its delegated authority by permitting and inspecting restaurants, food markets, bars, bakeries, public school cafeterias, remote food storage facilities, and caterers. During inspections, the EHS verifies compliance with the requirements of the CRFC, Sherman Food, Drug and Cosmetics Law, and the Food and Agricultural Code by checking food temperatures, safe food handling, employee hygiene, required water temperature and potable water supply, a clean environment free of vermin, product labeling, and other requirements.

Purpose

This guide is designed to support EHS during retail food inspections and to help food facility operators understand essential food safety practices, principles, and procedures. Its primary aim is to ensure facilities comply with the California Retail Food Code (CRFC) and other relevant laws. Additionally, the guide assists EHS in identifying and documenting violations on the Retail Food Official Inspection Report (FOIR). While the guide covers many scenarios, it may not encompass every possible situation or violation. In cases where an operator is unclear about an observation, the EHS will be available to discuss the issue, provide clarification, and educate the operator on the public health significance of the requirement.

Note: *This guide is subject to change based on changes to the laws and when further clarification is warranted.*

If you have questions regarding the inspection process, violations marked in the inspection report, actions taken by an inspector, or any applicable law or regulation, please contact us at (888) 700-9995.

II. DEFINITIONS

The success of any food inspection program requires a clear understanding of the common terminology used by the EHS and the food industry. The definitions of the following terms are provided for context in the food inspection process.

Acute Gastrointestinal Illness is a short-term illness triggered by the infection and inflammation of the digestive system, which can be caused by viruses, bacteria, bacterial toxins, parasites, or chemicals.

Approved Source is a producer, manufacturer, distributor, or food facility that is acceptable to the County of Los Angeles, licensed or permitted by a local or state agency, and conforms with current public health principles and practices, and generally recognized industry standards that protect public health.

California Retail Food Code (CRFC) is part of the California Health and Safety Code whose purpose is to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented through the adoption of science-based standards.

Catering Operation is a food service that is conducted by a permanent food facility approved for food preparation where food is served, or limited food preparation is conducted, at a location other than its permitted location as part of a contracted offsite food service event or when operating in conjunction with a host facility with direct food sales.

Comminuted means reduced in size by methods including chopping, flaking, grinding, or mincing. Examples include gefilte fish, formed roast beef, gyros, ground beef, sausage, and a mixture of two or more types of meat that have been reduced in size and combined, including, but not limited to, sausages made from two or more meats.

Compliance Review (CR) is an informal meeting with the facility owners/operators to discuss adherence to regulatory standards and requirements prior to the Department seeking further legal actions in the event of non-compliance (e.g., permit suspension, permit revocation, filing a court case with the City Attorney/District Attorney). It is an opportunity for the operator to present their plans for correcting the existing violation(s), reasons for non-compliance, and to be fully aware of possible consequences for continued non-compliance.

Contiguous Facilities two or more food facilities located within the same building or property that are under control of the same owner.

Critical Risk Factors (CRF) mean violations that pose a serious and immediate risk to the public's health and safety.

Cross-Contamination is the transfer of harmful microorganisms or substances from one food to another, with harmful effect (e.g., cutting board used to cut raw poultry then used to cut raw beef without being properly washed and sanitized in between use, worker packing peanut product not washing their hands and/or changing gloves prior to handling a non-peanut product).

Department means the Los Angeles County Department of Public Health, Environmental Health Division.

Environmental Health Specialist (EHS) also known as a "health inspector" is someone who has completed college-level studies in biology, chemistry, physics, and microbiology, possesses a bachelor's degree or higher, and who has passed or is in the process of taking the 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.

Fabric Implement means a cloth or fabric, including, but not limited to, burlap and cheesecloth, that is used as part of the food process and comes in direct contact with food that is subsequently cooked.

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

Food Employee means an employee working with food, food equipment or utensils, or food contact surfaces.

Food Facility means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, regardless of whether there is a charge for the food. Permanent food facilities include but are not limited to, restaurants, food markets, bakeries, school cafeterias, restricted food service facilities, licensed health care facilities, and caterers.

Food Handler means an individual who is involved in the preparation, storage, or service of food in a food facility or other than an individual holding a valid food safety certificate issued.

Good Retail Practices (GRP) are those preventive measures required by law that effectively control the introduction of pathogens, chemicals, and physical objects into food.

Grade Card is a placard posted at a food facility indicating the condition of the facility based on the numerical score at the latest routine inspection or Owner Initiated Inspection (OII).

Gulf Oyster means any oyster harvested from the states of Alabama, Florida, Louisiana, Mississippi, or Texas.

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.

Highly Susceptible Population means a group of persons who are more likely than other people in the general population to experience foodborne disease because the group is comprised of immunocompromised persons, preschool age children, or older adults; who obtain food at a facility, including, but not limited to, a kidney dialysis center, hospital, nursing home, or senior center, that provides services, such as custodial care, health care, assisted living, or socialization services.

Illness means a condition caused by any of the following infectious agents: (1) *Salmonella typhi*; (2) *Salmonella* spp.; (3) *Shigella* spp.; (4) *Entamoeba histolytica*; (5) Enterohemorrhagic or shiga toxin producing *Escherichia coli*; (6) Hepatitis A virus; (7) Norovirus; (8) Other communicable diseases listed in the California Code of Regulations that are transmissible through food.

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.

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

Intervention means actions taken to reduce the risk of potential foodborne illness. Interventions include demonstration of knowledge, employee health controls, controlling hands as a vehicle of contamination, time and temperature parameters for controlling pathogens, and consumer advisories.

Linens means fabric items such as cloth hampers, cloth napkins, tablecloths, wiping cloths, and work garments, including cloth gloves.

Major Food Allergens means a group of nine major allergenic foods, those include: milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts, soybeans, and sesame seeds; or any food ingredient that contains protein derived from these foods. A highly refined oil (e.g., Peanut oil) derived from one these food items, is not included in the definition of a major food allergen as the refining process removes the allergen particles.

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

Meat means the flesh of animals used as food, including the dressed flesh of cattle, swine, sheep, goats, and other edible animals, except fish, poultry, and game animals.

Minor Violation means a violation that does not pose an imminent health hazard but does warrant correction.

Notification of Intent to Suspend (NOITS) is a statement documented on the Official Inspection Report which notifies the permit holder of outstanding repeat violations and advises them of their right to request a hearing to show cause as to why their public health permit should not be suspended.

Open Food means food items that are not prepackaged or prepackaged foods that have had the processor's seal broken and have otherwise been handled or altered from its original state.

Permanent Food Facility means a food facility operating in a permanently constructed structure, including any room, building, place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, manufacturing, packaging, or otherwise handling food at the retail level.

Parts per Million (ppm) is a unit of measurement that expresses the concentration of a substance in a mixture.

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

Pooled Eggs means a collection of individual raw eggs that have been cracked open and merged or mixed into one container prior to cooking.

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

Produce means any whole edible portion of a plant in its raw and natural state.

Prohibited Foods refers to those foods, including but not limited to unpasteurized eggs, dairy products, or juices, raw or partially cooked food of animal origin, soft-cooked eggs, and raw seed sprouts that are prohibited from being served at a food facility that services a highly susceptible population a licensed health care facility or in a public or private school.

Public Health Permit (PHP) means a written authorization issued by the County Health Officer to operate a food facility, including but not limited to a food demonstrator, retail food market, independent milk-delivery vehicle, mobile food facility, or vending machine.

Ready-to-eat (RTE) Foods means food that is in a form that is edible without additional preparation to achieve food safety, food of animal origin that is meant to be consumed raw or partially cooked, or food that may receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

Reduced Oxygen Packaging (ROP) means the reduction of the amount of oxygen in a package by mechanically evacuating the oxygen, displacing the oxygen with another gas or combination of gasses, or otherwise controlling the oxygen content in a package to a level below that normally found in the atmosphere, which is 21 percent oxygen. Reduced oxygen packaging includes methods that may be referred to as altered atmosphere, modified atmosphere, controlled atmosphere, low oxygen, and vacuum packaging, including sous vide.

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.

Revocation is an action taken by the Environmental Health Division to permanently order a facility closed under the existing Public Health Permit.

Risk Assessment is the categorization of a food facility based on the public health risk associated with the food products served, the methods of food preparation, and the operational history of the food facility.

Routine Inspection is a periodic, unannounced inspection of any business in possession of a valid Public Health Permit. A routine inspection shall not mean a reinspection, Owner Initiated Inspection (OII), or a complaint investigation.

Re-inspection is a follow-up visit to determine compliance of violations observed at a previous inspection (e.g., routine inspection, complaint investigation, or re-reinspection).

Service Animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability, or that is in training to do that work or perform those tasks. Service animal does not include any other species of animals, whether wild or domestic, trained, or untrained.

Sherman Food, Drug, and Cosmetic Law is part of the California Health and Safety Code regulating labeling, advertising, and pure foods.

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

Time as a Public Health Control (TPHC) is an approved method of holding food where only time, 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.

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

Vermin Infestation 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 of food, equipment, packaging, or utensils.

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

Warm Water means water that is supplied through a mixing valve or combination faucet at a temperature of at least 100°F.

III. INSPECTION SERVICES

The Environmental Health Division is comprised of several branches whose responsibility is to ensure compliance with applicable laws and regulations. The District Inspection Branch (DIB), Specialized Food Branch (SFB), and Community Protection Branch (CPB) are responsible for ensuring that food provided by retail food facilities for human consumption is safe, wholesome, and free of contamination.

The EHSs assigned within these branches are responsible for the following services:

- Investigating alleged foodborne illness reports.
- Conducting unannounced routine inspections at a frequency determined by a facility's risk assessment.
- Assisting with food recall activities and conducting code enforcement and inspection activities at Certified Farmers Markets, swap meet prepackaged food stands, and summer feeding and senior feeding sites.
- Emergency investigations conducted when an emergency may exist such as a fire, electrical outage, possible foodborne illness outbreak, report of non-potable water, sewage overflow into the facility, adulterated food, food recalls, or as directed by the Health Officer.
- Complaint investigations initiated as a result of a complaint filed by the public or another agency.
- Conducting truth-in-menu investigations at restaurants to verify the food advertised is what is being offered.
- Conducting consumer protection inspections at food markets for fat analysis of ground beef, possible adulteration with sulfites, and labeling requirements.
- After-hour inspections (before 8 a.m. and after 5 p.m.), either due to an emergency or at the request of a food facility owner, are available but may be billed at an overtime hourly rate.
- Re-inspections (also referred to as follow-up inspections) are initiated by the inspector when an inspection reveals violations that warrant correction prior to the next routine inspection. Additional charges will be incurred by a food facility on the second re-inspection and any related subsequent follow-up inspections when violations are not corrected by the compliance date.

Inspection Process

The following are steps in the inspection process:

- 1) The EHS shall begin the inspection by introducing themselves, showing their County Identification, and then present a business card.
- 2) The EHS shall ask open-ended questions to determine compliance with each violation category and indicate the corresponding status on the FOIR. The EHS shall take measurements and photographs/video(s), as necessary, as part of the inspection.
- 3) Upon completion of the inspection, the EHS shall discuss the findings with the operator/owner.
- 4) Violation categories that are marked "OUT" shall be corrected by the re-inspection date.
- 5) EHS shall initial and post a Letter Grade Card, Score Card, or Notice of Closure, as applicable, at the end of the inspection.
- 6) A copy of the FOIR will be emailed or sent via U.S. Mail to the owner by the next business day. If there is an imminent health hazard, the EHS shall take immediate action as instructed later in this guide and are encouraged to request additional guidance from their supervisor.
- 7) The EHS shall conduct a re-inspection to verify that all identified violations noted on the FOIR are corrected.

Inspection Frequency Guidelines

Inspection frequencies are established based on potential and inherent food safety risks. A risk assessment is conducted during the initial approval of a health permit and re-evaluated based on menu and operational changes that may occur within a food facility. The inspection frequencies for permanent retail food facilities are based on their assigned risk assessment category.

A facility's risk assessment and inspection frequency criteria include, but are not limited to the following:

Risk Type	Facility Types	Criteria	Inspection Frequency
High Risk	<ul style="list-style-type: none"> • Meat markets • Full-service Restaurants • Healthcare facilities 	<ul style="list-style-type: none"> • Extensive menu with the handling of raw PHFs. • Preparing PHFs in advance using food preparation methods that involves two or more step such as: combining PHFs, cooking, cooling, reheating, or hot or cold holding of ready-to-eat foods. • Prepares food for multi-day use (e.g., soups, potato salad, foods which are frequently used to create a second-day dish or used over several days, etc.). • Preparing or serving raw ready-to-eat products such as sushi, sashimi, ceviche, beef carpaccio, steak tartare, or raw sprouts. • Use of a HACCP plan, variance, or ROP. • Processing meat or seafood by smoking, curing, or drying. • Use of multi-use eating utensils. Note: Coffee shops and alcohol bars that only prepare beverages are exempt. 	Three (3) routine inspections annually
Moderate Risk	<ul style="list-style-type: none"> • Retail food stores with open PHF (e.g., market deli/ bakery, etc.) • Restaurants with a limited menu • Fast food chains • Quick service operations 	<ul style="list-style-type: none"> • Prepares PHF for same day use using a food preparation method that involves two or more steps which may include: combining potentially hazardous ingredients, cooking, or hot or cold holding of ready to eat foods (no cooling or reheating of PHF). • Prepares and/or serve PHF in quantities based on projected same day consumer demand and discarding prepared foods that are not sold or served the same day. • Use of single-use eating and drinking utensils. 	Two (2) routine inspections annually
Low Risk	<ul style="list-style-type: none"> • Market • Liquor stores • Convenience stores • Ice cream stores • Prepackaged food warehouses • Bars (no kitchen) • Theater snack bars 	<ul style="list-style-type: none"> • Primarily offer prepackaged food items, either PHF or non-PHF. • Prepares only non-potentially hazardous foods. • Reheats only commercially processed potentially hazardous foods (no cooling of PHF is allowed). • Prepares produce for sale, other than trimming produce or conduct food preparation that changes non-PHF to PHF (e.g., cutting melons or tomatoes). • Use of single-use eating and drinking utensils (coffee shops and alcohol bars may use multi-use drinking utensils). 	One (1) routine inspection annually

Owner Initiated Inspection

An Owner Initiated Inspection (OII) is an additional routine inspection that eligible food facility operators can request if they are not satisfied with the score or grade received on the most recent FOIR. The owner/operator must request an OII within three (3) business days of the routine inspection or date the permit was re-instated and pay a fee within ten (10) calendar days of the request. The OII is conducted within ten (10) calendar days of the receipt of payment. The score and grade received at an OII will supersede the score and grade received at the previous routine inspection. An OII is allowed once in a twelve (12) month period.

Additional Charges

A food facility operator may be subject to additional charges due to the following:

- All after-hours or weekend re-inspections requested by an owner/operator due to a permit suspension and will be conducted at the overtime hourly rate.
- Outstanding violations that were not corrected by the compliance date indicated on the report and additional re-visits are required to determine compliance.

Non-compliance

A compliance review shall be scheduled for an owner/operator when the food facility's permit is suspended due to an imminent health hazard, or a Notification of Intent to Suspend is issued due to serious or repeat violation(s) observed at the time of the routine inspection or re-inspection. (See *APPENDIX B for enforcement steps*)

Red Tag/Impound

Based on the inspection findings or other evidence, an EHS may impound food, equipment, and/or utensils that are observed or suspected to be unsanitary, unapproved, in disrepair, and/or pose a risk of contamination or adulteration. The EHS may attach a red tag to the impounded items, which shall only be removed by the EHS after verifying that the issues leading to the impoundment have been corrected. A compliance review will be scheduled if any food, equipment, or utensils are impounded. The disposition of any impounded items must be completed within 30 days.

Voluntary Condemn and Dispose (VC&D)

When food items are observed to be unwholesome (e.g., adulterated, contaminated, time and/or temperature abuse, etc.), the EHS will request the operator to voluntarily condemn and dispose of those food items. In the event the operator refuses this request, the EHS shall red tag/impound the food item(s) and schedule a compliance review to seek an administrative or legal remedy for the disposition.

Permit Suspension

A food facility may be closed, and their public health permit suspended immediately when an imminent health hazard is identified. Imminent health hazards include, but are not limited to:

- Vermin infestation
- Lack of operable toilets
- Unsafe food temperatures
- Inability of employees to wash their hands
- No water or non-potable water supply available
- Food employees with a communicable disease
- Sewage backup within the facility or discharge at the exterior of the facility
- A Score of less than 70 during a routine inspection or Owner Initiated Inspection
- Failure to clean and sanitize food contact surfaces/utensils or the inability to properly clean and sanitize

A food facility may also be directed to close when:

- Operating without a valid PHP
- The food facility has undergone remodeling without prior approval from Public Health's Plan Check Program
- The public health permit is suspended due to repeat violations after the owner is provided an opportunity for a compliance review to show why the permit shouldn't be suspended

A food facility that has been closed and its permit suspended, shall remain closed until it has been determined by the Department that the violations that warranted the suspension have been corrected.

IV. POSTING REQUIREMENTS

An EHS shall verify at the time of an inspection that a Grade Card, Score Card, or Notice of Closure sign (if applicable) is posted as required at food facilities located in unincorporated areas of Los Angeles County and in cities that have adopted Ordinance 97-007. In addition, the food facility will post a notice advising consumers that a copy of the most recent routine inspection report is available for review by any interested party and provide a copy of the report upon request. The current Letter Grade/Score Cards have been combined with the public notification requirements.

A food facility will be issued one of the following by the EHS at the time of inspection:

Placard Type	Description
“A” Letter Grade	Final routine inspection score between 90 – 100
“B” Letter Grade	Final routine inspection score between 80 – 89
“C” Letter Grade	Final routine inspection score between 70 – 79
Score Card	Final routine inspection score of 69 or below
Notice of Closure	A public notice posted at a food facility when the PHP is suspended, revoked, or for operating without a valid public health permit. The reason for closure will be indicated on the sign by the EHS.

Note: The cities of Avalon, Bradbury, Hidden Hills, La Habra Heights, San Marino, Sierra Madre, and Signal Hill have not adopted the posting requirements as stated in Ordinance 97-0071.

V. UNDERSTANDING THE RETAIL FOOD OFFICIAL INSPECTION REPORT

The Retail Food Official Inspection Report (FOIR) is the official document that is used by the EHS to indicate the compliance status of each violation category observed during a routine inspection. The goal of the report is to fairly document and present the conditions of the food facility at the time of inspection to consumers and food operators. A sample of the FOIR is shown in *Appendix A*.

For each inspection violation category on the FOIR, the inspector is required to select the applicable compliance status:

- **“IN”** – indicates that the category was observed in compliance with applicable code(s) during the routine inspection.
- **“N/A”** – indicates that the category is not applicable to the facility.
- **“N/O”** – indicates that the category, which normally occurs at the food facility (e.g., cooling, warewashing, etc.), could not be evaluated because it was not observed at the time of the routine inspection.
- **“COS”** – indicates that the category was not in compliance with applicable code(s), but the facility corrected the violation(s) prior to the end of the inspection. The corrective action is to be documented on the inspection report. Critical Risk Factors marked “COS” will be scheduled for a reinspection to ensure ongoing compliance.
- **“OUT”** – indicates that the category was not observed in compliance with applicable code(s) during the routine inspection and warrants correction by the re-inspection date.
-  indicates the item is not in compliance.

Critical Risk Factors

Critical Risk Factors (CRF) violations may be marked as a major or minor violation. Major violations consist of a 4-point deduction and a minor violation is a 2-point deduction. In some cases, if a major violation results in a permit suspension, then an additional 7-points are deducted resulting in a total of 11 points being deducted. A major violation that poses an imminent health hazard requires immediate correction or may require the closure

of the food facility. A minor violation may require immediate correction but does not result in a permit suspension.

If two (2) or more major (4-point) critical risk violations are marked, *Category #53 (Multiple Major Critical Violations/Increased Risk to Public Health)* shall be marked, and an additional three (3) points will be deducted. *Category #53 (Multiple Major Critical Violations/Increased Risk to Public Health)* shall **NOT** be marked if a permit is suspended due to no water available, sewage, or vermin infestation.

Good Retail Practices

Good Retail Practices (GRP) are marked for low-risk violations that do not require an immediate action. Violations observed in this category result in a 1-point deduction.

Compliance and Enforcement

Compliance and Enforcement will be marked to identify any additional actions taken by the EHS such as a sample collection, food or equipment impoundment, permit suspension, etc.

Measured Observations

The *Measured Observations* section of the FOIR is meant to document all applicable temperatures, weights, and/or quantity of items observed/taken by the EHS at the time of inspection. EHS shall document the item description (common name), the location of the item, the measurement (numeric value), the unit of measurement (e.g., Fahrenheit, pounds, quantity), and any relevant notes in the comment section. The temperatures that are recorded in this section shall include but are not limited to PHFs in the state of hot holding, cold holding, and/or hot water temperatures at a facility’s available sinks (e.g., warewashing sink, handwashing sinks, food preparation sink, and mop sink). Pounds or quantity are the unit of measurement used when documenting the disposal of food items.

The following is an example of the *Measured Observation* section on a FOIR:

MEASURED OBSERVATIONS					
Line #	Item Description	Location	Measurement	Unit of Measure	Comment
1	WARM WATER	HAND WASHING SINKS	102.00	Fahrenheit	
2	HOT WATER	WARE WASHING SINK	110.00	Fahrenheit	Facility has 24 to restore hot water to 120°F or above.
3	DELI SANDWICHES	OPEN DISPLAY REFRIGERATOR	40.00	Fahrenheit	
4	MILK	REACH-IN COOLER	38.00	Fahrenheit	
5	SLICED TOMATOES	COLD TABLE	2.00	Pounds	Food item adulterated with dead flies. PIC voluntarily disposed of PHF food item.
6	RAW PORK CHOPS	WALK-IN COOLER	48.00	Fahrenheit	PHF out of temperature for 3.5 hours per PIC. Directed PIC to rapidly cool PHF items.
7	POT OF COOKED BEANS	REFRIGERATOR	78.00	Fahrenheit	PHF item holding for 8.5 hrs per PIC. Employee voluntarily disposed of PHF item.
8	HOT WATER	MOP SINK	120.00	Fahrenheit	
9	HOT WATER	FOOD PREPARATION SINK	111.00	Fahrenheit	Facility has 24 to restore hot water to 120°F or above.

VI. FOIR VIOLATION CATEGORIES

CRITICAL RISK FACTORS

EMPLOYEE HEALTH, HYGIENE & KNOWLEDGE

1. Demonstration of knowledge

Authority: California Retail Food Code, §§ 113947, 113949.2

This violation category is used to indicate the compliance status with food employees having knowledge of their assigned tasks.

PIC/Certified Food Protection Manager (CFPM) and food employees shall be knowledgeable and properly trained in the following areas of food safety as it relates to their assigned duties:

- Methods of preventing food contamination
- Relationship between time and temperature
- Major contributing factors for foodborne illness
- Relationship between personal hygiene and food safety
- Procedures for cleaning and sanitizing equipment and utensils
- Major food allergens and the symptoms of a reaction in a sensitive individual. (See Appendix C)

IN – “**IN**” shall be marked if the PIC/CFPM and food employee(s) are able to demonstrate food safety knowledge as it relates to their assigned tasks.

N/A – Do Not Mark.

N/O – Do Not Mark.

OUT – This violation category shall be marked **MINOR**; examples include:

- A food employee is unable to demonstrate/explain how or when to properly wash their hands. [§113947(a)]
- Food employee(s) and/or the PIC/CFPM are unable to demonstrate food safety knowledge practices and principles applicable to their assigned duties. [§113947(a)]
 - PIC or food employee does not know the proper method for cooling food. [§113947(a)]
 - The PIC or dishwasher does not know the proper procedure for manual warewashing (e.g., washing, rinsing, sanitizing, and air-dry utensils/dishes/equipment). [§113947(a)]
 - The PIC or cook does not know the required internal cooking temperatures for the PHFs (e.g., chicken, ground beef, beef, pork, seafood, etc.) prepared in the food facility. [§113947(a)]
- The PIC/CFPM does not know when to exclude ill employees or employees who have open wounds on their hands or arms from their assigned job duties. [§113947(a)]
- The PIC/CFPM is unable to demonstrate adequate allergen knowledge and/or has not educated food employees on allergens as required. [§113947(b)]
- The PIC/CFPM is unaware or is unable to identify the types of employee illnesses that are mandated to be reported to the Health Officer. [§113949.2(a)]
- Food employees do not know what types of illnesses or when wounds are required to be reported to the PIC/CFPM and/or are unaware of the reporting process. [§113949.2(b)]

Notes:

- ❖ *The PIC/CFPM may use job aids (posters, SOPs, cue cards, etc.) to demonstrate compliance. [113947(a)]*
- ❖ *Food facilities that handle non-prepackaged foods are required to have food employees who can demonstrate knowledge relative to their assigned duties. It is important that this category is not marked out of compliance for an isolated incident, but rather for an overall evaluation of the food employee's ability to ensure proper performance of their assigned duties.*

Public Health Reason:

Adequate knowledge for all food employees

The more knowledgeable a food worker is about their specific tasks, the less of a chance there may be for unintentional contamination or adulteration of a food product. In a practical sense, food safety knowledge by all employees produces additional protection from liability from lawsuits arising from foodborne illnesses or other food mishaps.

Allergen training was added as a requirement for food safety courses so that employees can identify food allergies associated with food served at the food facility. Allergic reactions vary in severity from mild symptoms involving hives and lip swelling to severe, life-threatening symptoms, often called anaphylaxis, that may involve fatal respiratory problems and shock.

2. Food safety certification

Authority: California Retail Food Code, §§ 113947.1 - 113947.5, 113948

This violation category is used to indicate the compliance status with Certified Food Protection Manager certification (CFPM) and certified Food Handler Card (CFH) requirements.

IN – “**IN**” shall be marked if CFPM/CFH requirements are met by all applicable employees. In addition, “**IN**” shall be marked when a facility either 1) has had a change of ownership within the last 60 days, but does not have a CFPM yet, or the 60 days has not elapsed since the facility’s CFPM has changed, or 2) a food employee does not have a CFH card and 30 days has not elapsed from the date of their hire.

N/A – “**N/A**” shall be marked if the facility is not required to have a CFPM or CFH cards.

N/O – Do Not Mark.

OUT – This violation category shall be marked **MINOR**; examples include:

- No one at the facility possesses a valid CFPM certificate and one of the following is observed:
 - The current person who is identified as the CFPM has an expired/non-valid or missing certificate. [§113947.1(a)(g-h)]
 - A new food facility (e.g., via the plan check process or a change of ownership) has operated more than 60 days without obtaining a CFPM. [§113947.1(a)]
 - The prior CFPM left employment more than 60 days prior to the date of inspection. [§113947.1(e)]
- A designated person with a valid CFPM certificate serves as the CFPM for more than one non-contiguous facility (e.g., one CFPM for multiple franchise restaurant locations). [§113947.1(a)]
- A CFPM certificate and/or CFH card was not issued by an organization accredited by the American National Standards Institute (ANSI). [§113947.3(a), 113948(b)]
- One or more food employees lacks a valid CFH card, and the food employee(s) began employment more than 30 days prior. [§ 113948(a)(1)]

CORRECTIVE ACTIONS:

- If this category is marked “**OUT**” of compliance, the EHS shall provide a directive in the violation narrative box of the FOIR to convey the following (as applicable):
 - The PIC or a food employee at the facility shall obtain a valid CFPM certificate within 30 days from the date of inspection.
 - Food handler(s) shall obtain a valid CFH card within 14 days from the date of inspection.
- If the operator submits a photograph showing a valid CFPM certificate or valid CFH card before the re-inspection date, the violation may be considered in compliance and a re-inspection is not required for this violation.

Notes:

- ❖ *If a food facility prepares, handles, or serves non-prepackaged potentially hazardous foods, then at least one person (the owner or a food employee) must have a Certified Food Protection Manager*

certificate. In addition, food employees that handle or have the responsibility of handling non-prepackaged foods must have a Certified Food Handler card.

- ❖ *Multiple contiguous food facilities (e.g., a market with separately permitted deli and bakery, amusement park, etc.) permitted within the same site and are under the same management, ownership, or control, shall be deemed to be one food facility notwithstanding the fact that the food facilities may operate under separate permits.*
- ❖ *CFH are not required for food handlers at the following types of facilities: temporary food facilities, certified farmers' markets, commissaries, grocery stores, licensed health care facilities, mobile support units, school cafeterias, bed and breakfasts, retail stores in which a majority of sales are from a pharmacy or snack bars where a majority of sales are from admission tickets except if restaurant-style-sit-down service is provided, a food facility that provides in-house food training using a course approved in another state that has adopted the requirements of the Model Food Code and can provide evidence of the approval, a food facility subject to a collective bargaining agreement with its food handlers, city, county, city and county, state or regional jails, juvenile halls, camps, residential programs or similar, elderly nutrition programs or food handlers subject to local food handling programs that took effect prior to January 1, 2009.*
- ❖ *A person can only serve as a CFPM at one non-contiguous food facility at a time.*
- ❖ *Employees who have a valid Certified Food Protection Manager certificate are not required to have a CFH card.*
- ❖ *Food facilities that handle non-prepackaged potentially hazardous foods are required to have a Certified Food Protection Manager.*
- ❖ *Certified Food Protection Manager certificate and Certified Food Handling cards must only be obtained from American National Standards Institute (ANSI) accredited providers.*
- ❖ *Only employees who are involved in the preparation, storage, or service of food in a food facility, such as, servers, cooks, bartenders, bussers/host/supervisors who handle food, are required to have a CFH card.*
- ❖ *A violation of any provisions in Sections 113947.1 through 113947.5, regarding food safety certificate requirements constitutes an infraction punishable by a fine of not more than \$100 for each day the facility is in violation.*
- ❖ *Food Safety Certificates and certified food handling cards expire as indicated in the table below:*

Document Type	Expires
Certified Food Protection Manager Certificate	5 years after date of issuance
Certified Food Handler Card	3 years after date of issuance

Public Health Reason:

Food safety certification exam

Having at least one person certified in food safety at each facility ensures that there is someone available to monitor food safety that is knowledgeable about the subject. The person certified in food safety is required to educate other food employees in the food safety principles of their specific task. Due to the amount of time necessary for this task, a person who is acting as the certified person at one facility cannot reasonably be expected to serve as the certified person at any other facility.

Food Handler Card

A certified food handler course provides essential knowledge to food employees working in the service industry and is a proactive measure to increase employee awareness in food safety. By obtaining a certified food handler card, the food employee has shown they have received food handling knowledge that can be applied to their daily task and aid in the prevention of foodborne illnesses.

3. Communicable disease; reporting, restrictions, and exclusions

Authority: California Retail Food Code, §§ 113949.1, 113949.2, 113949.4, 113949.5, 113950, 113949.4, 113950.5, 113973(a), 113975

This violation category is used to indicate the compliance status with communicable disease reporting, and employee restriction and exclusion requirements.

IN – “**IN**” shall be marked if the PIC and food employees are in compliance with all exclusion, restriction, and reporting requirements.

N/A – Do Not Mark.

N/O – Do Not Mark.

OUT – This violation category shall be marked **MAJOR**; examples include:

Reporting

- The *Person In Charge* (PIC) is aware of a food employee who has been diagnosed with an “illness” and has not notified the Department. [§113949.1, §113949.5(a)]
- The PIC is aware that two or more food employees are concurrently experiencing symptoms associated with an acute gastrointestinal illness and has not reported to the Department. [§113949.5(b)]
- A food employee fails to report to the PIC that they have been diagnosed with a reportable “illness” and continue to handle food and/or clean utensils. [§113949.4(a)]
- A food employee does not inform the PIC of a lesion or wound on their hand/wrist/arm that is exposed and not properly protected with an impermeable cover (e.g., single-use glove, finger cot, etc.). [§113949.2, §113949.4, §113973]

Restriction & Exclusions

- The PIC is aware of a symptomatic food employee diagnosed with an “illness”, but they have not excluded the employee from the food facility. [§113950]
- The PIC has not restricted a food employee from their duties after knowing the employee is currently suffering from an acute gastrointestinal illness or was diagnosed with an “illness” and is asymptomatic. [§113950]

Removal of Restrictions & Exclusions

- The PIC removes a restriction of a food employee before resolution of symptoms of acute gastrointestinal illness. [§113950.5]
- The PIC removes an exclusion of a food employee who had been diagnosed with a “illness” before receiving written clearance from the Department. [§113950.5]

Lesions & Wounds

- The PIC is aware of a food employee who has a lesion or wound that is exposed and not properly protected or has not restricted the employee. [§113949.5(b), §113975]
- Food employees with cut(s), sore(s), or rash(es) are not wearing single-use gloves and observed in contact with food and/or food contact surfaces. [§113973(a)]

Disease Transmission

- Customers and/or food employees test positive for a common reportable illness which is suspected of being the cause of **the foodborne illness or the outbreak**. [§113949.1]

CORRECTIVE ACTIONS:

- If a food employee is found working when diagnosed with an illness, the food employee shall be excluded from the food facility until the local health officer or local enforcement agency removes the exclusion.

- If a food employee is found working with symptoms of an acute gastrointestinal illness, the food employee shall be restricted from working with exposed food; clean equipment, utensils and linens; and unwrapped single-service and single-use articles.
- If a food employee is found working with an exposed lesion, wound, or has cuts, sores, or rashes, the food employee shall be required to wear an impermeable cover such as a finger cot or stall that protects the lesion and a single-use glove over the impermeable cover.
- If customers and/or food employees test positive for a common reportable illness which is suspected of being the cause of the foodborne illness or the outbreak, the local enforcement agency may close the facility until the identified danger of the outbreak has been addressed.

Additional Violations:

- *Category #14 (Food in good condition, safe and unadulterated)* shall also be marked if a food employee contaminates food. [§113967, §113980]
- *Category #15 (Food contact surfaces; clean and sanitized)* shall also be marked if a food employee contaminates food contact surfaces. [§113967]
- *Category #34 (Non-food contact surfaces clean)* shall also be marked if an infected worker contaminates non-food contact surfaces. [§114115]
- *Category #51 (Impoundment/VC&D/Sampling)* shall also be marked if food/equipment has been voluntarily condemned and disposed of or impounded/red tagged. (See *VC&D/Red Tag/Impound instructions under Inspection Services*) [§114393]
- *Category #52 (Permit Suspended, Revoked, Modified, or Closed for No Permit)* shall also be marked when the facility is closed by the enforcement officer due to an **Imminent Health Hazard – Disease Transmission**. [§113810, §113949.1]

Notes:

- ❖ *A food employee is required to report to the PIC when they have been diagnosed with an “illness” or have an open lesion on the hands, wrists, or exposed portion of the arms. The food facility may be closed until, in the opinion of the Enforcement Agency, the identified danger of disease outbreak has been addressed.*
- ❖ *Violations pertaining to artificial nails, nail polish, rings, or uncleanable orthopedic support devices should be marked in Category #6 (Hands clean and properly washed; proper glove use).*

Public Health Reason:

Infected employees may transmit a wide range of communicable diseases and infections to consumers through food, utensils, or poor personal hygiene practices. Proper management of a food facility operation begins with instituting a system of identifying employees who present a risk of transmitting foodborne pathogens to food or to other employees. To protect the health of both consumers and employees, a food employee’s health status must be disclosed to the PIC if the employee has an illness that is transmittable through food.

Symptomatic employees who have been diagnosed with a specified illness or experience acute gastrointestinal illness, are considered infectious as they shed communicable pathogens. The restriction or exclusion of these food employees is necessary due to the increased risk of pathogenic transmission via contaminated food and utensils to the consumer or other employees.

High potential risks to public health include food employees who are experiencing or are diagnosed with one of the following:

- Active symptoms of diarrhea or vomiting with no diagnosis
- Jaundice within the last 7 days with no diagnosis
- Typhoid fever
- Hepatitis A within 7 days of jaundice or 14 days of any symptoms
- Diagnosed with Norovirus, E. coli 157:H7 or other Enterohemorrhagic Escherichia coli (EHEC) or Shiga toxin-producing Escherichia coli (STEC), or Shigella spp. infection

The PIC is responsible for ensuring all food employees and conditional employees are knowledgeable and understand their responsibility to report listed symptoms, diagnosis with an illness from a listed pathogen, or

exposure to a listed pathogen to the person in charge. The PIC is also responsible for reporting to the regulatory official if a food employee reports a diagnosis with a listed pathogen. This reporting requirement is an important component of any food safety program. A food employee who suffers from any of the illnesses or medical symptoms or has a history of exposure to a listed pathogen in the CRFC may transmit disease through the food being prepared. The PIC must first be aware that a food employee or conditional employee is suffering from a disease or symptom listed in the CRFC before steps can be taken to reduce the chance of foodborne illness.

4. No discharge from eyes, nose, and mouth

Authority: California Retail Food Code, §§ 113974

This violation category is used to indicate the compliance status with employees not experiencing discharge from their eyes, nose, and/or mouth due to persistent sneezing, coughing, or runny nose.

IN – “**IN**” shall be marked if employees handling open food or clean equipment/utensils/linen(s) are not observed experiencing discharge from the eye(s), nose, or mouth due to persistent sneezing, coughing, or runny nose.

N/A – “**N/A**” shall be marked if a food facility only handles prepackaged food items.

N/O – “**N/O**” shall be marked in the **RARE** case when there are no food employees present at the time of inspection.

OUT – This violation category shall be marked **MAJOR**; example includes:

- A food employee is experiencing persistent sneezing, coughing or runny nose that is associated with discharges from the eyes, nose, or mouth that cannot be controlled by medication and the employee is working with exposed food, clean equipment, clean utensils, or clean linens. [§113974]

CORRECTIVE ACTION:

- If a food employee is found working with discharge from the eyes, nose, or mouth, they shall be restricted from working with exposed food or clean equipment, utensils, and linens until the symptoms have been resolved.

Additional Violations:

- *Category #14 (Food in good condition, safe and unadulterated)* shall also be marked if food is contaminated due to eye, nose, or mouth discharge. [§113967]
- *Category #15 (Food contact surfaces; clean and sanitized)* shall also be marked if food contact surfaces are contaminated due to eye, nose, or mouth discharge. [§113967]
- *Category #34 (Non-food contact surfaces clean)* shall also be marked if non-food contact surfaces are contaminated due to eye, nose, or mouth discharge. [§114115]
- *Category #51 (Impoundment/VC&D/Sampling)* shall also be marked if food/equipment has been voluntarily condemned and disposed of or impounded/red tagged. (See *VC&D/Red Tag/Impound instructions under Inspection Services*) [§114393]

Public Health Reason:

Discharges from the Eyes, Nose, and Mouth

Discharges from the eyes, nose, or mouth through persistent sneezing or coughing by food employees can directly contaminate exposed food, equipment, utensils, linens, and single-service and single-use articles. When these poor hygienic practices cannot be controlled, the employee must be assigned to duties that minimize the potential for contaminating food and surrounding surfaces and objects.

5. Proper eating, drinking, or tobacco use

Authority: California Retail Food Code, §§ 113977

This violation category is used to indicate the compliance status with food employees eating, drinking, and/or using tobacco products in approved areas.

IN – “**IN**” shall be marked if employees are observed eating, drinking, and/or using tobacco products in approved areas away from food preparation, food/utensil/equipment storage, and warewashing areas.

N/A – “**N/A**” shall be marked if the food facility only sells prepackaged food items.

N/O – “**N/O**” shall be marked in the **RARE** case when there are no food employees present at the time of inspection.

OUT – This violation category shall be marked **MINOR**; examples include:

- A food employee is observed eating, drinking, and/or using tobacco in non-designated areas where contamination can result, such as: [§113977]
 - A food employee eating or chewing gum in the food preparation area. [§113977]
 - A food worker drinking from an open cup in the food preparation area. [§113977]
 - A food employee smoking, using smokeless tobacco, or chewing tobacco in the food preparation area. [§113977]

Additional Violations:

- *Category #6 (Hands clean and properly washed; proper glove use)* shall also be marked if an employee handles food/utensils without properly washing their hands after eating, drinking, and/or using tobacco products. [§113953.3]
- *Category #44 (Premises; personal/cleaning items; vermin proofing)* shall also be marked if an employee stores their personal food/drink/tobacco products in food preparation areas and/or food/utensil/equipment storage areas. [§114256]

Notes:

- ❖ *Category #14 (Food in good condition, safe and unadulterated)* shall be marked if a food employee is observed using a utensil to taste food more than once without being washed, rinsed, and sanitized between uses or when actual food contamination has resulted from a food employee eating, drinking, or using tobacco in a food preparation or storage area. [§113976]
- ❖ *A food worker may drink from a closed beverage container if the container is handled in a manner that prevents contamination of workers hands, the container, non-prepackaged food, and food contact surfaces. A food worker’s beverage container should not be placed on or directly above a food contact surface. [§113977]*

Public Health Reason:

Eating, drinking, or using tobacco

Proper hygienic practices will ensure the safety of the food by preventing the introduction of foreign objects into the food and minimizing the possibility of transmitting disease through food. Smoking or eating by food employees in food preparation areas is prohibited because of the potential that their hands, the food, and food contact surfaces may become contaminated. Unsanitary personal practices such as scratching the head, placing the fingers in or about the mouth or nose, and indiscriminate and uncovered sneezing or coughing may result in food contamination. Poor hygienic practices by employees may also adversely affect consumer confidence in the food facility.

PREVENT CONTAMINATION BY HANDS

6. Hands clean and properly washed, proper glove use

Authority: California Retail Food Code, §§ 113949.2(b), 113952, 113953.1, 113953.3, 113953.4, 113961, 113968, 113973

This violation category is used to indicate the compliance status with proper glove use and handwashing requirements.

IN – “**IN**” shall be marked if food employees are properly washing their hands and/or using gloves.

N/A – Do Not Mark.

N/O – “**N/O**” shall be marked in the **RARE** case when there are no food employees present at the time of inspection.

OUT – This violation shall be marked either **MAJOR** or **MINOR**.

Examples of **MAJOR** violations include:

- Food workers handling open food are unable to wash their hands due to the lack of soap or paper towels at the facility, however handwashing supplies were provided by the end of the inspection. [§113952, §113953.3]
- Food workers handling open food are unable to wash their hands due to the lack of soap or paper towels at the facility, and the handwashing supplies are **NOT** available by the end of the inspection. [§113952, §113953.3] **(PERMIT SUSPENSION)**
- A food employee’s hands and/or exposed portions of their arm(s) are not clean during food preparation. [§113952]
- A food employee using hand sanitizer instead of washing their hands properly. [§113953.3(a)]
- An employee does not properly wash their hands in the following instances: [§113953.3(a)]
 - 1) After using the toilet room.
 - 2) After handling soiled equipment or utensils.
 - 3) Before initially donning gloves for working with food.
 - 4) After engaging in other activities that contaminate their hands.
 - 5) After caring for or handling any animal allowed in a food facility.
 - 6) When switching between working with raw food and working with ready-to-eat food.
 - 7) After touching bare human body parts (other than clean hands and clean, exposed portions of arms) or hair.
 - 8) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.
 - 9) Before dispensing or serving food or handling clean tableware and serving utensils in the food service area.
 - 10) During food preparation, as often as necessary to remove debris/contaminates and to prevent cross-contamination when changing tasks.
 - 11) Immediately before engaging in food preparation, working with non-prepackaged food, clean equipment/utensils, and unwrapped single-use food containers/utensils.
- A food employee preparing raw animal product fails to wash their hands before handling ready-to-eat food or clean tableware. [§113953.3(a)]
- A food employee wipes their dirty hands on their outer garment or towel instead of properly washing their hands when required. [§113953.3(a)]
- A food employee with an open wound/lesion is not wearing an impermeable cover and/or glove over lesions at the hand or wrist, or an impermeable cover for lesions at the arms. [§113949.2(b), §113973(a)]
- Food employees are not minimizing bare hand contact with non-prepackaged food that is in a ready-to-eat form by using utensils or gloves. [§113961(a, b)]
- A food employee is washing their hands while wearing single-use gloves or donning previously worn

single-use gloves. [§113973(b)(c)]

Examples of **MINOR** violations include:

- A food employee washes their hands with cold water (less than 100°F). [§113953.3]
- An employee washes their hands for less than 10 seconds. [§113953.3(a)]
- Food employee is handling non-ready-to-eat food with fingernails that are not trimmed, cleanable, and smooth. [§113968]
- Food has been served to the consumer and a food employee is observed wrapping or packaging left-over food for the consumer by using their bare hands. [§113961(c)]
- An employee wearing latex gloves in the facility. [§113973]
- Food employees with artificial nails, nail polish, rings (other than a plain ring, such as a wedding band), or uncleanable orthopedic support devices are observed preparing unpackaged food or handling clean utensils without wearing single-use gloves. [§113973(a)]
- Non-latex slash-resistant gloves are used in contact with ready-to-eat food that will not undergo additional cooking and the gloves are not smooth, durable, and nonabsorbent or they are not covered with a single-use glove with these characteristics. [§113973(d, e)]
- Cloth gloves are used in direct contact with food that is not subsequently cooked. [§113973(f)]

CORRECTIVE ACTION:

- The food employee shall wash their hands and portion of arms as required and use appropriate utensils.
- The food employee shall wear gloves and/or utensils to package leftover food items for the consumer.

Additional Violations:

- *Category #3 (Communicable disease; reporting, restrictions & exclusions)* shall also be marked if a food employee fails to inform the PIC of any open wound/lesion on their hand(s)/arm(s). [§113949.4]
- *Category #14 (Food in good condition, safe and unadulterated)* shall also be marked if an employee is wearing latex gloves that are in direct contact with food. [§113967, §113980]
- *Category #14 (Food in good condition, safe and unadulterated)* shall also be marked if an employee contaminates food due to an open lesion/wound. [§113967, §113980]
- *Category #15 (Food contact surfaces: clean and sanitized)* shall also be marked if an employee contaminates food contact surfaces due to an open lesion/wound or direct contact with latex gloves. [§113967, 113973]
- *Category #22 (Hot and cold water available)* shall also be marked if the water at any handwashing sink measures less than 100°F or the water measures greater than 108°F at a non-adjustable handwashing sink. [§113953(c)]
- *Category #34 (Non-food contact surfaces clean)* shall also be marked if an employee contaminates non-food contact surfaces due to an open lesion/wound. [§114115]
- *Category #52 (Permit Suspended, Revoked, Modified, or Closed for No Permit)* shall also be marked if the facility is closed, and the permit is suspended. [§114405]

Note:

- ❖ *A food employee shall use utensils including scoops, forks, tongs, paper wrappers, gloves, etc. to assemble ready-to-eat food or to place ready-to-eat food on tableware or in other containers. However, if a food employee's hands are properly cleaned, they may assemble ready-to-eat foods or place ready-to-eat foods in other containers without the use of utensils when in an approved food preparation area.*

Public Health Reason:

The hands are particularly important in transmitting foodborne pathogens. Hands are probably the most common vehicle for the transmission of pathogens to foods in a food facility. Hands can become soiled with a variety of contaminants during routine operations. Food employees with dirty hands and/or fingernails may contaminate the food being prepared. Even seemingly healthy employees may transfer pathogenic organisms to food. *Staphylococcus aureus*, for example, can be found on the skin and in the mouth, throat, and nose of many employees. The hands of employees can be contaminated by touching their nose or other body parts.

Performing cleaning duties, using the restroom, handling money, and other activities may also contaminate the hands of employees who may later engage in food preparation. Therefore, any activity that may contaminate the hands must be followed by thorough handwashing.

Handwashing is a critical factor in reducing fecal-oral pathogens that can be transmitted from hands to ready-to-eat food as well as other pathogens that can be transmitted via cross-contamination from raw to ready-to eat foods. Many employees fail to wash their hands as often as necessary and even those who do may use a flawed technique.

The greatest concentration of microbes exists around and under the fingernails of the hands. The area under the fingernails, known as the “subungual space”, has by far the largest concentration of microbes on the hand and this is also the most difficult area of the hand to decontaminate.

All aspects of proper handwashing are important in reducing transient microbes on the hands. However, friction and water have been found to play the most important role. This is why the amount of time spent scrubbing the hands is critical in proper handwashing. It takes more than just the use of soap and running water to remove the transient pathogens that may be present. It is the abrasive action obtained by vigorously rubbing the surfaces being cleaned that loosens the transient microbes on the hands.

Research has shown a minimum 10-15 second scrub is necessary to remove transient pathogens from the hand. Every stage in handwashing is equally important and has an additive effect in transient microbe reduction. Therefore, effective handwashing must include scrubbing, rinsing, and drying the hands. When done properly, each stage of handwashing further decreases the transient microbial load on the hands. Handwashing done properly can result in a removal of 99.9% of bacteria and 99% of viruses and protozoa.

Use of gloves

Gloves used in handling ready-to-eat food are defined as a utensil, however they are not to be used as a replacement to handwashing. The use of latex gloves is prohibited. Natural rubber latex gloves have been reported to cause allergic reactions in some individuals who wear latex gloves during food preparation, and even in individuals eating food prepared by food employees wearing latex gloves.

Multiuse gloves, especially when used repeatedly and soiled, can become breeding grounds for pathogens that could be transferred to food. Soiled gloves can directly contaminate food if stored with ready-to-eat food or may indirectly contaminate food if stored with articles that will be used in contact with food.

If nonlatex slash-resistant gloves are not properly cleaned and sanitized, then their use could contaminate food.

7. Adequate handwashing facilities; supplied and accessible

Authority: California Retail Food Code, §§ 113953, 113953.1, 113953.2, 114067(f)

This violation category is used to indicate the compliance status with handwashing facilities that are sufficient in number, accessible, and properly supplied.

IN – “**IN**” shall be marked if the food facility’s handwashing facilities are sufficient in number, accessible, and are properly supplied with soap and single-use towels in dispensers.

N/A – Do Not Mark.

N/O – Do Not Mark.

OUT – This violation category shall be marked **MINOR**; examples include:

- One (1) handwashing sink is clogged in the food preparation area, but the facility has additional operable handwashing sink(s) in the food preparation area. [§113953(a), §113953.1(b)]

- A handwashing sink is not separated from a warewashing sink by a six (6) inch high metal splashguard or a twenty-four (24) inch separation in distance. [§113953(b)]
- A food facility, constructed after January 1, 1996, lacks a sufficient number of handwashing sinks and/or the handwashing sink(s) are not conveniently located in a food preparation area or warewashing area. [§113953(b)]
- The handwashing sink is not clean. [§113953.1(a)]
- Non-easily moveable equipment is blocking access to the handwashing sink. [§113953.1(a)]
- Preventing the use of the handwashing sink by storing items inside the sink basin. [§113953.1(a, b)]
- Food employee washing their hands in an unapproved sink (e.g., food preparation/janitorial sink). [§113953.1(c-d)]
- The use of bar soap or cloth towels. [§113953.2]
- Empty/missing/non-functioning soap and/or single-use towel dispenser. [§113953.2]
- No soap and/or single-use towels are available on the premises by the end of the inspection at a **prepackaged food facility**. [§113953.2]
- Hand drying device is non-functional. [§113953.2(b)]
- A satellite food service operation that handles open food items does not have an approved handwashing facility that is either permanently plumbed or self-contained. [§114067(f)]

Additional Violations:

- *Category #22 (Hot and cold water available – Minor)* shall also be marked if the water at a handwashing sink does not reach a minimum temperature of 100°F or if the water temperature at a non-adjustable handwashing sink exceeds 108°F. [§113953(c)]
- *Category #22 (Hot and cold water available – Major)* shall also be marked if there is no potable water available throughout the facility. [§114192]

Notes:

- ❖ *Handwashing facilities must be available to make handwashing not only possible, but likely. Therefore, the EHS should ensure that food employees have the necessary supplies available for handwashing.*
- ❖ *Food facilities constructed or extensively remodeled after January 1, 1996, that handle non-prepackaged food, shall provide facilities exclusively for handwashing in food preparation areas and in warewashing areas that are not located within or immediately adjacent to food preparation areas. [113953(b)]*
- ❖ *Except where a determination is made that the nonconforming structural conditions pose a public health hazard, existing facilities shall be deemed in compliance with the law pending replacement or renovation.*

Public Health Reason: Handwashing facilities

Effective handwashing is essential for minimizing the likelihood of the hands becoming a vehicle of cross contamination. It is important that handwashing be done at a properly equipped handwashing facility in order to help ensure that food employees effectively clean their hands.

It is inappropriate to wash hands in a food preparation sink since this may result in avoidable contamination of the sink and the food prepared therein. Janitorial sinks may not be used for food employee handwashing since this practice may introduce additional hand contaminants because these sinks may be used for the disposal of mop water, toxic chemicals, and a variety of other liquid wastes. Such wastes may contain pathogens from the floors of food preparation areas and toilet rooms and discharges from ill persons. Because handwashing is such an important factor in the prevention of foodborne illness, sufficient facilities must be available to make handwashing not only possible, but also likely.

Using a handwashing facility

Handwashing facilities must be maintained in a condition that promotes handwashing and are restricted for that use. Convenient accessibility of a handwashing facility encourages timely handwashing, which provides a break in the chain of contamination from the hands of food employees to food or food contact surfaces. Facilities, which are blocked by portable equipment or stacked full of soiled utensils and other items, are rendered unavailable for regular employee use. Nothing must block the approach to a handwashing facility

thereby discouraging its use. Sinks used for food preparation and warewashing can become sources of contamination if used as handwashing facilities by employees returning from the toilet or from duties that have contaminated their hands.

Handwashing supplies

Hands are probably the most common vehicle for the transmission of pathogens to foods in a food facility. Hands can become soiled with a variety of contaminants during routine operations. Some employees are unlikely to wash their hands unless properly equipped handwashing facilities are accessible in the immediate work area. A facility that is kept clean and well stocked with liquid soap and paper towels encourage frequent use.

Hand sanitizers

Hand sanitizers are not an acceptable substitute for proper handwashing. This provision is intended to ensure that an alcohol based antimicrobial product applied to the hands is; 1) used in conjunction with handwashing, 2) a safe food additive when applied to bare hands that will come into direct contact with food, and 3) safe and effective when applied to human skin.

TIME AND TEMPERATURE RELATIONSHIP

8. Proper hot and cold holding temperatures

Authority: California Retail Food Code, §§ 113996, 113998, 114004, 114037

This violation category is used to indicate the compliance status with potentially hazardous food (PHF) being received/stored/held within specified holding temperature parameters.

IN – “**IN**” shall be marked if PHFs are being held at 41°F/45°F or below or 135°F or above within approved time allowances.

N/A – “**N/A**” shall be marked if the food facility **does not** hot hold or cold hold PHF.

N/O – “**N/O**” shall be marked if the food facility **does** hold hot or cold PHFs, but no foods are being held hot or cold during the time of inspection.

OUT – This violation shall be marked either **MAJOR** or **MINOR**.

MAJOR shall be marked if PHFs are held between 50°F – 130°F without any intervention(s). Examples include:

- Facility does not have any electrical power to maintain proper food temperatures and PHFs are observed out of temperature. **(VC&D) PERMIT SUSPENSION** [§113996(a)]
- PHF (including pooled eggs) measuring between 50°F – 130°F and has exceeded 2-hour preparation time. **(VC&D)** [§113996(a), §113998]
- Raw shell eggs are holding at an ambient temperature of 50°F or above and have exceed the 2-hour preparation time limit. *(See Food Temperature Holding Chart below)* [§113996(c)]
- A roast is cooked as specified in CRFC, §114004(b) which allows holding at 130°F, but is held between 50°F – 126°F. **(VC&D)** [§113996(b), §114004]

MINOR shall be marked if PHFs are held between 42°F/46°F – 49°F or 131°F – 134°F without any intervention(s). Examples include:

- PHF observed between 42°F – 49°F or 131°F – 134°F and has exceed the 2-hour preparation time limit. *(See Food Temperature Holding Chart below)* [§113996(a), §113998]
- PHF which has been thawed is observed holding between 42°F – 49°F. *(See Food Temperature Holding Chart below)* [§113996(a)]
- Raw shell eggs are holding at an ambient temperature between 46°F – 49°F and have exceed the 2-hour preparation time limit. *(See Food Temperature Holding Chart below)* [§113996(c)]

- PHFs at a salad bar or serving line held between 42°F – 45°F for over 12 hours within a 24-hour period. *Note: Unused portions of PHF held for dispensing at serving lines or salad bars may be held up to 45°F and must be disposed of at or before the end of the allowed 24-hour period.* [§113996(d)]
- PHF is received at between 42°F – 45°F, however, is not cooled to 41°F within four 4-hours. [§114037]
- A roast is cooked as specified in CRFC, §114004(b) which allows holding at 130°F, but is held between 126°F - 129°F. (See *Food Temperature Holding Chart* below) [§113996(b), §114004]

CORRECTIVE ACTION:

For holding violations refer to the Food Temperature Holding Chart below:

Time in Temp. Danger Zone (TDZ)	FOOD TEMPERATURE HOLDING CHART **		
	42°F to 49°F	50°F to 130°F	131°F to 134°F
<2 hours	Cool to 41°F or below within 2 hours	PHF (VC&D)	Reheat to 165°F within 2 hours
2 - 3 hours	Cool to 41°F or below within 1 hours		PHF (VC&D)
3 - 4 hours	Immediately cool to 41°F or below		
>4 hours	PHF (VC&D)		
**Exemptions: <ul style="list-style-type: none"> ➤ A roast holding between 126°F - 129°F for less than 2 hours may be reheated as stated in CRFC, §114004. [§114016] ➤ A roast holding between 126°F - 129°F for 2 hours or more shall be voluntarily condemned and disposed of by the operator or red tagged/impounded. 			

Additional Violations:

- *Category #36 (Equipment/utensils approved; installed; good repair; capacity)* shall also be marked if faulty equipment causes PHF to be out of temperature. [§114175]
- *Category #39 (Thermometers provided and accurate)* shall also be marked if the facility lacks an accurate metal probe thermometer to take internal food temperatures. [§114159]
- *Category #51 (Impoundment/VC&D/Sampling)* shall also be marked if food/equipment has been voluntarily condemned and disposed of or impounded/red tagged. (See *VC&D/Red Tag/Impound instructions under Inspection Services*) [§114393]

Notes:

- ❖ *Roasts, cooked per CRFC, §114004(b), may be held at 130°F or above.*
- ❖ *PHF may be received at 45°F if the food is cooled to 41°F within 4 hours.*
- ❖ *Food may be removed from specified holding temperatures for a cumulative time period of up to two hours to facilitate food preparation.*
- ❖ *Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit must be accurate to plus or minus 1°C or 2°F in the intended range of use. In addition, the EHS should not stir a food before taking its temperature since it is important to know the temperature of all parts of the food before it is agitated.*
- ❖ *The geometric center of a product is the recommended point of measurement when measuring the critical limit for cold holding.*
- ❖ *Additional measurements may need to be taken at points farthest from the heat source, (e.g., near the product surface for food held on a steam table). Temperatures measured between packages of food, such as cartons of milk or packages of meat, may be limited in accuracy and, if at the wrong temperature, indicate the need for further examination. However, the temperature of a PHF itself, rather*

than the temperature between packages, is necessary if marking as a violation.

- ❖ *Infrared thermometers are a survey tool and must not be used to measure internal temperatures of foods for compliance with CRFC.*
- ❖ *In large holding units and on steam tables, it is necessary to measure temperatures of foods in various locations to ensure that the equipment is working properly.*
- ❖ *If deviations are noted in the product temperatures, it is important to take extra steps to determine reasons for the problem such as equipment failure or a breakdown in a process such as cooling or reheating. There could be other reasons such as foods were moved or just put into holding units.*
- ❖ *Foods approved for holding up to 45°F include the following: raw shell eggs; un-shucked live molluscan shellfish; pasteurized milk and pasteurized milk products in original sealed containers; PHFs held for dispensing in serving lines and salads bars during periods not to exceed 12 hours in any 24-hour period; or PHF held in vending machines; or PHF held for sampling at a Certified Farmers' Market.*
- ❖ *Pasteurized milk in original, sealed containers, pasteurized milk products in original, sealed containers, raw shell eggs, and un-shucked live molluscan shellfish may be received and maintained at an ambient temperature of 45°F or less.*
- ❖ *Hot and cold holding temperatures, as well as cooling time and temperatures, of PHFs should be thoroughly checked with a thermocouple, thermistor, or other appropriate temperature measuring device during each inspection. This includes the temperature of PHF during transport, (e.g., hot holding carts being used to transport food to buffet tables, satellite kitchens, or off-site catering events).*
- ❖ *As a rule, every effort should be made to assess every hot and cold holding unit in the food facility during each inspection.*

Public Health Reason:

Hot and cold holding, potentially hazardous food

Bacterial growth and/or toxin production can occur if potentially hazardous food remains in the temperature "Danger Zone" (42°F to 134°F) too long. The rate of growth increases with a rise in temperature within this zone. Beyond the ideal temperature range for a particular organism, the rate of growth decreases. Operations requiring heating or cooling of food should be performed as rapidly as possible to avoid the possibility of bacterial growth.

Cold holding

When considering growth rate of microbial pathogens, time and temperature are integral and must be considered together. Increases in storage and/or display temperature will decrease shelf life of refrigerated foods since the higher in temperature, the more permissive conditions are for growth.

Hot holding

The hot holding of food at 135°F or greater is sufficient to prevent the growth of pathogens and is therefore an effective measure in the prevention of foodborne illness.

Time limits for food preparation

For potentially hazardous foods, it is required that the food be returned for refrigeration or hot holding after two hours at room temperature. After two cumulative hours at room temperature some pathogens begin entering the log phase of growth where the multiplication of microbes replicates logarithmically to produce enough toxins or pathogens to cause illness if ingested.

Receiving temperatures

Temperature is one of the prime factors that control the growth of bacteria in food. Many, though not all, types of pathogens and spoilage bacteria are prevented from multiplying to microbiologically significant levels in properly refrigerated foods that are not out of date. Therefore, it is imperative that refrigerated and frozen potentially hazardous foods be received at the temperature specified in Code.

High temperatures for a long enough time, such as those associated with thorough cooking kill or inactivate many types of microorganisms. However, cooking does not always destroy the toxins produced in foods by certain bacteria (such as the heat stable enterotoxins of ***Staphylococcus aureus***). Cooking or hot holding that follows temperature abuse may not make the food safe. Keeping cooked foods hot as required in the Code prevents significant regrowth of heat-injured microorganisms and prevents recontamination with bacteria that are newly introduced.

Potentially hazardous foods that have visible signs of thawing, refreezing, or temperature abuse may contain pathogens in significant amounts. Improper thawing provides an opportunity for surviving bacteria to grow to harmful numbers and/or produce toxins. If the food is refrozen, many bacteria and/or the performed toxins are preserved.

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

Authority: California Retail Food Code, § 114000

This violation category is used to indicate the compliance status with the proper implementation and use of Time as a Public Health Control (TPHC).

IN – “**IN**” shall be marked if a food facility is properly implementing TPHC and maintains all required written procedures.

N/A – “**NA**” shall be marked if the food facility does not use time as a public health control.

N/O – “**N/O**” shall be marked if the food facility utilizes TPHC but is not implementing it at the time of inspection.

OUT – This violation shall be marked either **MAJOR** or **MINOR**.

Examples of **MAJOR** violations include:

- Written procedures are not available for foods using TPHC at the time of inspection. [§114000]
- The four-hour time marking has been exceeded. (**VC&D**) [§114000]
- Foods using TPHC are not marked or otherwise identified. (**VC&D**) [§114000]

Example of a **MINOR** violation includes:

- The written procedures for food items utilizing TPHC are not maintained, missing pertinent information, and/or are incomplete. [§114000]

Additional Violation:

- *Category #51 (Impoundment/VC&D/Sampling)* shall also be marked if food/equipment has been voluntarily condemned and disposed of or impounded/red tagged. (See *VC&D/Red Tag/Impound instructions under Inspection Services*) [§114393]

Notes:

- ❖ *Food facilities using TPHC shall mark the time that is four hours past the point in time the food was removed from temperature control and shall discard the food at the end of the four-hour time limit.*
 - *Preparation time is included in the four-hour time limit if food is prepared and offered for consumption/sale directly thereafter without returning the food to proper temperature control. Example: A food facility uses TPHC for their ready-to-eat sandwiches. If the food facility takes 1 hour to prepare and package the sandwiches then immediately takes them to the non-temperature-controlled display for sale, then the food items will be marked and disposed of within three (3) hours.*
- ❖ *Written procedures shall be maintained at the food facility and made available upon request.*
- ❖ *TPHC cannot be used for dishes containing raw/undercooked eggs at licensed health facilities or public and private school cafeterias.*

Public Health Reason:

Holding cold food without temperature control

When a food is removed from refrigerated storage and begins to warm to room temperature, *Listeria monocytogenes* is a primary organism of concern. Even while food is held at refrigeration temperatures, the growth potential of *L. monocytogenes* warrants concern for time/temperature control for food safety of ready to eat foods. By ensuring minimal *Listeria* growth in food, the threat from *Salmonella* would be negligible. Warming conditions will allow food to remain exposed to temperatures that allow *B. cereus* to produce emetic

toxin. However, the 4-hour time constraint in the California Retail Food Code (CRFC) is sufficient to prevent any toxin formation. The conservative nature of the 4-hour limit for keeping foods without temperature control allows for a needed margin of safety if the temperature of the environment is higher than 75°F. It is important to note that time/temperature control for foods held without cold holding temperature control for a period of 4 hours, does not require any temperature control or monitoring. These foods can reach any temperature when held at ambient air temperatures as long as they are discarded or consumed within the four hours.

Holding hot food without temperature control

The second scenario for food without temperature control exists when food is cooked according to the CRFC requirements, then kept at room temperature for 4 hours before discarding. Foodborne pathogens of concern for an uncontrolled temperature scenario are spore formers including *Clostridium perfringens* and *Bacillus cereus*.

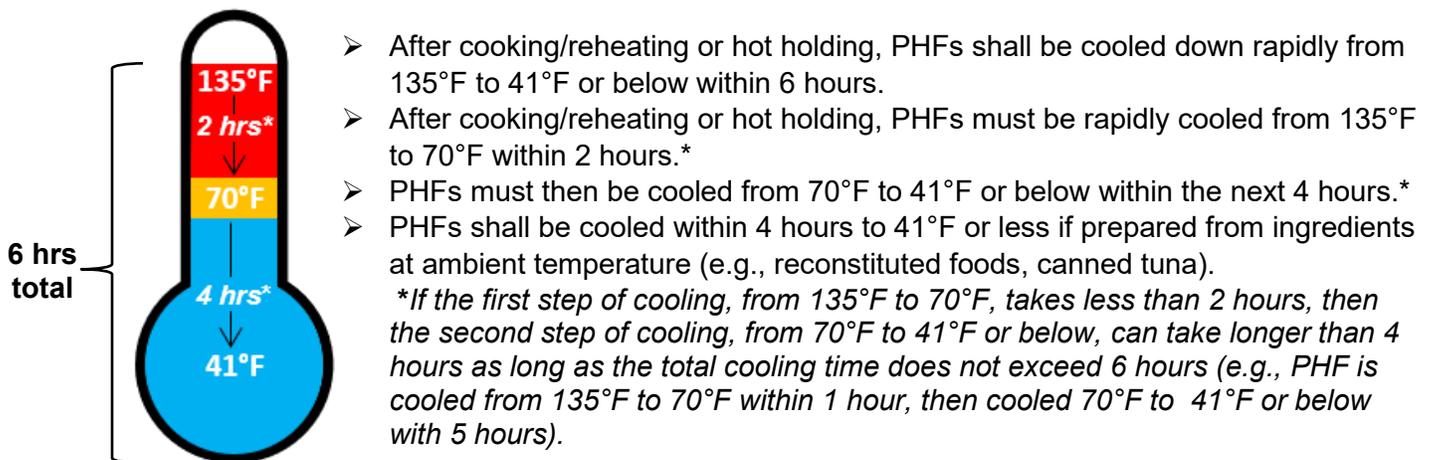
Food cooked according to the CRFC should be free of vegetative cells. However, the heat requirements are not sufficient to kill spores of *C. perfringens* or *B. cereus* and may actually serve as a heat shock that activates the spores. *B. cereus* is found commonly in outbreaks attributed to inadequate hot holding of starchy foods like rice and has been isolated in a multitude of food products. During the time without temperature control, the temperature of the food could decrease slowly enough to expose spores of both organisms to optimal growth conditions for a significant length of time. Like warming, several variables exist that determine the rate of heat transfer. Because of the wide variety of foods prepared it would be impossible to generalize how fast a typical product loses temperature after cooking but holding a food product for 4 hours at room conditions would need to be consumed or discarded within the four hours.

10. Proper cooling methods

Authority: California Retail Food Code, §§ 114002, 114002.1

This violation category is used to indicate the compliance status with proper cooling methods.

Proper cooling time and temperature parameters are as follows:



Examples of approved cooling methods include:

- Using ice paddles
- Adding ice as an ingredient
- Placing food in shallow pans
- Using rapid cooling equipment
- Using containers that facilitate heat transfer
- In accordance with an approved HACCP plan
- Separating food into smaller or thinner portions
- Utilizing other effective means that have been approved by the Department
- Inserting appropriately designed containers in an ice bath and stirring frequently

IN – “**IN**” shall be marked if a facility is observed properly cooling PHFs within approved time and temperature parameters and using approved cooling methods.

N/A – “**N/A**” shall be marked if the food facility does not cool any PHFs.

N/O – “**N/O**” shall be marked if the food facility *does* cool PHF but is not cooling foods at the time of inspection. In this instance, the EHS shall request the food employee to explain and/or demonstrate proper cooling methods.

OUT – This violation shall be marked either **MAJOR** or **MINOR**.

Examples of **MAJOR** violations include:

- After cooking or hot holding, PHF is not cooled rapidly from 135°F to 41°F or below within 6 hours using approved methods (e.g., a cooked roast found at 60°F cooling for 8 hours in the walk-in cooler). **(VC&D)** [§114002]
- PHF is not cooled rapidly from 135°F to 70°F or below within 2-hours using approved methods (e.g., pot of cooked beans observed at 90°F and cooling for 3-hours). **(VC&D)** [§114002]
- PHF prepared from ingredients at ambient temperature (e.g., tuna salad) is not cooled to 41°F or below within 4-hours. **(VC&D)** [§114002]

Examples of **MINOR** violations include:

- PHF observed being cooled without the use of approved cooling method(s), however the food is still within time and temperature parameters. [§114002.1]

CORRECTIVE ACTION:

- **MAJOR** violations include PHFs being improperly cooled, and the food has exceeded the critical time/temperature limits. Such food items shall be voluntarily condemned and disposed of.
- **MINOR** violations include PHFs being improperly cooled using an unapproved method, however the food item is still within the allowed critical time/temperature limits. Such food items shall be rapidly cooled using an approved method to complete the cooling process.

Additional Violations:

- *Category #1 (Demonstration of knowledge)* shall also be marked if the PIC or an applicable food employee does not know the requirements for cooling. [§113947(a)]
- *Category #39 (Thermometers provided and accurate)* shall also be marked if the facility lacks an accurate metal probe thermometer to take internal food temperatures. [§114159]
- *Category #51 (Impoundment/VC&D/Sampling)* shall also be marked if food/equipment has been voluntarily condemned and disposed of or impounded/red tagged. (See *VC&D/Red Tag/Impound instructions under Inspection Services*) [§114393]

Note:

- ❖ *Discussions with the person in charge along with observations should be used to determine compliance. For instance, during discussion the person in charge says that a food product was cooled overnight in the walk-in cooler. The product is checked, and the temperature is 50°F. Eight hours have elapsed from closing to opening. This item should be marked as a major violation because the product did not cool from 135°F to 41°F or less within 6 hours.*

Public Health Reason:

Cooling

Proper cooling requires removing heat from food quickly enough to significantly slow microbial growth. Excessive time for cooling of PHFs has been consistently identified as one of the leading contributing factors to foodborne illness. During extended cooling, PHFs are subject to the growth of a variety of pathogenic microorganisms. A longer time near ideal bacterial incubation temperatures, (70°F - 120°F), is to be avoided. If the food is not cooled in accordance with this Code requirement, pathogens may grow to sufficient numbers to cause foodborne illness.

Cooling methods

Large food items, such as roasts, turkeys, and large containers of rice or refried beans, take longer to cool because of the mass and volume from which heat must be removed. A reduction in the volume of food significantly increases the rate of cooling and minimizes the opportunity for pathogen growth. If a hot food container is tightly covered, the rate of heat transfer is reduced, i.e., the time required for cooling and the time the food is exposed to optimal temperatures for bacterial multiplication or toxin production are increased.

11. Proper cooking time and temperature

Authority: California Retail Food Code, §§ 114004, 114008, 114010

This violation category is used to indicate the compliance status with required cooking times and temperatures for food items of plant and animal origins.

The cooking temperature/time requirements are as follows:

Food Type	Minimum Cooking Temperature	Minimum Cooking Time
<ul style="list-style-type: none"> Fruits and vegetables 	135°F (for hot holding)	N/A
<ul style="list-style-type: none"> Fish Beef Pork Eggs prepared for immediate service Whole commercially raised game animals 	145°F	15 seconds
<ul style="list-style-type: none"> Ratites Comminuted meats/seafood Tenderized and injected meats Egg dishes prepared from pooled eggs or eggs for hot holding 	155°F	15 seconds
<ul style="list-style-type: none"> Baluts Poultry Wild game animals Stuffed fish/meat/pasta/poultry/ratites Stuffing containing fish/meat/pasta/poultry/ratites Pasta and any other food stuffed with fish/meat/pasta/poultry/ratites 	165°F	15 seconds
<ul style="list-style-type: none"> Roasts 	130°F or as specified in CRFC, §114004	112 minutes or as specified in CRFC, §114004

Raw eggs not prepared in response to a consumer order for immediate service (e.g., scrambled eggs at a buffet) shall be cooked to the following temperatures:

Minimum Cooking Temperature	Minimum Cooking Time
145°F	3 minutes
150°F	1 minute
158°F	<1 second (instantaneous)

IN – “**IN**” shall be marked if food items are cooked to the minimum time and temperature requirements.

N/A – “**N/A**” shall be marked if the food facility does not cook food.

N/O – “**N/O**” shall be marked if the food facility *does* cook food, but cooking is not observed at the time of inspection. In this instance, the EHS shall request the food employee to explain and/or demonstrate proper cooking temperatures.

OUT – This violation category shall be marked **MAJOR**; examples include:

- The cooking process for a food item did not meet the required cooking time and/or temperature. [§114004]
- Food of animal origin (e.g., beef, chicken, pork, etc.) is par cooked without an approved variance. [§114004]
- Raw food of animal origin was not cooked as required when using a microwave (e.g., food item was not rotated or stirred throughout/midway during cooking, covered, heated to 165°F, and left covered and stand for at least two minutes after cooking). [§114008]
- Fruits and vegetables intended for hot holding are not cooked to a minimum temperature of 135°F. [§114010]

CORRECTIVE ACTIONS:

- If required cooking temperatures are not met, the EHS should have the operator continue cooking the food until the proper temperature is reached. Additionally, the EHS should explain the public health significance of inadequate cooking to the PIC and food employees.

Additional Violations:

- *Category #1 (Demonstration of knowledge)* shall also be marked if the PIC or cook does not know the proper cooking temperatures. [§113947(a)]
- *Category #19 (Compliance with variance, specialized process & HACCP)* shall also be marked if facility does not have a variance and is par cooking foods that require a minimum cooking temperature. [§114419]
- *Category #20 (Consumer advisory provided for raw/undercook food)* shall also be marked if a food facility undercooks PHFs and fails to provide the consumer advisory. [§114093]
- *Category #39 (Thermometers provided and accurate)* shall also be marked if the facility lacks an accurate metal probe thermometer to take internal food temperatures. [§114159]

Notes:

- ❖ *A raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form if all the following conditions apply:*
 - *The food facility does not serve a highly susceptible population.*
 - *Steak is labeled to indicate that it meets the definition of “whole-muscle, intact beef”.*
 - *Steak is cooked on both the top and bottom to a surface temperature of 145°F or above and a cooked color change is achieved on all external surfaces.*
- ❖ *A raw animal food product may be served or offered for sale upon consumer request in a ready-to-eat form if a consumer advisory is provided or a variance has been obtained, and it is not served to a highly susceptible population at a licensed health care facility and a public or private school cafeteria, or in the form of comminuted meat on a children’s menu. [§114004]*
- ❖ *To assess cooking methods, inspections should occur at varying times when food is being cooked.*
- ❖ *Food facility operators must ensure cooking temperatures are met. The EHS must verify that monitoring is occurring by involving the person in charge in these activities during the inspection.*
- ❖ *Cooked and refrigerated food prepared for immediate service in response to an individual customer order may be served at any temperature.*
- ❖ *In order to better assess cooking during all phases of the inspection, the EHS can enlist the help of cooperative food employees to notify them of foods that have finished cooking. This allows EHSs to continue with the inspection in other areas of the operation yet continue to verify that proper cooking temperatures are being met.*
- ❖ *Par cooking is a technique of partially cooking a food item, removing it from the cooking process, and*

then finishing cooking at a later time.

- ❖ *The cooking temperature of foods must be taken to determine compliance or non-compliance. Do not rely solely upon discussions with managers or cooks to determine compliance or non-compliance. The temperature of cooked potentially hazardous foods during the inspection should be taken upon completion of the cooking process. Food cooking temperatures should be verified by the EHS during each inspection. Every effort should be made to assess the cooking temperatures of a variety of products served in the food facility.*
- ❖ *Critical limits for cooking PHFs as specified in Sections §114004 and §114010 include specifications that all parts of the food be heated to a certain temperature. For large roasts, temperature measurement should take into account post-cooking heat rise which allows the temperature to reach equilibrium throughout the food. The critical limit of time at the terminal temperature must also be measured during inspections. For example, a roast beef cooked to 130°F is required to be held at this temperature for 112 minutes to ensure destruction of pathogens. Cooking temperatures should be noted on the inspection report.*
- ❖ *The correct temperature measuring device and technique are essential in accurately determining the temperatures of potentially hazardous foods. The geometric center or thickest parts of a product are the points of measurement of product temperature particularly when measuring critical limits for cooking.*
- ❖ *EHSs should take internal temperatures of products using a thermocouple or thermistor with a probe suitable for the product thickness. A thin diameter probe should be used for temperature measurements of hamburger patties and fish filets. Alternately, although less desirable, an EHS may use a suitable, calibrated bimetal stem thermometer for checking cooking temperatures of thick foods. Infrared thermometers are inappropriate for measuring internal cooking temperatures.*

Public Health Reason:

Cooking temperature of raw animal foods

Cooking, to be effective in eliminating pathogens, must be adjusted for a number of factors. These include the anticipated level of pathogenic bacteria in the raw product, the initial temperature of the food, and the food's bulk, which affects the time to achieve the needed internal product temperature. Other factors to be considered include post-cooking heat rise and the time the food must be held at a specified internal temperature. Greater numbers and varieties of pathogens generally are found on poultry than on other raw animal foods. Therefore, a higher temperature, in combination with the appropriate time is needed to cook these products. To kill microorganisms, food must be held at a sufficient temperature for the specified time. Cooking is a scheduled process in which each of a series of continuous time/temperature combinations can be equally effective. The stated temperature is the minimum that must be achieved and maintained in all parts of each piece of meat for a least the stated time. Cooking requirements are based in part on the biology of pathogens. The thermal destruction of a microorganism is determined by its ability to survive heat. Different species of microorganisms have different susceptibilities to heat.

Seared Steak

Steak is a whole beef muscle. It does not include whole beef muscle that has been pinned, injected, or chopped and formed. It may be cut cross grain, such as sirloin, chuck, or porterhouse; or it may be cut with the grain, such as flank, skirt, or Chateaubriand. Other species, such as poultry, pork and lamb, are not included. Due to the low probability of pathogenic organisms being present in or migrating from the external surface to the interior of beef muscle, cuts of intact muscle (steaks) should be safe if the external surfaces are exposed to temperatures sufficient to affect a cooked color change. In addition, the cut (exposed) surfaces must receive additional heat to affect a complete sear across the cut surfaces. Grill or char marks may be applied to the complete surface searing. The meat should be seared on both top and bottom surfaces utilizing a heating environment (e.g., grill or broiling oven) that imparts a temperature at the surface of the intact steak of at least 145°F to achieve a cooked color change on all external surfaces. The searing of all surfaces should be continuous until the desired degree of doneness and appearance are attained. This is considered a ready to eat food. As reflected in the definition of whole-muscle, intact beefsteak, marinating is a food safety concern. The concern arises when the fascia (exterior surface) of the steak is broken by scoring or other means. This allows the marinade to penetrate, and potentially contaminate, the interior of the steak. In such cases, the CRFC allowance for undercooking without a consumer advisory is negated.

Microwave cooking

The rapid increase in food temperature resulting from microwave heating does not provide the same cumulative time and temperature relationship necessary for the destruction of microorganisms, as does conventional cooking methods. In order to achieve comparable lethality, the food must attain a temperature of 165°F in all parts of the food. Since cold spots may exist in food cooking in a microwave oven, it is critical to measure the food temperature at multiple sites when the food is removed from the oven and then allow the food to stand covered for two minutes post microwave heating to allow thermal equalization and exposure. Although some microwave ovens are designed and engineered to deliver energy more evenly to the food than others, the important factor is to measure and ensure that the final temperature reaches 165°F throughout the food.

Plant food cooking for hot holding

Fruits and vegetables that are fresh, frozen, or canned and that are heated for hot holding need only to be cooked to the temperature required for hot holding. These foods do not require the same level of microorganism destruction, as do raw animal foods since these fruits and vegetables are ready-to-eat at any temperature. Cooking to the hot holding temperature of 135°F prevents the growth of pathogenic bacteria that may be present in or on these foods. In fact, the level of bacteria will be reduced over time at the specified hot holding temperature.

12. Proper reheating procedures for hot holding

Authority: California Retail Food Code, §§ 114014, 114016

This violation category is used to indicate the compliance status with reheating requirements for PHFs intended for hot holding.

Reheating requirements are as follows:

Food Type	Minimum Reheat Temperature & Hold Time	Maximum Reheat Time
Food for immediate service	No requirement	No requirement
Commercially processed for hot holding	135°F for 15 seconds	2 hours
Non-commercially processed food for hot holding	165°F for 15 seconds	2 hours
Un sliced portions of roasts for hot holding	See CRFC, §114004 for listed parameters	

**A steam table designed for re-thermalization may be used to reheat food items to the required reheating temperature.*

IN – “**IN**” shall be marked if PHFs are reheated within the approved time and temperature parameters.

N/A – “**N/A**” shall be marked if the food facility does not reheat foods.

N/O – “**N/O**” shall be marked if the food facility *does* reheat food, but it is not observed at the time of inspection. In this instance, the EHS shall request the food employee to explain and/or demonstrate proper reheating.

OUT – This violation category shall be marked **MAJOR**; examples include:

- PHF is not reheated to 165°F for 15 seconds within 2-hours (e.g., previously cooked and cooled stew being reheated for 3-hours before reaching 165°F). **(VC&D)** [§114016]
- Commercially processed ready-to-eat PHF is not reheated to at least 135°F. **(VC&D)** [§114016]
- Remaining unsliced portion(s) of roasts are not reheated as specified in CRFC, §114004. **(VC&D)** [§114016]

- PHF is reheated in a microwave and the food is not rotated or stirred to ensure it reaches 165°F, covered, and not allowed to stand covered for two minutes after reheating. **(VC&D)** [§114016]

CORRECTIVE ACTION:

- If, at the conclusion of the reheating process, it is discovered that the minimum reheating temperature has not been achieved, the reheating process should be continued until the food reaches the required temperature within the time frame allowed.

Additional Violations:

- *Category #1 (Demonstration of knowledge)* shall also be marked if the PIC or food employee at a food facility does not know the requirements for proper reheating for hot holding. [§113947(a)]
- *Category #39 (Thermometers provided and accurate)* shall also be marked if the facility lacks an accurate metal probe thermometer to take internal food temperatures. [§114159]
- *Category #51 (Impoundment/VC&D/Sampling)* shall also be marked if food/equipment has been voluntarily condemned and disposed of or impounded/red tagged. (See *VC&D/Red Tag/Impound instructions under Inspection Services*) [§114393]

Notes:

- ❖ *Category #37 (Equipment, utensils, and linens: storage and use)* shall be marked if a unit not designed to reheat food for hot holding is used and the food item has not exceeded time and temperature parameters. [§114130]
- ❖ *Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order may be served at any temperature.*

Public Health Reason:

Preparation for Immediate Service

Any potentially hazardous ready-to-eat (RTE) food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant is generally considered safe to eat without heating to the temperatures specified in the preceding sections. Any additional heating is usually conducted for the consumer’s preference of hot food over cold food. For this, no specific temperature is required for the consumer’s protection.

Reheating for hot holding

When food is held, cooled, and reheated in a food facility, there is an increased risk from contamination caused by personnel, equipment, procedures, or other factors. If food is held at improper temperatures for enough time, pathogens have the opportunity to multiply to dangerous numbers. Proper reheating provides a major degree of assurance that pathogens will be eliminated.

The potential for growth of pathogenic bacteria is greater in reheated cooked foods than in raw foods. This is because spoilage bacteria, which inhibit the growth of pathogens by competition on raw product, are killed during cooking. Subsequent recontamination will allow pathogens to grow without competition if temperature abuse occurs.

PROTECT FROM CONTAMINATION

13. Returned and re-service of food

Authority: California Retail Food Code, §§ 114079

This violation category is used to indicate the compliance status with ensuring foods which have been served to a consumer are not returned and reserved to another consumer.

IN – “IN” shall be marked when consumers are not served food items previously provided to another consumer.

N/A – “**N/A**” shall be marked if the facility only handles prepackaged foods.

N/O – “**N/O**” shall be marked if the food facility is not serving food at the time of inspection.

OUT – This violation category shall be marked **MINOR**; examples include:

- Re-served tortilla chips, salsa, or unpackaged bread. (VC&D) [§114079]
- Popcorn, nuts, or snack mix left on the bar for communal service. (VC&D) [§114079]
- Previously served steamed rice used in the preparation of fried rice. (VC&D) [§114079]

Notes:

- ❖ *Containers of non-potentially hazardous foods such as ketchup, steak sauce, hot sauce, etc., can be transferred from one consumer to another if the food is protected from contamination and the container is closed between uses.*
- ❖ *Schools may provide a sharing table where food service staff, pupils, and faculty may return food items and make those food items available to others during the course of a regular school mealtime.*
- ❖ *Food in unopened original packages that are in sound condition and checked periodically on a regular basis, such as crackers or sugar, can be re-served.*

Public Health Reason:

Returned food and reserving of food

Food can serve as a means of person-to-person transmission of disease agents such as hepatitis A virus. Any unpackaged foods, even bakery goods in a breadbasket that are not potentially hazardous and that have been served to a consumer, but not eaten, can become vehicles for transmitting pathogenic microorganisms from the initial consumer to the next if the food is served again.

14. Food in good condition, safe and unadulterated

Authority: California Retail Food Code, §§ 113967, 113976, 113980, 113982, 113988, 113990, 114035, 114041, 114254.3, 114355, 114419; Sherman Food, Drug, and Cosmetic Law, §§ 110605, 110610; California Code of Regulations, Title 17, Section 13675, California Health & Safety Code § 110611, 111921

This violation category is used to indicate the compliance status with food kept in good condition, safe, and unadulterated.

IN – “**IN**” shall be marked when foods at the food facility are observed to be in good condition, safe, and unadulterated.

N/A – Do Not Mark.

N/O – Do Not Mark.

OUT – This violation shall be marked either **MAJOR** or **MINOR**. Food which is deemed adulterated shall be impounded (red tagged) or voluntarily condemned and disposed (VC&D).

Examples of **MAJOR** violations include:

- Food is found to be adulterated. [§113980]
- A food employee contaminates food by any intentional or unintentional act. [§113967]
- A food employee washing their hands over defrosting meat. [§113967]
- Latex gloves or latex utensils are in direct contact with food. [§113967]
- A food employee with an illness or open lesion on their hand(s) or arm(s), is touching/preparing food items. [§113967]
- A food employee using a utensil to taste food more than once without the utensil being properly washed, rinsed, and sanitized between uses. [§113976]
- A soiled linen is in contact with bread in a breadbasket. [§113980]

- Food products are adulterated by a rodent, cockroach, and/or fly. [§113980]
- Food items were prepared using non-potable or contaminated water. [§113980]
- Refrigerator condensate is leaking on to raw or ready-to-eat foods. [§113980]
- A foreign object is found in food (e.g., glass, Band-Aid). [§113980]
- Foods contaminated due to contact with soiled fabric implements. [§113980]
- Food stored on the floor is in contact with overflowing sewage or wastewater. [§113980]
- Cans or packaged foods are swollen or leaking with evidence of gas production. [§113980]
- Foods contaminated due to using a soiled wiping cloth on a food contact surface. [§113980]
- Unapproved wet storage of shell-stock (e.g., stored or displayed in standing water/melted iced). [§113980]
- Acidic foods capable of leaching are found stored in lead-glazed, copper, or copper alloy (brass) containers. [§113980]
- *Open* food products are stored inside and *in direct contact* with the surfaces of the handwashing/ janitorial sink. [§113980]
- Washing produce or thawing open frozen food in a warewashing compartment without first washing and sanitizing the compartment. [§113980]
- Facility prepares foods using reduced oxygen packaging (other than for immediate cooking and removal from the package within 48 hours) and does not have or is not adhering to an approved hazard analysis and critical control points (HACCP) plan. [§113980, §114419]
- Prepared food in reduced oxygen packaging (ROP) has exceeded or is missing the 48-hour timestamp and the facility does not have an approved HACCP plan. [§113980, §114419]
- Unapproved additives are used in food (e.g., sulfites being applied to fresh fruits or vegetables). [§113988]
- Raw oysters from the Gulf of Mexico harvested April 1st – October 31st are missing the treatment verification letter or are otherwise untreated. Food items shall be voluntarily condemned and disposed of, or red tagged. [§114029, §13675]
- Ice that has been used as a cooling medium is then used as food or as an ingredient in food. [§113990, §114355]
- Food received is not wholesome, not in good condition, or in food containers/on pallets that are infested with vermin or are otherwise contaminated. [§114035, §114041]
- A container that previously held poisonous or toxic material is used to store, transport, or dispense food. [§114254.3]
- Ground sirloin/round/hamburger exceeds 30% fat content, ground chuck exceeds 26% fat content, or ground pork exceeds 50% fat content. If a corrective action cannot be completed by the end of the inspection, the food item shall be **voluntarily condemned and disposed of, or red tagged** and held for disposition, and a compliance review shall be scheduled. [§110605, §110610]
- A food facility is adding industrial hemp (IH) extracts (e.g., CBD) directly to food/drink items. The food item shall be **voluntarily condemned and disposed of, or red tagged** and held for disposition, and a compliance review shall be scheduled. [§110611, §111921]
- A retail food market is selling manufactured prepackaged shelf stable industrial hemp food/drink items that contain THC as an ingredient. The food item shall be **voluntarily condemned and disposed of, or red tagged** and held for disposition, and a compliance review shall be scheduled. [§110611, §111921]

Examples of **MINOR** violations include:

- Lining food containers with newspaper. [§113980]
- A liquor store packs ice on site without a warewashing sink. [§113980]
- Linen used as lining in the breadbasket is not changed between customers. [§113980]
- Food (e.g., meat, fish, vegetable, bread, etc.) with visible signs/appearance of spoilage. [§113980]
- Food-infesting insects, including beetles, moths, larvae, fruit flies, ants, and gnats, observed in food and/or beverage. [§113980]
- Food is transported in an unapproved manner. [§113982]
- Food is not inspected as soon as practical upon receipt. [§114035]

CORRECTIVE ACTION:

- The operator may regrind ground sirloin/round/hamburger that exceeds 30% fat content, ground chuck that exceeds 26% fat content, or ground pork that exceeds 50% fat content with a leaner cut of meat to bring the total fat content within an approved fat content range.

Additional Violations:

- *Category #6 (Hands clean and properly washed, proper glove use)* shall also be marked if an employee has adulterated food through direct contact by wearing latex gloves. [§113973]
- *Category #15 (Food contact surfaces: clean and sanitized)* shall also be marked if food contact surfaces are contaminated. [§114113, §114117]
- *Category #16 (Food obtained from approved source)* shall also be marked if identification tags for raw molluscan shellfish are missing. [§114021]
- *Category #19 (Compliance with variance, specialized process & HACCP)* shall also be marked if the facility is operating without an approved HACCP plan when required. [§114419]
- *Category #33 (Food properly labeled & honestly presented)* shall also be marked if manufactured shelf stable food products containing Industrial Hemp are mislabeled. [§11926.2]
- *Category #36 (Equipment/utensils approved; installed; good repair; capacity)* shall also be marked if food is stored in unapproved containers such as lead-glazed, copper, or copper alloy (brass) containers. [§114130]
- *Category # 48 (Permits available)* shall also be marked if a liquor store is operating outside the scope of their permit by engaging in the packaging and sale of ice on site without a warewashing sink. [§114381]
- *Category #51 (Impoundment/VC&D/Sampling)* shall also be marked if food/equipment has been voluntarily condemned and disposed of or impounded/red tagged. (See VC&D/Red Tag/Impound instructions under Inspection Services) [§114393]

Notes:

- ❖ *The EHS should ensure that the food facility's management and food employees understand the risk of serving contaminated or adulterated food and the reason for the required corrective action.*
- ❖ *Hulled hemp seeds, hemp seed proteins, and hemp seed oil are generally recognized as safe (GRAS) and allowed to be added to foods. No action should be taken for these items.*
- ❖ *A referral shall be made to the California Department of Public Health (CDPH) for adulterated IH products. An additional referral shall be made to the Alcoholic Beverage Control (ABC) if alcohol that contains THC is sold on the premises.*
- ❖ *Sell-by or expiration dates of food products, other than infant formula or baby food, are not enforced by this Department and are not marked in any subcategory. Instead, the EHS will recommend that the owner/operator discontinue the sale of the food based on the expiration date.*
- ❖ *Category #14 (Food in good condition, safe and unadulterated) shall be marked if actual contamination has occurred, whereas categories #27-30 pertain to violations regarding prevention from contamination.*
- ❖ *EHSs should ensure that the food facility's management and employees are aware of the risk of serving or selling food that contains unapproved additives.*
- ❖ *Food transportation vehicles may be inspected only when the transporter has arrived at the retail food facility, when stationary at an agricultural inspection station, or at a border crossing. Food transporter violations should be referred to the California Department of Public Health for follow-up. Violations observed on vehicles found at a food facility should be marked in this category if the facility has accepted delivery of food from the transporter.*
- ❖ *Foods that have been cross contaminated with a major food allergen are not considered adulterated, however this may result in a labeling violation (see Appendix C).*

Public Health Reason:

Preventing contamination when tasting food

Proper hygienic practices must be followed to ensure the safety of the food, prevent the introduction of foreign objects into the food, and minimize the possibility of transmitting disease through food. Pathogens can be transferred to food from utensils that have been stored on surfaces which have not been cleaned and sanitized. They may also be passed on by consumers or employees directly or indirectly from used tableware or food containers.

Requirements for protecting food from contamination

Food, at all stages of production, is susceptible to contamination. The source of food is important because pathogenic microorganisms may be present in the breeding stock of farm animals, in feeds, in the farm environment, in waters used for raising and freezing aquatic foods, and in soils and fertilizers in which plant crops are grown. Chemical contaminants that may be present in field soils, fertilizers, irrigation water, and fishing waters can be incorporated into food plants and animals.

It is imperative for safety that food supplies come from sources that are in compliance with laws regarding chemical additives and contaminants.

Food additives are substances, which, by their intended use, become components of food, either directly or indirectly. They must be strictly regulated. Additives may be harmful to the consumer in excess amounts or if an unapproved additive is used. Unintentional contaminants or residues also find their way into the food supply. The tolerances or safe limits designated for these chemicals are determined by risk assessment evaluations based on toxicity studies and consumption estimates.

Ice used as exterior coolant, prohibited as an ingredient

Ice that has been in contact with un-sanitized surfaces or raw animal foods may contain pathogens and other contaminants. For example, ice used to store or display fish or packaged foods could become contaminated with microbes present on the fish or packaging. If this ice is then used as a food ingredient, it could contaminate the final product.

Poisonous or toxic material containers

Use of poisonous or toxic material containers to store, transport, or dispense food is prohibited because of the potential for contamination of the food. The risk of serious medical consequences to anyone consuming food stored in these containers, coupled with the lack of confidence that all of the material could or would be removed in the wash and sanitizing procedures are reasons for prohibiting this practice.

15. Food contact surfaces: clean and sanitized

Authority: California Retail Food Code, §§ 113967, 113984(e), 114095, 114097, 114099, 114099.1, 114099.2, 114099.4, 14099.6, 114099.7, 114101, 114105, 114109, 114111, 114113, 114115, 114117, 114118, 114125(b), 114141, 114185

This violation category is used to indicate the compliance status with the proper cleaning and sanitizing requirements for food contact surfaces.

The following are common types of approved sanitizers, concentration/temperature, and contact time required during manual warewashing for proper sanitization:

Sanitizer	Approved Concentration or Temperature	Minimum Contact Time
Hot water	171°F or above	30 seconds
Chlorine	100 ppm	30 seconds
Quaternary Ammonium	200 ppm	1 minute
Iodine	25 ppm	1 minute

IN – “**IN**” shall be marked if the food facility is properly cleaning and sanitizing all food contact surfaces.

N/A – “**N/A**” shall be marked if the food facility only sells prepackaged foods.

N/O – “**N/O**” shall be marked if the food facility is not cleaning and sanitizing food contact surfaces at the time

of inspection. In this instance, the EHS shall request the assigned employee to explain and/or demonstrate proper warewashing and sanitizing procedures.

OUT – This violation shall be marked either **MAJOR** or **MINOR**.

Examples of **MAJOR** violations include:

Food Contact Surfaces

- Food contact surfaces of equipment or utensils are not cleaned and sanitized as required. [§113984(d), §114097, §114113]
- A food employee with dirty hands or open lesions on their hand(s) or arm(s), is touching food contact surfaces. [§113967]
- Dry cleaning methods (e.g., brushing, scraping, and vacuuming) are used with other than dry non-potentially hazardous food residues. [§114111(a)]
- Failure to clean and sanitize food contact surfaces every four (4) hours and/or as required when changing from raw food of animal origin to ready-to-eat food, between species of raw food of animal origin, or between unwashed produce and PHF. [§114113, §114117]
- Food contact surfaces contaminated due to contact with a wiping cloth used improperly. [§114113]
- Accumulation of mold/mildew on any interior surface of the ice machine. [§114113]
- Accumulation of mold/mildew on the food contact surfaces of the soda gun and/or holder. [§114113]
- Food temperature measuring device is not cleaned and sanitized prior to use or storage. [§114113]
- Reusable condiment containers are not properly washed and sanitized before being restocked. [§114113]
- Food contact surfaces of equipment and utensils are not clean to sight and touch. [§114115(a)]
- Fabric implements are not laundered and sanitized before or after use when in direct contact with food. [§114118, §114185]
- The warewashing sink is used to wash wiping cloths or produce, or thaw food, and the sink compartments are not cleaned and sanitized before and after each time it is used for such purposes. [§114125(b)]
- Lubricants used on food contact surfaces are not food grade. [§114141]

Manual Warewashing

- Warewashing sink is missing, non-functional, or clogged, and there is no other approved means of cleaning and sanitizing is available. **(PERMIT SUSPENSION)** [§114095, §114099]
- The facility is unable to properly wash and sanitize utensils/equipment because the detergent used is ineffective at temperatures below 100°F, and the water temperature was observed to be less than 100°F and the violation was not corrected by the end of the inspection. **(PERMIT SUSPENSION)** [§114099.2]
- Manual warewashing is not accomplished using a three-compartment sink where utensils are first precleaned, then washed, rinsed, sanitized, and air dried, and there is no other approved alternative method ware washing (e.g., two-compartment sink, clean-in-place, etc.). [§114099.2]
- Improper use and/or cleaning and sanitization method(s) of food contact surface sanitizers; as per the manufacturer's specification. [§114099.2(f), §114099.6(c)]
- Hot water sanitizing is used for manual warewashing and the water temperature in the sink compartment is not maintained at 171°F or there is no basket or rack to allow complete immersion of equipment and utensils. [§114099.4]
- No approved detergent/sanitizer used during warewashing at a warewashing sink. [§114099.2]
- Approved sanitizer is not provided or available by the end of the inspection. **(PERMIT SUSPENSION)** [§114099.6]
- Inadequate contact time with an approved sanitizer. [§114099.6]
- Sanitizer level is not detectible or is below 50 ppm for Chlorine or below 100 ppm for Quaternary Ammonium during active manual warewashing. [§114099.6]

Mechanical Warewashing

- Sanitizer level during the final sanitizing rinse is below 50 ppm for Chlorine, or below the required

concentration as indicated on the manufacturer's data plate during active mechanical warewashing. [§114099.7]

- A temperature measuring sticker used at a heat sanitizing mechanical warewashing machine does not change color. [§114099.7]
- Soiled items loaded in the warewashing machine do not have adequate wash water or detergent. [§114101]
- The mechanical warewashing machine is not installed or operated in accordance with manufacturer's specifications. [§114101(a)]

Examples of **MINOR** violations include:

Food Contact Surfaces

- No overhead protection over the warewashing area. [113984(e)]
- Equipment and utensils are not air dried or adequately drained after cleaning and sanitizing. [§114105]

Manual Warewashing

- The facility is unable to properly wash and sanitize utensils/equipment because the detergent used is ineffective at temperatures below 100°F, and the water temperature was observed to be less than 100°F, however, there was no active warewashing and the violation was corrected by the end of the inspection. [§114099.2]
- Sanitizer level is below 100 ppm but at least 50 ppm for Chlorine or below 200 ppm but at least 100 ppm for Quaternary Ammonium during active manual warewashing. [§114099.6]
- Sanitizer level is observed at or above 200 ppm for Chlorine or at or above 400 ppm for Quaternary Ammonium at the warewashing sink. [§114099.6]
- Sanitizer for manual warewashing is unavailable but obtained by the end of inspection and no active warewashing was observed. [§114099.6]
- Equipment and utensils are not pre-flushed, presoaked, or scrubbed. [§114099.1]
- Utensils are rinsed after being sanitized with chemicals and/or not allowed to air-dry after chemical sanitization. [§114099.6, §114105]

Mechanical Warewashing

- Equipment and utensils are not scraped of food debris. [§114099.1]
- Unapproved drying agent is used during the sanitization process. [§114109(a-b)]
- Soiled items are not loaded in the warewashing machine correctly. [§11410(b-d)]

CORRECTIVE ACTIONS:

- A food facility that prepares food shall not be operating if there is no method to properly clean and sanitize equipment/utensils. The food facility shall cease operation immediately and the EHS shall suspend the permit to operate. The food facility shall remain closed until a method to clean and sanitize equipment or utensils is provided and all equipment/utensils shall be cleaned and sanitized properly prior to reinstating the permit.
- A food facility shall not be operating if there is gross contamination of food contact surfaces that may result in the contamination of food products. The food facility shall cease operation until all food contact surfaces have been thoroughly cleaned and sanitized.

Additional Violations:

- *Category #14 (Food in good condition, safe and unadulterated)* shall also be marked if food is adulterated due to contaminated food contact surfaces. [§113980]
- *Category #22 (Hot and cold water available)* shall also be marked if the water temperature measures less than 100°F at the warewashing sink. [§114192]
- *Category #35 (Warewash facilities: installed, maintained, used; test equipment)* shall also be marked if a mechanical warewashing machine cannot be readily adjusted to effectively sanitize during active warewashing (e.g., ppm of chemical/contact time/temperature). [§114101, §114099.7]
- *Category #40 (Wiping cloths; properly used and stored)* shall also be marked if a soiled wiping cloth is stored on a food contact surface. [§114185.1]
- *Category #52 (Permit Suspended, Revoked, Modified, or Closed for No Permit)* shall also be marked if

the facility is closed, and the permit is suspended. [§114405]

Notes:

- ❖ *Category #35 (Warewash facilities: installed, maintained, used; test equipment) shall be marked if there is no active warewashing and the mechanical warewashing machine is tested and found to be non-functional or does not effectively sanitize, and an approved alternate method of sanitizing is available (e.g., 3-compartment sink used for manual warewashing).*
- ❖ *Category #35 (Warewash facilities: installed, maintained, used; test equipment) shall be marked if a warewashing sink is missing, in disrepair/non-functional, or clogged but an approved alternate method of cleaning and sanitizing is available (e.g., mechanical warewashing machine).*

Public Health Reason:

Food contact with equipment and utensils

Some pathogenic microorganisms survive outside the body for considerable periods of time. Food that comes into contact directly or indirectly with surfaces that are not clean and sanitized is liable to such contamination. The handles of utensils, even if manipulated with gloved hands, are particularly susceptible to contamination.

Equipment, food contact surfaces, non-food contact surfaces, and utensils

The objective of cleaning focuses on the need to remove organic matter from food contact surfaces so that sanitization can occur and to remove soil from non-food contact surfaces so that pathogenic microorganisms will not be allowed to accumulate, and insects and #24s will not be attracted.

Cleaning frequency of equipment food contact surfaces and utensils

Microorganisms may be transmitted from a food to other foods by utensils, cutting boards, thermometers, or other food contact surfaces. Food contact surfaces and equipment used for potentially hazardous foods should be cleaned and sanitized as needed throughout the day but must be cleaned and sanitized no less than every 4 hours to prevent the growth of microorganisms on those surfaces. Effective sanitization procedures destroy organisms that have been introduced into the rinse solution. It is important that surfaces be clean before being sanitized to allow the sanitizer to achieve its maximum benefit.

Refrigeration temperatures slow down the generation time of bacterial pathogens, making it unnecessary to clean and sanitize every four hours. However, the time period between cleaning and sanitizing equipment and utensils may not exceed 24 hours.

Surfaces of utensils and equipment contacting food that is not potentially hazardous such as iced tea dispensers, carbonated beverage dispenser nozzles, beverage dispensing circuits or lines, water vending equipment, coffee bean grinders, ice makers, and ice bins must be cleaned and sanitized on a routine basis to prevent the development of slime, mold, or soil residues that may contribute to an accumulation of microorganisms.

Precleaning

Precleaning of utensils, dishes, and food equipment allows for the removal of grease and food debris to facilitate the cleaning action of the detergent. Depending upon the condition of the surface to be cleaned, detergent alone may not be sufficient to loosen soil for cleaning. Heavily soiled surfaces may need to be presoaked or scrubbed with an abrasive.

Manual warewashing, sink compartment requirements

The 3-compartment requirement allows for proper execution of the 3-step manual warewashing procedure. If properly used, the 3 compartments reduce the chance of contaminating the sanitizing water and therefore diluting the strength and efficacy of the chemical sanitizer that may be used.

Manual warewashing procedure

Efficacious sanitization is dependent upon warewashing being conducted within certain parameters. Time is a parameter applicable to both chemical and hot water sanitization. The time that hot water or chemicals contact utensils or food contact surfaces must be sufficient to destroy pathogens that may remain on surfaces after cleaning. Other parameters, such as temperature or chemical concentration, are used in combination with time to deliver effective sanitization.

It is important to rinse off detergents, abrasive, and food debris after the wash step to avoid diluting or inactivating the sanitizer. Sanitization is accomplished after the warewashing steps of cleaning and rinsing so that utensils and food contact surfaces are sanitized before coming into contact with food and before use.

Manual warewashing heat sanitization

If the temperature during the hot water sanitizing step is less than 171°F, sanitization will not be achieved. As a result, pathogenic organisms may survive and be subsequently transferred from utensils to food.

Manual warewashing chemical sanitization

When using manual warewashing as a method to wash, rinse, and sanitize food contact surfaces it is imperative to follow the instructions on the EPA-registered label. If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be applied in accordance with the EPA-registered label use instruction.

Mechanical machine warewashing procedures

Items to be washed in a warewashing machine must receive unobstructed exposure to the spray to ensure adequate cleaning. Items that are stacked, or trays which are heavily loaded with silverware, cannot receive complete distribution of detergent, water, or sanitizer and cannot be considered to be clean.

Equipment and utensils, air-drying required

Items must be allowed to drain and to air-dry before being stacked or stored. Stacking wet items such as pans prevents them from drying and may allow an environment where microorganisms can begin to grow. Cloth drying of equipment and utensils is prohibited to prevent the possible transfer of microorganisms to equipment or utensils.

Warewashing sinks, use limitation

If the wash sink is used for functions other than warewashing, such as washing wiping cloths or washing and thawing foods, contamination of equipment and utensils could occur.

Returnable, cleaning for refilling

Food facilities may provide multi-use to-go containers to consumers with the intention that the containers are to be returned to the food facility for refilling or reuse. These containers are likely to be soiled when the consumer returns the container to the food facility. As a result, pathogens may be transferred to food by consumers or employees directly, or indirectly, from used take-home food containers. Therefore, food facilities that allow for the use of refillable containers are required to clean and sanitize before reuse.

The refilling of consumer-owned, personal take-out beverage containers, such as thermally insulated bottles, non-spill coffee cups, and promotional beverage glasses, by a consumer or food employee introduces the possibility of contamination of the filling equipment or product by improperly cleaned containers or the improper operation of the equipment. To prevent this contamination and possible health hazards to the consumer, the refilling of consumer-owned, personal take-out beverage containers is limited to beverages that are not potentially hazardous (time/temperature control for safety) foods. Equipment must be designed to prevent the contamination of the equipment and means must be provided to clean the containers at the facility.

Reusing single-service and single-use articles is prohibited.

FOOD FROM APPROVED SOURCES

16. Food obtained from approved source

Authority: California Retail Food Code, §§ 113980, 114021-114031, 114041, 114365, 114376

This violation category is used to indicate the compliance status when food items are obtained from approved sources.

IN – “IN” shall be marked if food items are verified to have been obtained from approved sources.

N/A – Do Not Mark.

N/O – Do Not Mark.

OUT – This violation category shall be marked **MAJOR**; examples include:

- Food is not from an approved food source (e.g., PHF prepared in a private home). [§113758, §113980, §114021, §114023, §114025, §114376]
- Operator is unable to provide invoice(s) for food items upon request. **(Red Tag)** [§113980]
- Invoices for PHFs suspected of being from an unapproved source are not available on-site. [§113980]
- Prepared food is served, but no invoices or cooking equipment is available on the premises. [§113980]
- Foie gras is offered for sale. [§113980]
- Molluscan shellfish are missing the shellstock(s) invoice and the EHS is unable to verify if the product was obtained from a source listed on the [Interstate Certified Shellfish Shippers List](#) or the [CDPH California Only Shellfish Shippers List](#). [§113980, §114031] **(Red Tag)**
- A retail food facility is manufacturing milk products (e.g., yogurt, ice cream, cheese, etc.) and/or products resembling milk products (e.g., using plant-based ingredients) without an approval from the California Department of Food and Agriculture (CDFA), Milk and Dairy Food Safety Branch (MDFS) when required. [§113980]
- A food facility is selling baked goods made in a private home that *does not* have a Class B Cottage Food Operation permit. [§114021, §114365]
- Frozen milk products, such as ice cream, are not pasteurized. [§114024]
- Liquid, frozen, and dry eggs and egg products are not obtained pasteurized. [§114024]
- Fish is not commercially and legally caught or harvested. [§114027]
- Molluscan shellfish are not received from a source listed on the Interstate Certified Shellfish Shippers List or the CDPH California Only Shellfish Shippers List. **(VC&D)** [§114029]
- Game animals are not from an approved source or are a species of wildlife on the 50 CFR Endangered and Threatened Wildlife and Plants list or are listed as an endangered or a threatened animal by the California Department of Fish and Wildlife. [§114031]
- Shell eggs do not meet at least Grade B Standards. [§114041]

CORRECTIVE ACTION:

- If food is from an unapproved and/or unsafe source, the food item(s) shall be voluntarily condemned and disposed of, or red tagged and held for disposition, and a compliance review shall be scheduled. *(See VC&D/Red Tag/Impound instructions under Inspection Services)*
- If copies of invoices are not available to verify the source of a food item at the time of inspection, the food shall be red tagged and held for disposition, and a compliance review shall be scheduled. *(See VC&D/Red Tag/Impound instructions under Inspection Services)*

Additional Violation:

- *Category #17 (Compliance with shellstock tags, condition, display)* shall also be marked if the tags or labels from unapproved/unverified molluscan shellfish are missing/incomplete. **(Red Tag)** [§114029]
- *Category #51 (Impoundment/VC&D/Sampling)* shall also be marked if food/equipment has been voluntarily condemned and disposed of or impounded/red tagged. *(See VC&D/Red Tag/Impound instructions under Inspection Services)* [§114393]

Notes:

- ❖ *MEHKO's are food business that operate from private homes and are approved to prepare and only sell food directly to consumers.*
- ❖ *Only foods prepared in a permitted Class B Cottage Food Operation may be offered for sale or used as an ingredient in a food facility.*
- ❖ *A community food producer may sell or provide whole uncut fruits or vegetables, or unrefrigerated shell eggs, directly to the public, to a permitted food facility, or a cottage food operation if the community food producer meets all applicable requirements.*
- ❖ *Unpasteurized frozen milk products can be dispensed and sold at a retail food facility if properly labeled*

prepackaged raw milk and raw milk products are obtained from an approved source.

- ❖ *A permitted retail food facility can engage in incidental wholesale activities within the confines of their retail public health permit if the following conditions are met:*
 - *The gross annual wholesale sales of processed foods do not exceed 25% of the total food sales.*
 - *Processed foods are not sold outside of Los Angeles County.*
 - *No wholesale of processed foods that are subject to labeling requirements pursuant to the Sherman Food, Drug, and Cosmetic Law.*
 - *The facility does not process or handle fresh seafood, frozen seafood held in bulk for further processing, or fresh or frozen raw shellfish for wholesale.*
 - *The facility does not salvage processed foods for sale other than at the retail food facility.*

Public Health Reason:

Requirements for protecting food from contamination

Food, at all stages of production, is susceptible to contamination. The source of food is important because pathogenic microorganisms may be present in the breeding stock of farm animals, in feeds, in the farm environment, in waters used for raising and freezing aquatic foods, and in soils and fertilizers in which plant crops are grown. Chemical contaminants that may be present in field soils, fertilizers, irrigation water, and fishing waters can be incorporated into food plants and animals.

Food should be purchased from commercial suppliers under regulatory control. Home kitchens, with their varieties of food and open entry to humans and pet animals, are frequently implicated in the microbial contamination of food. Because commercial items seldom are eaten right away, the home kitchen's limited capacity for maintaining food at proper temperatures may result in considerable microbial growth and toxin production by microorganisms introduced through the diverse sources of contamination. Controlled processing is required for the safe preparation of food entering commerce.

Sources of molluscan shellfish are a concern because shellfish are frequently consumed raw or in an undercooked state and thus receive neither heat nor any other process that would destroy or inactivate microbial pathogens. For safety, these foods must be accompanied by certification that documents that they have been harvested from waters that meet the water quality standards contained in the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish. Certification also provides confidence that processing, packaging, and shipping have been conducted under sanitary conditions.

Food in a hermetically sealed container

Processing food at the proper high temperature for the appropriate time is essential to kill bacterial spores that, under certain conditions in an airtight container, begin to grow and produce toxin. Of special concern is the lethal toxin of *Clostridium botulinum*, an organism whose spores (e.g., survival stages for non-growth conditions) are found throughout the environment. Even slight under processing of low acid food, which is canned can be dangerous because spoilage microbes are killed and there are no signs to warn consumers that botulinum spores have germinated into vegetative cells and produced their toxin. If these foods are not processed to be commercially sterile, they must be received frozen or under proper refrigeration. Foods that are in a hermetically sealed container from a food processing plant that is regulated by a food regulatory agency are monitored to prevent or detect the presence of *C. botulinum* and to ensure that Best Manufacturing Practices (BMP's) are observed throughout the process. Home-canned foods are not monitored or tested for toxins; therefore, it is essential that all foods hermetically sealed be received from an approved source. FDA considers foods in airtight sealed containers (such as canned goods) that are swollen or leaking, to be contaminated. Depending on the circumstances, rusted and pitted or dented cans may also present a serious potential hazard.

Egg and milk products, pasteurized

Liquid egg, fluid milk, and milk products are especially good growth media for many types of bacteria (such as Shiga toxin-producing *Escherichia coli*, *Salmonella* spp., and *Listeria monocytogenes*) and must be pasteurized. Pasteurization is a heat process that will kill or inactivate bacteria and other harmful microorganisms likely to be in these potentially hazardous foods (time/temperature control for safety foods). Freezing and drying of unpasteurized products will stop microbial growth and may reduce their bacterial populations; however, some organisms will survive because neither process invariably kills bacteria. Under certain conditions, freezing and drying may preserve microbes. An alternative to pasteurization may be

applicable to certain cheese varieties cured or aged for a specified amount of time prior to marketing for consumption.

Ice

Freezing does not invariably kill microorganisms; on the contrary, it may preserve them. Therefore, ice that comes into contact with food to cool it or that is used directly for consumption must be as safe as drinking water that is periodically tested and approved for consumption.

Inspection upon receipt

Damaged or incorrectly applied packaging may allow the entry of bacteria or other contaminants into the contained food. If the integrity of the packaging has been compromised, contaminants such as *Clostridium botulinum* may find their way into the food. In anaerobic conditions (lack of oxygen), botulism toxin may be formed.

Packaging defects may not be readily apparent. This is particularly the case with low acid canned foods. Close inspection of cans for imperfections or damage may reveal punctures or seam defects. In many cases, suspect packaging may have to be inspected by trained persons using magnifying equipment. Irreversible and even reversible swelling of cans (hard swells and flippers) may indicate can damage or imperfections (lack of an airtight, i.e., hermetic seal). Swollen cans may also indicate that not enough heat was applied during processing (under processing). Suspect cans must be returned and not offered for sale.

Shell eggs

Damaged shells permit the entry of surface bacteria to the inside of eggs. Eggs are an especially good growth medium for many types of bacteria. Damaged eggs must not be used as food and should be discarded upon receipt.

17. Compliance with shellstock tags, condition, display

Authority: California Retail Food Code §§ 114039 – 114039.5

This violation category is used to indicate the compliance status with shellstock/molluscan shellfish received in good condition, properly displayed/stored, and tagged/labeled.

IN – “**IN**” shall be marked when the food facility is in compliance with all shellstock and molluscan shellfish tag/label, storage, and display requirements.

N/A – “**N/A**” shall be marked if shellstock is not offered/sold at the food facility.

N/O – “**N/O**” shall be marked if shellstock is not offered or sold at the food facility at the time of inspection.

OUT – This violation shall be marked either **MAJOR** or **MINOR**.

Examples of **MAJOR** violations include:

- Raw shucked molluscan shellfish are not properly labeled. [§114039]
- Shellstock is not obtained/received with proper tags or labels. [§114039.1]
- Repackaging shellstock without shellstock tag or approved labeling. [§114039.3, §114039.4]
- Molluscan shellstock from different harvest dates/locations/batches are commingled in the same container. **(VC&D)** [§114039.4]
- Shellstock tags/labels are not held for 90 calendar days from the date the last one is sold. [§114039.4]
- Molluscan shellfish life support system display tanks are operated in a manner that allows water used for other fish to flow into the tank, or the safety of the shellfish as they are received is compromised by use of the tank. [§114039.5]

Examples of **MINOR** violations include:

- Shellstock received is not discarded when they are not reasonably free of mud, dead shellfish, or broken shells. [§114039.2]
- Shellstock has been removed from the original container and not properly displayed on drained ice or held in a display container with the source properly identified. [§114039.3, §114039.4]
- Shellstock tags/labels are not maintained in chronological order. [§114039.4]
- The shellstock tag was removed from the container in which the shellstock was received/stored prior to the container being empty, however the tags were still maintained on-site. [§114039.4]

Additional Violations:

- *Category #14 (Food in good condition, safe and unadulterated)* shall also be marked if shellstock is adulterated due to the manner the molluscan shellfish support system is operated (e.g., unsanitary tank water, tank water mixing with water from other wet storage systems, etc.) [§113980, §114039.5]
- *Category #16 (Food obtained from approved source)* shall also be marked when Molluscan shellfish are not received from a source listed in the Interstate Certified Shellfish Shippers List or CDPH California Only Shellfish Shippers List. [§113980, §114029, §114294]
- *Category #19 (Compliance with variance, specialized processes & HACCP)* shall also be marked if the facility has molluscan shellfish life support system display tanks, however there is no HACCP plan, or the HACCP plan is not being followed. [§114039.5, §114419]
- *Category #49 (Plan Review)* shall also be marked if a facility has installed molluscan shellfish life support system display tanks without Plan Check program approval. [§114380]
- *Category #51 (Impoundment/VC&D/Sampling)* shall also be marked if food/equipment has been voluntarily condemned and disposed of or impounded/red tagged. (See *VC&D/Red Tag/Impound instructions under Inspection Services*) [§114393]

Public Health Reason:

Shucked shellfish, packaging and identification

Plastic containers commonly used throughout the shellfish industry for shucked product bear specific information regarding the source of the shellfish as required by the NSSP Guide for the Control of Molluscan Shellfish. These containers must be nonreturnable so that there is not a potential for their subsequent reuse by shellfish packers. Such reuse could result in shucked product being inaccurately identified by the label. The reuse of these containers within the food facility must be assessed on the basis of the CRFC's criteria for multi-use containers and the likelihood that they will be properly relabeled to reflect their new contents.

Shellstock identification

Accurate source identification of the harvesting area, harvester, and dealers must be contained on molluscan shellstock identification tags so that if a shellfish-borne disease outbreak occurs, the information is available to expedite the epidemiological investigation and regulatory action.

Shellstock, condition

Dirty, damaged, or dead shellstock can contaminate and degrade live and healthy shellstock and lead to foodborne illness. Harvesters have the primary responsibility for culling shellstock, but this responsibility continues throughout the distribution chain ultimately ending with the facility operator/purchaser.

Molluscan shellfish, original container

Lot separation is critical to isolating shellfish implicated in illness outbreaks and tracking them to their source. Proper identification is needed for tracing the origin and determining conditions of shellfish processing and shipment. If the lots are commingled at retail, traceability is undermined, and the root of the problem may remain undetected. If no causative factors are identified in the food facility, tracing the incriminated lot helps in identifying products that need to be recalled or growing waters that may need to be closed to harvesting.

Shellstock, maintaining identification

Accurate records that are maintained in a manner that allows them to be readily matched to each lot of shellstock provide the principal mechanism for tracing shellstock to its original source. If an outbreak occurs, regulatory authorities must move quickly to close affected growing areas or take other appropriate actions to prevent further illnesses. Records must be organized by date sold and kept for not less than 90 days from date

of harvest to allow time for hepatitis A virus infections, which have an incubation period that is significantly longer than other shellfish-borne diseases, to be identified and reported.

Molluscan shellfish tanks

Shellfish are filter feeders allowing concentration of pathogenic microorganisms that may be present in the water. Due to the number of shellfish and the limited volume of water used, display tanks may allow concentration of pathogenic viruses and bacteria.

Since many people eat shellfish either raw or lightly cooked, the potential for increased levels of pathogenic microorganisms in shellfish held in display tanks is of concern. Opportunities for contamination must be controlled or eliminated. Procedures must emphasize strict monitoring of the water quality of the tank including the filtering and disinfection system.

18. Compliance with Gulf Oyster Regulations

Authority: California Retail Food Code §§ 114029, 114090; Title 17 CA Code of Regulations § 13675, 13676

This violation category is used to indicate the compliance status with Gulf Oyster regulations at food facilities that sell raw Gulf Oysters.

IN – “**IN**” shall be marked if a food facility meets all Gulf Oyster regulation requirements.

N/A – “**N/A**” shall be marked if Gulf Oysters are not sold or served in the food facility.

N/O – “**N/O**” shall be marked if Gulf Oysters are not being sold at the time of inspection.

OUT – This violation category shall be marked **MAJOR**; examples include:

- Raw oysters from the Gulf of Mexico are harvested during the period between April 1st – October 31st and are missing the shellstock identification tags and treatment verification letter or are otherwise untreated. Food items shall be **voluntarily condemned and disposed of, or red tagged**. (See VC&D/Red Tag/Impound instructions under the *Inspection Services* section) [CRFC §114029, Title 17 CCR §13675]
- Raw Gulf Oyster warning signs are not posted for untreated Gulf oysters harvested between November 1st - March 31st. [CRFC §114090, Title 17 CCR §13675]
- Required warning signs do not conform to required size and language specifications. [CRFC §114090, Title 17 CCR §13675]
- A copy of the oyster treatment verification letter cannot be provided at the time of inspection. (**Red Tag**) [§114090, Title 17 CCR §13676]

CORRECTIVE ACTION:

- If signs are missing during November 1 - March 31, immediate corrective action should be taken to provide the approved signage.
- Immediately remove untreated Gulf Oysters harvested between the months of April 1 - October 31, unless evidence is provided that the oysters have been treated by a method approved by the California Department of Public Health, Food and Drug Branch. If the oysters are not voluntarily removed by the operator, then the EHS shall impound the oysters and await disposition of the product.

Additional Violation:

- *Category #14 (Food in good condition, safe and unadulterated - Major)* shall also be marked if raw oysters from the Gulf of Mexico harvested April 1st – October 31st are missing the treatment verification letter or are otherwise untreated. Food items shall be voluntarily condemned and disposed of, or red tagged. (See VC&D/Red Tag/Impound instructions under the *Inspection Services* section) [CRFC §114029, Title 17 CCR §13676]
- *Category #16 (Food obtained from approved source)* shall also be marked if it cannot be verified that

raw Gulf oysters being sold at the facility come from an approved source on the Interstate Certified Shellfish Shippers, CDPH California Only Shellfish Shippers List, or Gulf Oysters are confirmed to be from an unapproved source. [§114029]

- *Category #17 (Compliance with shellstock tags, condition, display)* shall also be marked if Gulf Oyster tags or labels are missing/incomplete. **(Red Tag)** [§114029]
- *Category #51 (Impoundment/VC&D/Sampling)* shall also be marked if food/equipment has been voluntarily condemned and disposed of or impounded/red tagged. (See *VC&D/Red Tag/Impound instructions under Inspection Services*) [§114393]

Notes:

- ❖ *Every retail food facility that offers raw Gulf oysters shall provide a written warning to any person who orders raw oysters, and the written warning shall be worded in English and Spanish and prominently placed so that it is likely to be read by consumers prior to ordering raw oysters.*
- ❖ *Where raw oysters are ordered directly from a server at a dining table, or where a warning sign posted is not clearly legible from any location where the consumer orders raw oysters, the warnings shall be printed on all menus in which raw oysters are listed, or on tent cards located on each dining table.*
- ❖ *Warnings signs are not required for raw shell stock, half-shell or shucked Gulf oysters whenever the retailer has received a copy of a current verification letter from the dealer AND tags or labels demonstrating that the oysters have been subjected to an oyster treatment process to reduce *Vibrio Vulnificus* to non-detectable levels.*
- ❖ *Oyster treatment verification letters are valid for two (2) years, and a facility must retain a copy of the letter for at least one (1) year after the expiration date.*

Public Health Reason:

Molluscan Shellfish

Pathogens found in waters from which molluscan shellfish are harvested can cause disease in consumers. Molluscan shellfish include oysters, clams, mussels, and scallops (except where the final product is the shucked adductor muscle only). The pathogens of concern include both bacteria and viruses.

Pathogens from the harvest area are of particular concern in molluscan shellfish because of the following:

- Environments in which molluscan shellfish grow are commonly subject to contamination from sewage, which may contain pathogens, and to naturally occurring bacteria, which may also be pathogens.
- Molluscan shellfish filter and concentrate pathogens that may be present in surrounding waters.
- Molluscan shellfish are often consumed whole, either raw or partially cooked.

To minimize the risk of molluscan shellfish containing pathogens of sewage origin, State and foreign government agencies, called Shellfish Control Authorities, classify waters in which molluscan shellfish are found, based, in part, on an assessment of water quality. As a result of these classifications, molluscan shellfish harvesting is allowed from some waters, not from others, and only at certain times or under certain restrictions from others. Shellfish Control Authorities then exercise control over the molluscan shellfish harvesters to ensure that harvesting takes place only when and where it has been allowed.

ADDITIONAL CRITICAL RISK FACTORS

19. Compliance with variance, specialized processes & HACCP

Authority: California Retail Food Code, §§ 114057, 114057.1, 114328, 114417-114417.2, 114417.6, 114419, 114419.2

This violation category is used to indicate the compliance status with HACCP plan requirements for specialized processes and/or variance(s).

IN – “**IN**” shall be marked if a food facility is required to have and is adhering to an approved HACCP plan(s) and/or variance(s).

N/A – “**N/A**” shall be marked if the facility is not required by the regulatory authority to have a variance or

HACCP plan.

N/O – Do Not Mark.

OUT – This violation category shall be marked **MAJOR**; examples include:

- The food facility is required to have a HACCP plan approved by the California Department of Public Health (CDPH) and is not following their approved HACCP plan procedures. [§114417.6, §114419]
- The facility is unable to provide a copy of their HACCP plan. [§114417.6]
- The food facility operator has not obtained HACCP plan approval from CDPH for any of the following processes:
 - Packaging potentially hazardous food products using a reduced-oxygen packaging (ROP) method. [§114057, §114057.1]
 - Par cooking chicken, beef, pork, or fish, without a variance plan [§114417 - §114417.2, §114417.6]
 - Preparing bottled juice to be sold at other locations. [§114419]
 - Acidifying food using acidification or water activity as a means to prevent the growth of Clostridium. [§114419]
- The food facility operator is utilizing any of the following practices without a written HACCP plan, or is not following the HACCP plan as written: [§114419]
 - Smoking food as a method of preservation. [§114419]
 - Custom processing animals as food for personal use. [§114419]
 - Preparing food by another method that requires a HACCP plan as determined by the enforcement officer. [§114419]
 - Curing food, using food additives as a method of preservation or as a means to change the food to non-potentially hazardous. [§114419]
 - Operating a molluscan shellfish life support tank for shellfish intended for human consumption. [§114419]
- Food facility utilizing a HACCP plan has an employee who is not trained in the 7 principles of HACCP and the contents of their plan(s), and/or does not have training records available. [§114419.2]
- A food facility has obtained a variance from CDPH to allow for deviation from specific code requirements but is not following the approved variance conditions or procedures. [§114417-§114417.2, §114417.6]
- A food facility does not have standard operating procedures or is not adhering to their standard operating procedures as required. [§114417.6, §114419.1]
- A catering facility does not have an approved catering plan or is not adhering to their catering plan. [§114328]

CORRECTIVE ACTION:

- If it is determined during an inspection that an approved state HACCP plan is required but the plan is not available or not followed, the EHS shall direct the person in charge to discontinue the food handling practice until a HACCP plan is developed and implemented and request the food to be voluntarily condemned and disposed.
- If it is determined during an inspection that the alternate procedures detailed in a variance letter are not being followed, the enforcement officer should direct the facility to correct the violation and impound the affected food products. CDPH should be notified of the violation in writing as soon as possible.

Additional Violations:

- *Category #14 (Food in good condition, safe and unadulterated) shall also be marked if food is prepared and/or stored in a manner that deviates from the HACCP plan. [§113980]*
- *Category #14 (Food in good condition, safe and unadulterated) shall also be marked if prepared food in reduced oxygen packaging has exceeded or is missing the 48-hour timestamp and the facility does not have an approved HACCP plan. [§113980, §114419]*
- *Category #36 (Equipment/utensils approved; installed; good repair; capacity) shall also be marked if unapproved equipment is being used to reduce oxygen package/vacuum pack food items. [§114130]*
- *Category #51 (Impoundment/VC&D/Sampling) shall also be marked if food/equipment has been voluntarily condemned and disposed of or impounded/red tagged. (See VC&D/Red Tag/Impound instructions under Inspection Services) [§114393]*

Notes:

- ❖ *Exemptions include whole Chinese-style roast duck, Korean Rice Cakes, and Vietnamese Rice Cakes. (See Appendix D)*
- ❖ *A HACCP plan is not required when a retail food facility bottles and sells juices within the confines of that location, however the prepackaged bottled juice products are still subject to the labeling requirements found in CRFC §114089 and 21 CFR 101.17(g).*
- ❖ *ROP food is not required to have a HACCP plan if the food facility complies with the following standards for packaging the ROP food:*
 - *The food is labeled with the production time and date.*
 - *The food is held at 41°F or lower during refrigerated storage.*
 - *The food is removed from its package in the food facility within 48 hours after packaging.*
- ❖ *HACCP plan for a molluscan shellfish tank must ensure the following:*
 - 1) *The identity of the source of the shell stock is retained.*
 - 2) *Water used with fish other than molluscan shellfish does not flow into the molluscan tank.*
 - 3) *The safety and quality of the shellfish when they were received are not compromised by the use of the tank.*
- ❖ *Except for HACCP plans requiring approval by the CDPH, HACCP plans do not require prior approval by the enforcement agency prior to implementation. However, if it is determined during an inspection that a HACCP plan is required, the written HACCP plan and supporting documentation should be reviewed. The specific food handling procedures detailed in the HACCP plan should then be evaluated to verify that the HACCP plan is being followed as written.*
- ❖ *A food facility using reduced-oxygen packaging without following a HACCP plan approved by CDPH creates a potential risk Clostridium botulinum growth if the food is temperature abused. Similarly, the use of pH and water activity to prevent the growth of Clostridium botulinum in potentially hazardous foods must be strictly controlled utilizing the approved procedures included in the HACCP plan to ensure the food is safe.*
- ❖ *CDPH is authorized to issue variances from specific code requirements as described in Section §113936. If a variance is issued, a copy of the variance letter must be kept at the food facility and provided to the enforcement officer upon request.*

Public Health Reason:**Specialized Processing Methods Variance Requirement**

Specific food processes that require a variance have historically resulted in more foodborne illness than standard processes. They present a significant health risk if not conducted under strict operational procedures. These types of operations may require the person in charge and food employees to use specialized equipment and demonstrate specific competencies. The variance requirement is designed to ensure that the proposed method of operation is carried out safely.

Reduced Oxygen Packaging Without a Variance, Criteria

Reduced oxygen packaging (ROP) encompasses a large variety of packaging methods where the internal environment of the package contains less than the normal ambient oxygen level (typically 21% at sea level), including vacuum packaging (VP), modified atmosphere packaging (MAP), controlled atmosphere packaging (CAP), cook chill processing (CC), and sous vide (SV). Using ROP methods in food facilities have the advantage of providing extended shelf life to many foods because it inhibits spoilage organisms that are typically aerobic.

Most foodborne pathogens are anaerobes or facultative anaerobes able to multiply under either aerobic or anaerobic conditions, therefore special controls are necessary to control their growth. Refrigerated storage temperatures of 5°C (41°F) may be adequate to prevent growth and/or toxin production of some pathogenic microorganisms but nonproteolytic *C. botulinum* and *L. monocytogenes* are able to multiply well below 5°C (41°F). For this reason, *C. botulinum* and *L. monocytogenes* become the pathogens of concern for ROP. Controlling their growth will control the growth of other foodborne pathogens as well.

When the food to be packaged under reduced oxygen conditions cannot reliably depend on secondary barriers, time/temperature becomes the critical controlling factor to control for toxin production. ROP foods must be held at 5°C (41°F) or less.

Time is also a factor that must be considered in ROP. The 14 day “use by” date is required labeling information for VP, MAP, and CAP products and cannot exceed the manufacturer’s “sell by” or “use by” date. This is considered a safe time period because two growth barriers are required to be present. When ROP products are frozen, there is no longer a 14-day shelf-life restriction.

When a food facility intends to use ROP technology but does not use one of the secondary barriers, the operator must submit an application for a variance and provided evidence that the ROP methodology intended for use is safe.

20. Consumer advisory provided for raw/undercook food

Authority: California Retail Food Code, §§ 114012, 114093

This violation category is used to indicate the compliance status with consumer advisory requirements when a food facility serves raw or undercooked food.

Consumer advisories include the following:

- 1) **Disclosure** – a written statement that clearly includes either of the following:
 - a. A description of the animal-derived foods, such as “oysters on the half shell (raw oysters),” “raw-egg Caesar salad,” and “hamburgers (can be cooked to order).”
 - b. Identification of the animal-derived food marked with an asterisk denoting a footnote which states that the items are served raw or undercooked or contain or may contain raw or undercooked ingredients.
- 2) **Reminder** – a written statement that includes either of the following disclosure statements:
 - a. “Written information regarding the safety of these food items is available upon request.”
 - b. “Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.”

IN – “**IN**” shall be marked if the facility provides the required consumer advisory disclosure and reminder statements, when applicable.

N/A – “**N/A**” shall be marked if the food facility does not serve raw or undercooked animal foods.

N/O – Do Not Mark.

OUT – This violation category shall be marked **MINOR**; examples include:

- If the food facility serves raw or undercooked food and fails to provide an advisory (in writing) on the menu, menu board, brochure, deli case menu, a label statement, table tent, placard, or other effective written means that a food item is being served less than thoroughly cooked (e.g., hamburgers are routinely and/or intentionally served medium rare without notifying the consumer). [§114093]
- Pasteurized eggs or pasteurized egg products are not substituted for raw shell eggs in food such as Caesar salad dressing or hollandaise sauce and no consumer warning is provided. [§114012]

Notes:

- ❖ *The facility shall inform consumers of the increased risk of consuming those foods with a disclosure and reminder on the menu, menu board, a brochure, on the deli case menu, a label statement, table tent, placards, or other effective means.*
- ❖ *A consumer advisory is required if a food facility serves raw, unpasteurized milk to consumers.*

Public Health Reason:

Consumption of Raw or Undercooked Animal Foods

At issue is the role of government agencies, the regulated industry, and others in providing notice to consumers that animal-derived foods that are not subjected to adequate heat treatment poses a risk because they may contain biological agents that cause foodborne disease. The information is to alert consumers of the increased possibility of foodborne illness when animal-derived foods are eaten raw or undercooked.

Pasteurized eggs, substitute for raw shell eggs for certain recipes

Raw or undercooked eggs that are used in certain dressings or sauces, such as Bearnaise, Hollandaise, Caesar, are particularly hazardous because the virulent organism **Salmonella enteritidis** may be present in raw shell eggs. Pasteurized eggs provide an egg product that is free of pathogens and is a ready-to-eat food. The pasteurized product should be substituted in a recipe that requires raw or undercooked eggs.

21. Licensed health care facilities, public & private schools: prohibited foods not offered

Authority: California Retail Food Code, §§ 114091

This violation category is used to indicate the compliance status that a licensed health care facility or public/private school cafeteria does not serve prohibited foods to a highly susceptible population.

IN – “**IN**” shall be marked if a licensed health care facility or public/private school cafeteria does not serve prohibited foods to a highly susceptible population.

N/A – “**N/A**” shall be marked if a highly susceptible population is not served.

N/O – Do Not Mark.

OUT – This violation category shall be marked **MAJOR**; examples include:

- A public or private school, or a licensed health care facility serves any of the following prohibited food items: [§114091]
 - Raw seed sprouts [§114091]
 - Unpasteurized juice, fluid milk, or dry milk [§114091]
 - Food in an opened original package is re-served. [§114091]
 - Foods containing raw, unpasteurized shell eggs (e.g., Caesar salad dressing, bearnaise sauce, ice cream, eggnog, mayonnaise, or egg fortified beverages) [§114091]
 - Ready-to-eat foods that contain raw food of an animal origin or partially cooked foods are served (e.g., sushi, seared ahi tuna, hamburgers medium rare, etc.) [§114091]

CORRECTIVE ACTION:

- If prohibited food is served in a public/private school or at a licensed health care facility, the facility shall discontinue offering or serving those items. The EHS should ensure that food facility management and food employees are aware of the risks associated with serving or selling prohibited foods to highly susceptible populations.

Notes:

- ❖ *The EHS shall talk to the PIC and employees to identify the types of food served in order to determine compliance.*
- ❖ *Unpasteurized shell eggs can be served at a licensed health care facility or public/private school cafeteria if one or more of the following is observed:*
 - *The facility is operating pursuant to a HACCP Plan.*
 - *Eggs are used for one consumer's serving at a single meal and cooked as required by code.*
 - *Eggs are combined as an ingredient before baking and thoroughly cooked to a ready-to-eat form.*

Public Health Reason:

Highly susceptible population – pasteurized foods prohibited re-service and prohibited foods

As a safeguard for highly susceptible populations from the risk of contracting foodborne illness from juice, prepackaged juice is required to be obtained pasteurized or in a commercially sterile, shelf-stable form in a hermetically sealed container. It is important to note that the definition of juice includes puréed fruits and vegetables, which is commonly prepared for service to highly susceptible populations. There are documented cases of foodborne illness throughout the United States that were associated with the consumption of various juice products contaminated with microorganisms such as **Cryptosporidium**, **E. coli O157:H7**, **Salmonella** spp., and **Vibrio cholera**.

Salmonella often survives traditional preparation techniques. It survives in a lightly cooked omelet, French toast, stuffed pasta, and meringue pies. In 1986 there was a large multistate outbreak of **Salmonella enteritidis** traced to stuffed pasta made with raw eggs and labeled fully cooked. Eggs remain a major source of these infections, causing large outbreaks when they are combined and undercooked, as was the case in the 1986 outbreak linked to stuffed pasta. Therefore, special added precautions need to be in place with those most susceptible to foodborne illness.

Since 1995, raw seed sprouts have emerged as a recognized source of foodborne illness in the United States. The FDA and CDC have issued health advisories to remind those persons who are at a greater risk for foodborne disease to avoid eating raw alfalfa sprouts until such time as intervention methods are in place to improve the safety of these products.

Raw eggs prohibited in certain food facilities

Recipes in which more than one egg is combined carry an increased risk of illness and possible serious consequences for certain people. It is due to this increased risk, and documented occurrences of foodborne illness and death among highly susceptible populations from temperature-abused raw shell eggs contaminated with Salmonella enteritidis, that the use of time as a public health control in institutional settings, licensed health care facilities, or public and private school cafeterias is not allowed.

22. Hot and cold water available

Authority: California Retail Food Code, §§ 113941, 113953, 114099.2, 114163(a), 114189, 114192, 114192.1, 114195

This violation category is used to indicate the compliance status with the availability of potable water and water temperature requirements.

Hot and warm water temperature requirements are as follows:

Sink Type	Minimum Temperature
Handwashing sink	100°F
Non-adjustable hand washing sink	100°F - 108°F
Warewashing/Food preparation/Janitorial Sink	120°F or above

IN – “IN” shall be marked if the facility meets all potable water and water temperature requirements.

N/A – Do Not Mark.

N/O – Do Not Mark.

OUT – This violation shall be marked either **MAJOR** or **MINOR**.

Examples of **MAJOR** violations include:

Potable Water Available (11-point deduction)

- No adequate, protected, pressurized, potable supply of water available to the facility. **(PERMIT SUSPENSION)** [§114192, §114192.1, §114195]
- Water supply is contaminated (e.g., main water supply line has been contaminated by chemicals). **(PERMIT SUSPENSION)** [§114192]
- The water supply is from a water system that is not approved by the Health Officer or the enforcement agency. **(PERMIT SUSPENSION)** [§114189, §114192]

Water Temperature (4-point deduction)

- Water temperature measures less than 100°F at the faucet of the warewashing sink which cannot be restored to a minimum temperature of 100°F by the end of the inspection, however the detergent *is* effective at low temperatures. [§114099.2, §114192]
- Water temperature measures less than 100°F at the faucet of the warewashing sink which cannot be restored to a minimum temperature of 100°F by the end of the inspection and the detergent is ineffective at low temperatures. [§114099.2, §114192] *Category #15 – Food contact surface; clean and sanitize – Major, shall also be marked and the **PERMIT SUSPENSION** and the facility closed due to the inability to properly clean and sanitized food contact surfaces.*
- Water temperature measures less than 100°F throughout the food facility. [§114192]

Examples of MINOR violations (2-point deduction) include:

- Water throughout the restaurant measures between 100°F - 119°F. The facility is given 24 hours to abate. [§114192]
- Lack of warm (100°F) and/or cold water at any or all hand washing sink(s). [§113941, §113953(c)]
- Water temperature measures greater than 108°F at a nonadjustable handwash sink. [§113953(c)]
- No water is available at the warewashing sink only, however an additional warewashing sink or mechanical warewashing machine with potable water is available and properly working. [§114099.2, §114192]
- Lack of cold water at one or more sinks at the facility. [§114192]
- Hot water at the warewashing sink measures between 100°F - 119°F. [§114192]
- Lack of hot (120°F) and/or cold water at a janitorial sink. [§114192, §114279]
- Lack of hot (120°F) and/or cold water at a food preparation sink. [§114163(a), §114192]
- Water temperature measures less than 100°F throughout the prepackaged food facility. The facility is given 24 hours to abate. [§114099.2, §114192]

CORRECTIVE ACTION:

- A food facility that prepares food shall not operate if there is no potable water or the water supply is contaminated. The food facility shall cease operation immediately and remain closed until potable water is restored. If found operating, the EHS will suspend the permit to operate until a potable supply of water is available. The EHS will ensure that any food items prepared using non-potable or contaminated water are voluntarily condemned and disposed of, and all ice machines and beverage dispensers shall be cleaned and sanitized prior to reuse once potable water becomes available. A permit suspension resulting from the lack of potable water will result in **11-point deduction**.
- A food facility that prepares food shall not operate if the water temperature at the warewashing sink faucet is below 100°F and the detergent is ineffective at this temperature. If the water temperature cannot be restored immediately (e.g., relighting a hot water heater pilot light, increasing the water temperature at the hot water heater, etc.) by the end of the inspection, the EHS will suspend the permit to operate until either hot water or an effective detergent is available. The facility shall cease operations immediately and remain closed until hot water is restored. When hot water is restored, the food facility's permit will be reinstated by the EHS prior to resuming operation.
- If the facility only sells prepackaged food and the water temperature has not been restored to a minimum temperature of 100°F by the end of inspection, the operation may be allowed to continue, however the facility will be given 24 hours to abate this violation (e.g., repair/replace water heater).
- A food facility that cannot provide the required water temperature at the warewashing sink OR at the minimum temperature specified by the manufacturer of the chemicals used for proper cleaning and sanitizing, must cease food preparation and food service requiring multi-use utensils until the required water temperature can be restored.

Additional Violations:

- *Category #14 (Food in good condition, safe and unadulterated – Major)* shall also be marked if food has been prepared using non-potable or contaminated water. [§113980]
- *Category #15 (Food contact surface; clean and sanitize – Major)* shall also be marked and the permit suspended if the hot water temperature measures less than 100°F at the warewashing sink and is not

restored by the end of the inspection, and the detergent is ineffective at the measured water temperature. [§114099.2]

- *Category #52 (Permit Suspended, Revoked, Modified, or Closed for No Permit)* shall also be marked if the facility is closed, and the permit is suspended. [§114405]

Notes:

- ❖ *Hot water is not required at food facilities which are approved for less than 300 square feet of prepackaged non-PHF display or sell.*
- ❖ *Category #15 (Food contact surface; clean and sanitized - Major) shall be marked if the facility does not have potable water at only the warewashing sink, and there is no other warewashing sink or mechanical ware washing sink available.*
- ❖ *If there is no potable water or the water supply is contaminated, a food facility may only sell prepackaged food items if potable water is available for handwashing in the toilet rooms.*
- ❖ *A retail food market less than 6,000 square feet in size may have multiple departments operating within the facility under one public health permit (e.g., delicatessen, meat market, or bakery). If one of the departments is found to be lacking potable water, that department must discontinue operation until water is restored.*
- ❖ *A retail food market less than 6,000 square feet in size may have multiple departments operating within the facility under one public health permit (e.g., delicatessen, meat market, or bakery). If one of the departments is found to be lacking hot water (less than 100°F) and the detergent is ineffective under 100°F, that department must discontinue operation until water is restored.*
- ❖ *A food facility may provide only warm water if the water supply is used solely for handwashing as required by section CRFC, §113953.*
- ❖ *A food facility shall obtain prior approval from the Department's Plan Check Program and the local Building and Safety agency when replacing the water heater.*
- ❖ *Food facilities that obtain their potable water from an approved water well must have the water quality tested in compliance with California Safe Drinking Water Act standards for a Transient Non-Community Water System as follows:*
 - *Bacteriological testing (total and fecal coliform bacteria) – Quarterly*
 - *Nitrate (as NO₃) – Once per year*
 - *Nitrite (as N) – Once every three years*

Public Health Reason:

Capacity

Availability of sufficient water is a basic requirement for proper sanitation within a food facility. An insufficient supply of safe water will prevent the proper cleaning of items such as equipment and utensils and of food employees' hands.

Hot water required for washing items such as equipment and utensils and employees' hands, must be available in sufficient quantities to meet demand during peak water usage periods. Booster heaters for warewashers that use hot water for sanitizing are designed to raise the temperature of hot water to a level that ensures sanitization. If the volume of water reaching the booster heater is not sufficient or hot enough, the required temperature for sanitization cannot be reached. Manual washing of food equipment and utensils is most effective when hot water is used. Unless utensils are clean to sight and touch, they cannot be effectively sanitized.

Manual/Mechanical Warewashing Equipment, Wash Solution and Hot Water Sanitization Temperatures

The wash solution temperature during manual or mechanical warewashing is essential for removing organic matter. If the temperature does not meet minimum requirements, animal fats that may be present on the dirty dishes would not be dissolved. If the temperature during hot water sanitizing during manual or mechanical warewashing does not meet minimum requirements, pathogenic organisms may survive and be subsequently transferred from utensils to food.

Handwashing

An adequate flow of warm water will cause soap to lather and aid in flushing soil quickly from the hands. A mixing valve or combination faucet is needed to provide properly tempered water for handwashing. Steam mixing valves are not allowed for this use because they are hard to control and injury by scalding is a possible

hazard.

Approved water supply system

Water, unless it comes from a safe supply, may serve as a source of contamination for food, equipment, utensils, and hands. The major concern is that water may become a vehicle for transmission of disease organisms. Water can also become contaminated with natural or man-made chemicals. Therefore, for the protection of consumers and employees, water must be obtained from a source regulated by law and must be used, transported, and dispensed in a sanitary manner.

23. Sewage and wastewater properly disposed

Authority: California Retail Food Code, §§ 114197, 114250, 114276

This violation category is used to indicate the compliance status with proper sewage/wastewater/liquid waste disposal.

IN – “IN” shall be marked if the facility is properly disposing sewage/wastewater/liquid through an approved plumbing system.

N/A – Do Not Mark.

N/O – Do Not Mark.

OUT – This violation category shall be marked **MAJOR**; examples include:

- Active overflow or backup of sewage/wastewater at floor sinks/drains. **(PERMIT SUSPENSION)** [§114197]
- Open sewer line discharging to the outside of the facility. **(PERMIT SUSPENSION)** [§114197]
- Overflowing or clogged grease trap/interceptor. **(PERMIT SUSPENSION)** [§114197]
- Lack of operable toilet facilities. **(PERMIT SUSPENSION)** [§114250, §114276]

CORRECTIVE ACTION:

- A food facility shall not operate if there is sewage overflowing or backing up, or there are no operable toilets available for food employees. The food facility shall cease operation immediately, and the EHS shall **suspend the permit**. The facility shall remain closed until the sewage disposal system is operational and all contaminated surfaces have been cleaned and sanitized.
- If sewage overflow is cleaned and sanitized and the cause of the sewage violation is corrected while the EH is still on-site conducting the routine inspection, a **permit suspension** still occurs, however a reinspection report is generated immediately after the routine inspection report in order to reinstate the public health permit.

Additional Violations:

- *Category #34 (Non-food contact surfaces clean)* shall also be marked if non-food contact surfaces are contaminated by sewage. [§114115]
- *Category #45 (Floors, walls, and ceiling: properly built, maintained and clean)* shall also be marked if floors/walls/ceilings are contaminated by sewage. [§114257, §114268, §114271]

Notes:

- ❖ *Category #41 (Plumbing: fixtures, backflow devices, drainage)* shall be marked if a drain line from a walk-in refrigerator drains onto the ground outside of the food facility. [§114197]
- ❖ *If the sewage is flowing off the property on to the public street, EHS shall immediately make a referral to the City/LA County Public Works (in unincorporated areas) and the Department’s Recreational Waters Program (to determine if sewage is reaching the ocean and a beach closure is required).*
- ❖ *If a septic tank and/or grease interceptor is used and is the source of the problem, it shall be pumped as often as necessary until the sewage system can be restored to a fully functional condition.*

Public Health Reason:

Approved liquid waste disposal system

Many diseases can be transmitted from one person to another through fecal contamination of food and water. This transmission can be indirect. Proper disposal of human wastes greatly reduces the risk of fecal contamination. This Code provision is intended to ensure that wastes will not contaminate ground surfaces or water supplies; pollute surface waters; be accessible to children or pets; or allow rodents or insects to serve as vectors of disease from this source. Liquid waste from utensil washing and food preparation activities also carries a risk of contaminating food products and creating reservoirs for insect vectors and must be disposed of in an approved sanitary sewer system or individual septic disposal system.

Floor drains

The drainage system must be designed and installed properly to prevent the backup of sewage and the possible contamination of foods or food contact surfaces in the establishment.

Improper plumbing installation or maintenance may result in potential health hazards such as cross connections, back siphonage or backflow. These conditions may result in the contamination of food, utensils, equipment, or other food contact surfaces. It may also adversely affect the operation of equipment such as warewashing machines.

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

Authority: California Retail Food Code, §§ 114259.1, 114259.4, 114259.5

This violation category is used to indicate the facility's compliance status with the exclusion of vermin and non-service animals.

IN – “**IN**” shall be marked if the facility is vermin free and non-service animals are excluded from prohibited areas.

N/A – Do Not Mark.

N/O – Do Not Mark.

OUT – This violation shall be marked either **MAJOR** or **MINOR**.

Examples of **MAJOR** violations include:

- A rodent infestation as evidenced by fresh droppings, gnaw marks, nesting materials, grease marks, and/or live and/or dead rodents in any of the following: food preparation, food storage, warewashing areas, indoor customer dining area, or in the restroom. [§114259.1] **(PERMIT SUSPENSION)**
- A cockroach infestation as evidenced by one or more live cockroaches in the food preparation area, food storage area, warewashing area, indoor customer dining area, or restrooms **and** signs of infestation such as dead cockroaches, fecal spotting, vomitus, egg cases, cockroaches in multiple life stages, or presence that has resulted or would likely result in contamination to the food, equipment, packaging, or utensils. [§114259.1] **(PERMIT SUSPENSION)**
- A fly infestation, as evidenced by numerous live flies, fly eggs, fly larvae, and/or pupae in food preparation areas, that has resulted or would likely result in the contamination of food, equipment, packaging, and/or utensils. [§114259.1] **(PERMIT SUSPENSION)**

Examples of **MINOR** violations include:

- One dead mouse on a glue board/snap trap **and** no other evidence of an infestation. [§114259.1]
- Rodent droppings with no evidence of an active infestation. [§114259.1]
- One live cockroach with no other evidence of an infestation. [§114259.1]
- Dead cockroaches and/or fecal spots observed and no other evidence of an active infestation. [§114259.1]
- A few flies observed in the delivery staging/food preparation area, or prepackaged food facility.

[§114259.1]

- Gnats/fruit flies in the food facility. [§114259.1]
- Ants found in the kitchen. [§114259.1]
- Bird observed inside the food facility. [§114259.1]
- Food employees are caring for or handling animals that may be present (such as patrol dogs, service animals, or pets) in areas that are used for food preparation, storage, or display. [114259.4(a)]
- A multi-use container/utensil is used to provide food and water to a pet dog. [§114259.5]
- A customer brings a dog inside the food facility and the PIC/employee does not question the customer to determine if the dog is trained to provide a service, and/or does not request the non-service animal to be removed. [§114259.5]
- Animals held at the facility intended for consumption are not held separate from food and utensil handling areas and/or not held in sanitary conditions. [§114259.5]

CORRECTIVE ACTION:

- A food facility shall not operate when a vermin infestation has resulted in contamination of food contact surfaces, food packaging, utensils, food equipment and/or adulteration of food. If a vermin infestation is observed at a food facility, the **permit shall be suspended** and the food facility is closed for a **minimum of 48 hours**, and a compliance review notice issued. The permit shall be reinstated, and the food facility will be allowed to resume operation only when verification of complete abatement of the vermin infestation and the appropriate cleaning and sanitizing of all affected areas have been completed. Professional pest control should be utilized to prevent future reoccurrence of a vermin infestation.

Additional Violations:

- *Category #14 (Food in good condition, safe and unadulterated - Major)* shall also be marked if food is adulterated by insects, rodents, cockroaches, or vermin/insect fecal waste. [§113980]
- *Category #15 (Food contact surfaces: clean and sanitized)* shall also be marked if food contact surfaces are contaminated by insects, rodents, cockroaches, or vermin/insect fecal waste. [§114113, §114117]
- *Category #34 (Non-food contact surfaces clean)* shall also be marked if non-food contact surfaces are contaminated by insects, rodents, cockroaches, or vermin/insect fecal waste. [§114115]
- *Category #44 (Premises; personal/cleaning items; vermin proofing)* shall also be marked if the facility requires vermin proofing (e.g., gaps greater than ¼” at facility doors and windows). [§114259]
- *Category #45 (Floors, walls, and ceiling: properly built, maintained and clean)* shall also be marked if evidence of vermin infestation is observed on the floors, walls, and/or ceilings. [§114257, §114268, §114271]

Notes:

- ❖ *Food employees may handle or care for fish in an aquarium, or molluscan shellfish or crustacean in display tanks if they wash their hands as required. [§114259.4(b)]*
- ❖ *Animals intended for consumption may be held in the facility if the live animals are held in sanitary conditions and kept separate from all food and utensil handling areas. [§114259.5(b)]*

Public Health Reason:

Exclusion of vermin/Clean premises free of vermin

Insects and rodents are vectors of disease-causing microorganisms that may be transmitted to humans by contamination of food and food contact surfaces. Sealing outer openings to the food facility and cleaning the facility to prevent any possible vermin attractions minimize the presence of insects and rodents.

Animal handling prohibition

Dogs and other animals, like humans, may harbor pathogens that are transmissible through food. Food employees handling or caring for animals that may be legally present is prohibited because of the risk of contamination of food employee hands and clothing.

Prohibiting animals

Animals carry disease-causing organisms and can transmit pathogens to humans through direct and/or indirect

contamination of food and food contact surfaces. The restrictions apply to live animals with limited access allowed only in specific situations and under controlled conditions and to the storage of live and dead fish bait. Employees with molluscan animals are required to wash their hands after each contact with animals to remove bacteria and soil.

Animals shed hair continuously and may deposit liquid or fecal waste, creating the need for vigilance and more frequent and rigorous cleaning efforts.

The term “Service animal” specifically refers to any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability.

“Service animal” does not include any other species of animals, whether wild or domestic, trained or untrained. The work or tasks performed by a service animal shall include assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, or helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this subdivision.

GOOD RETAIL PRACTICES

SUPERVISION

25. Person in charge present and performs duties

Authority: California Retail Food Code, §§ 113945, 113945.1, 113984.1

This violation category is used to indicate the compliance status with a Person In Charge (PIC) being present to perform their duties at the food facility during hours of operation.

OUT – “**OUT**” shall be marked if a PIC is not present to perform their duties during hours of operation.

Examples of violations include:

- A PIC is not present during operational hours. [§113945(a)]
- PIC allows people unnecessary to the food facility operation to be in the food preparation, food storage, or warewashing areas. [§113945.1]
- Customers are allowed access through the food preparation area and the customer’s route of access through the food preparation area is not separated from raw or undercooked foods by at least three feet of clearly delineated space from the consumer and/or the route of access is not separated by a rail or wall at least 3 feet high. [§113984.1]

Notes:

- ❖ *Category #1 (Demonstration of knowledge) shall be marked if the PIC or food employees are not able to demonstrate adequate knowledge of major food allergens. [§113947(b)]*
- ❖ *The PIC does not have to be the certified food protection manager.*
- ❖ *The PIC can be the permit holder or a person designated by the permit holder.*

Public Health Reason:

Person in charge

Designation of a person in charge during all hours of operations ensures the continuous presence of someone who is responsible for monitoring and managing all food facility operations and who is authorized to take actions to ensure that CRFC’s requirements are fulfilled. In the day-to-day operation of a food facility, a person who is immediately available and knowledgeable in both operational and CRFC requirements is needed to respond to questions and concerns and to resolve problems.

Responsibilities of the person in charge

A primary responsibility of the person in charge is to ensure compliance with CRFC requirements. Any individual present in areas of a food facility where food and food contact items are exposed presents a potential contamination risk. By controlling who is allowed in those areas and by assuring that only authorized personnel are allowed in the food preparation areas, the person in charge establishes an important barrier to food contamination.

26. Personal cleanliness and hair restraints

Authority: California Retail Food Code, §§ 113969, 113971

This violation category is used to indicate the compliance status with food employees wearing clean outer clothing and hair restraints when required.

OUT – “OUT” shall be marked if food employees are not wearing clean outer clothing and/or hair restraints when required.

Examples of violations include:

- A food employee is preparing, serving, or handling food/utensils and is not wearing a hair restraint and/or cover when required (e.g., hat, hair nets, beard guard, ponytail, etc.). [§113969]
- A food employee is working while wearing a heavily soiled outer garment. [§113971]
- A food employee is inadequately dressed and poses a risk of contamination to food, equipment, utensils, and/or linens. [§113971]

Additional Violations:

- *Category #6 (Hands clean and properly washed; proper glove use)* shall also be marked if a food employee wipes their soiled hands on their outer garment instead of properly washing their hands when required. [§113953.3]
- *Category #6 (Hands clean and properly washed; proper glove use)* shall also be marked if a food employee does not have neatly trimmed nails, is wearing rings (other than a plain band), and/or fails to properly wash their hands. [§113973]

Notes:

- ❖ *There is a tolerance for clothes that appear to have been soiled the same workday.*
- ❖ *Hair restraints are not required for employees who present minimal risk of contaminating food, such as counter staff who only serve beverages or wrapped foods.*
- ❖ *The following are hair restraint requirement guidelines:*
 - *Food employees who have limited contact with open foods are only required to restrain their hair (e.g., ponytail, hair pulled back from face and off shoulders).*
 - *Food employees such as chefs or cooks actively involved in food preparation are required to restrain **AND** cover their hair (e.g., hats, hair nets, etc.) and/or long beards (e.g., beard net).*
 - *Food employees with no visible hair, or who only serve wrapped/prepackaged foods do not require a hair restraint or cover.*

Public Health Reason:

Hair restraints

Consumers are particularly sensitive to food contaminated by hair. Hair can be both a direct and indirect vehicle of contamination. During a normal day, humans may lose as many as 70-80 hairs that could potentially end up in food products. Food employees may contaminate their hands when they touch their hair. A hair restraint keeps hair from ending up in the food and may deter employees from touching their hair.

Clothing

Dirty clothing such as aprons and hats may harbor disease organisms that are transmissible through food. Food employees who inadvertently touch their dirty clothing may contaminate their hands. This could result in contamination of the food being prepared. Food may also be contaminated through direct contact with dirty

clothing. It is desirable to encourage employees to put on work garments in a dressing room or change area to avoid contamination of garments from home to work. In addition, employees wearing dirty clothes send a negative message to consumers about the level of sanitation in the food facility.

GENERAL FOOD SAFETY REQUIREMENTS

27. Approved thawing methods used, frozen food

Authority: California Retail Food Code, §§ 114018, 114020

This violation category is used to indicate the compliance status with the approved thawing methods for frozen food items listed below:

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

OUT – “**OUT**” shall be marked if food is not thawed using approved methods.

Examples of violations include:

- PHF is thawing using an unapproved method (e.g., food thawing in standing water, on the counter at room temperature, etc.). [§114020]
- Frozen food is not being stored and displayed to ensure that food remains in a frozen state. [§114018]

Additional Violations:

- *Category #8 (Proper hot and cold holding temperatures)* shall also be marked if improper thawing methods and/or excessive thawing time causes PHFs to be in the temperature danger zone. [§113996]
- *Category #15 (Food contact surfaces; clean and sanitized)* shall also be marked if food is thawed in a warewashing sink that has not been cleaned and sanitized prior to use, however food has not been contaminated. [§114125]

Notes:

- ❖ *Frozen food products may be thawed under running water in a bag that prevents direct water contact with the food item.*
- ❖ *Due to the risk of the presence of Clostridium botulinum type E., ROP frozen fish should not be thawed in their sealed/unopened packaging, unless otherwise stated by the manufacturer.*
- ❖ *If a warewashing sink is used to thaw food, the sink shall be cleaned and sanitized before and after each time it is used to thaw food per CRFC, §114125(b).*

Public Health Reason:

Thawing

Freezing prevents microbial growth in foods, but usually does not destroy all microorganisms. Improper thawing provides an opportunity for surviving bacteria to grow to harmful numbers and/or produce toxins. If the food is then refrozen, significant numbers of bacteria and/or all preformed toxins are preserved. If freezing was chosen by the manufacturer during reduced oxygen packaging as the barrier to control toxin production, then each individual package should be labeled to be kept frozen and thawed according to the manufacturer’s label instructions.

28. Food separated and protected

Authority: California Retail Food Code, §§ 113980, 113984, 113986, 114047(b), 114060, 114063(c), 114067, 114069(a, b), 114073, 114077, 114089.1(c), 114143(c), 114259.5(b)

This violation category is used to indicate the compliance status with food being properly separated and protected from the risk of contamination.

OUT – “**OUT**” shall be marked if food is not properly separated/protected/displayed/prepared, so that it is protected from the risk of contamination.

Examples of violations include:

- Food is not protected from cross-contamination during storage, preparation, and/or display. [§113986, §114060, §114077]
- Unpackaged food is not protected from contamination. [§113980, §113984(b)]
- Badly dented cans, particularly with severe dents on the can seams. [§113980]
- Double-stacking food inside the refrigerator or cold table without adequate protection of the bottom food product. [§113980, §114047(b)]
- Food preparation (excluding limited food preparation) is not conducted in a fully enclosed food facility. [§113984(b, c)]
- Limited food preparation is not conducted within an approved food compartment. [§113984(c), §114067(d)]
- An outdoor bar does not have overhead protection. [§113984(e), §114067(e)]
- Food prepared in unapproved areas (e.g., customer dining area other than tableside food preparation, in a warehouse). [§113984(f)]
- Raw food of animal origin is stored above ready-to-eat food (e.g., produce or prepared food). [§113986]
- An ice machine or refrigeration/freezer unit with open food products, is in the hallway accessible to consumers. [§114047(b)]
- Food at a customer self-service station is displayed without a sneeze guard, the sneeze guard is inadequate to protect food, or is displayed in containers without tight-fitting securely attached lids. [§114060]
- French style, hearth-baked, or hard-crust bread loaves or rolls are not properly covered to prevent contamination in the customer self-service area. [§114063(c), §114089.1(c)]
- Satellite food service area(s) lack overhead protection that extends over all the food handling areas. [§114067(e)]
- Foods, other than prepackaged non-PHF or uncut produce, are displayed outdoors. [§114069]
- The bulk milk container dispensing tube is not cut on the diagonal and/or is protruding more than one inch from the chilled dispensing head. [§114073]
- The open-air barbecue or outdoor wood burning oven is not separated from public access to prevent food contamination or injury to public. [§114143(c)]
- A food facility which slaughters live animals for human consumption onsite, does not have a separate room designed solely for that purpose. [§114259.5(b)]

Additional Violations:

- *Category #14 (Food in good condition, safe and unadulterated)* shall also be marked if food is contaminated because it is not properly separated and protected. [§113980]
- *Category #48 (Permit Available)* shall also be marked if a food facility is operating of the scope of their permit.
- *Category #49 (Plan Review)* shall also be marked if a food facility is preparing food and/or using multiuse utensils without a food preparation sink and/or utensil washing sink as required (e.g., a liquor store prepackaging ice or preparing coffee without a warewashing sink available). [§114380]

Notes:

- ❖ *Bread loaves or rolls are considered properly wrapped if contained in open-end bags that enclose the loaf or rolls.*

- ❖ *The following foods do not have to be stored in packages, covered containers, or wrappings:*
 - *Shell stock*
 - *Food in the cooling process*
 - *Raw meat hung on clean, sanitized hooks or racks*
 - *Whole uncut raw fruits, vegetables, and nuts in the shell*
- ❖ *Satellite food service shall only be operated by a fully enclosed permanent food facility that meets the requirements for food preparation and service and that is responsible for servicing the satellite food service operation. Written operating procedures are also required for satellite food service.*
- ❖ *Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection as follows: [§114077]*
 - *Individual packages or portions*
 - *Original containers designed for dispensing*
 - *Protected food displays provided with the proper utensils*
- ❖ *A food facility without a food preparation sink may be approved to use the warewashing sink as an alternative place to wash produce or thaw food if the sink has been cleaned and sanitized before and after use. In these facilities, food items (e.g., produce, etc.), may be stored on a cleaned and sanitized drain board.*

Public Health Reason:

Food Transportation

The transportation of food may present an opportunity for temperature abuse or potential contamination of the food. Just as food must be protected during storage, it must also be protected during transportation.

Food preparation area, protection from contamination

Food preparation activities may expose food to an environment that may lead to the food's contamination. Just as food must be protected during storage, it must also be protected during preparation. Direct hand contact with ready-to-eat foods should be minimized to avoid introducing pathogens into food. Sources of environmental contamination may include splash from cleaning operations, drips from overhead air conditioning vents, or air from an uncontrolled atmosphere such as may be encountered when preparing food in a building that is not constructed, maintained, or operated according to California Food Code requirements.

This requirement is intended to protect both the machine-dispensed, unpackaged, liquid foods and the machine components from contamination. Barriers need to be provided so that the only liquid entering the food container is the liquid intended to be dispensed when the machine's mechanism is activated. Recessing of the machine's components and self-closing doors prevent contamination of machine ports by people, dust, insects, or rodents. If the equipment components become contaminated, the product itself will be exposed to possible contamination.

A direct opening into the food being dispensed allows dust, vermin, and other contaminants access to the food.

Food and ingredient contamination

Cross-contamination can be avoided by separating raw animal foods from ready-to-eat foods. Cross-contamination may occur when raw unprepared vegetables contact ready-to-eat potentially hazardous foods. Raw animal foods must also be separated from each other because required cooking temperatures are based on thermal destruction data and anticipated microbial load. These parameters vary with different types of raw animal foods.

Food that is inadequately packaged or contained in damaged packaging could become contaminated by microbes, dust, or chemicals introduced by products or equipment stored in close proximity or by persons delivering, stocking, or opening packages or overwraps.

Packaging must be appropriate for preventing the entry of microbes and other contaminants such as chemicals. These contaminants may be present on the outside of containers and may contaminate food if the packaging is inadequate or damaged, or when the packaging is opened. The removal of food product overwraps may also damage the package integrity of foods under the overwraps if proper care is not taken.

Food display

During display, food can be contaminated even when there is no direct hand contact. Many microbes can be conveyed considerable distances on air currents, through fine sprays or aerosols. These may originate from people breathing or sneezing, water sprays directed at drains, from accumulation of debris on fans, or condensate from air conditioners. Even wind gusts across exposed sewage and fertilized fields have been known to contaminate food in adjacent food facilities where food was unprotected.

Consumer self-service operations

Self-service operations of ready-to-eat open foods also provide an opportunity for contamination by consumers. Containers with tightly fitted lids and/or properly installed and approved sneeze guards located at a customer self-service station, such as a buffet, provide a physical barrier in preventing food contamination by respiratory droplets that may contain bacteria, viruses, and other pathogens associated with foodborne illness.

Outdoor displays and sales

The potential for contamination from airborne dust and particulates or inclement weather is present in outside areas. Overhead protection minimizes the potential for contamination of food under such conditions.

Bulk milk containers

Bulk milk dispensing tubes can become contaminated if they are long enough to go below the lip of a glass or cup that has been used by a customer and is being refilled. Cutting the tube to less than one inch prevents the tube from entering the glass and prevents transferring any contamination.

Condiments, protection

Unpackaged condiments are exposed to contamination by consumers who could be suffering from a disease transmissible through food. Once the condiments are contaminated, subsequent consumers using the condiments may be exposed to pathogens. Condiments in individual packages are protected from consumer contamination.

On- or off-site facilities for refilling condiment dispensers must be adequately equipped to ensure that the filling operation does not introduce contaminants.

29. Washing fruits and vegetables

Authority: California Retail Food Code, §§ 113992

This violation category is used to indicate the compliance status with washing of raw produce that is cut, combined with other ingredients, cooked, served, or offered for human consumption in a ready-to-eat form.

OUT – “**OUT**” shall be marked if a food facility fails to wash raw whole produce prior to further processing.

Examples of violations include:

- Raw whole tomatoes have not been washed prior to being cut. [§113992(a)]
- Facility is using chemicals to wash/peel produce that do not meet the requirements of 21 CFR 173.315. [§113992(b)]
- Raw whole produce has not been washed before being further processed/cooked and served or offered for customer consumption in a ready-to-eat form. [§113992(a)]

Notes:

- ❖ *Produce intended for washing by the consumer before consumption does not need to be washed by the food facility prior to sale.*
- ❖ *If a warewashing sink is used to wash produce, the sink shall be cleaned and sanitized before and after each time it is used to wash produce per CRFC, §114125(b).*

Public Health Reason:

Washing produce

Pathogenic organisms and chemicals may be present on the exterior surfaces of raw fruits and vegetables.

Washing removes the majority of organisms and/or chemicals present. If nondrinking water is used, the fruits and vegetables could become contaminated.

Toxic or undesirable residues can be present in or on the food if chemicals used for washing purposes are unapproved or applied in excessive concentrations.

30. Toxic substances properly identified, stored, and used

Authority: California Retail Food Code, §§ 114254, 114254.1, 114254.2

This violation category is used to indicate the compliance status with proper identification, storage, and use of toxic substances.

OUT – “**OUT**” shall be marked if toxic substances are not used according to the manufacturer’s instructions and/or are improperly stored/labeled.

Examples of violations include:

- A poisonous substance, detergent, bleach, cleaning compound, personal care item, or any other injurious or poisonous material is stored or used in a manner that is likely to cause contamination or adulteration of food, food contact surfaces, utensils, or packaging materials. [§114254, §114254.1, §114254.2]
- An insecticide, rodenticide, or other pesticide is not approved for use/storage in the food facility (e.g., labeled “household use only”). [§114254(a)]
- A chemical container without a label identifying its contents (e.g., spray bottle containing unidentifiable liquid). [§114254.1]

Additional Violations:

- *Category #28 (Food separated and protected)* shall also be marked if food is not stored protected from contamination by hazardous materials or chemicals. [§113980]

Public Health Reason:

Poisonous or injurious materials; use, storage, and labeling

Failure to properly use poisonous or toxic materials can be dangerous. Many poisonous or toxic materials have general use directions on their label. Failure to follow the stated instructions could result in injury to employees and consumers through direct contact or the contamination of food.

Particular precautions must be taken during the application of poisonous or toxic materials to prevent the contamination of food and other food contact surfaces. Residues of certain materials are not discernible to the naked eye and present an additional risk to the employee and consumer.

Because of the toxicity of restricted-use pesticides, certified operators can only apply them. A certified operator would be aware of the dangers involved in the contamination of food and food contact surfaces during the application of these materials. Improperly applied pesticides present health risks to employees as well as consumers and special precautions must be taken when restricted-use pesticides are applied.

Original container identifying information, prominence

The accidental contamination of food or food contact surfaces can cause serious illness. Prominent and distinct labeling helps ensure that poisonous and toxic materials including personal care items are properly used.

It is common practice in food facilities to purchase many poisonous or toxic materials including cleaners and sanitizers in bulk containers. Working containers are frequently used to convey these materials to areas where they will be used, resulting in working containers being stored in different locations in the food facility. Identification of these containers helps prevent the dangerous misuse of the contents.

Separation

Separation of poisonous and toxic materials in accordance with the requirements of this section ensures that

food; equipment, utensils, linens, and single-service and single-use articles are properly protected from contamination. For example, the storage of these types of materials directly above or adjacent to food could result in contamination of the food from spillage.

FOOD STORAGE/DISPLAY/SERVICE

31. Food storage; food storage containers identified

Authority: California Retail Food Code, §§ 114047, 114049, 114051, 114053, 114055, 114067(h), 114069(b)

This violation category is used to indicate the compliance status with proper food storage and identification of food containers.

OUT – “OUT” shall be marked if food or food storage containers are improperly stored and/or identified.

Examples of violations include:

- Food stored in an unapproved area (e.g., toilet room, locker room, dressing room, refuse room, mechanical room, under sewer lines that are not shielded to intercept potential drips, under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed, under an open stairwell, and under other sources of contamination). [§114049]
- Food stored in a cargo container which has not been approved by Plan Check. [§114047]
- Food storage area is not clean, dry, or adequate for the amount of food being stored. [§114047(a)]
- A food container, unless waterproof/rodent proof, is not stored at least 6 inches above the floor (e.g., a bag of sugar or a cardboard box of potatoes stored directly on the floor). [§114047(b)]
- Working containers of food or ingredients removed from the original packaging are not identified with the common name of the food (except for food that can be easily recognized, such as pasta). [§114051]
- A prepackaged food item stored in ice or water is subject to the entry of water due to inadequate packaging, wrapping, or container, or the positioning in the ice or water. [§114053]
- Returned or damaged products; products where the label has been removed; and food products held for return to distributors are not separated and stored in a manner that prevents adulteration of other foods or contributes to a vermin problem. [§114055]
- Food, food contact surfaces and utensils used at satellite food service areas and outdoor displays are not stored inside a fully enclosed permanent food facility during nonoperating hours and periods of inclement weather. [§114067(h), §114069(b)]

Additional Violations:

- *Category #14 (Food in good condition, safe and unadulterated - Major)* shall also be marked if food is adulterated/contaminated due to improper storage. [§113980]
- *Category #36 (Equipment/utensils approved; installed; clean; good repair; capacity)* shall also be marked if food is stored in damaged or unapproved food containers. [§114130, §114175]
- *Category #49 (Plan Review)* shall also be marked if the facility is using an unapproved cargo container and a referral shall be made to the Plan Check program. [§114380]

Notes:

- ❖ *Working containers of bulk food stored adjacent to the cook line used during active food preparation **DO NOT** require labels.*
- ❖ *Whole raw fruits and vegetables, cut raw vegetables, and tofu may be immersed in ice or water. [§114053]*
- ❖ *Pressurized beverage containers, cases of bottles or cans, milk or other food in waterproof containers, and milk containers stored in plastic crates can be stored on a clean floor.*
- ❖ *Food in packages and working containers can be stored less than 6 inches above the floor if stored on dollies, pallets, racks, and skids designed to be moved by hand or by conveniently available hand trucks or forklifts.*

Public Health Reason:

Food storage, adequate space

When adequate shelving is not provided, food products are found stored on the floor or other inappropriate areas, such as areas for chemical storage. The storage of non-food items must be in defined areas, separate from food items to prevent any type of cross contamination.

Food storage, prohibited areas

Pathogens can contaminate and/or grow in food that is not stored properly. Drips of condensate and drafts of unfiltered air can be sources of microbial contamination for stored food. Shoes carry contamination onto the floors of food preparation and storage areas. Even trace amounts of refuse or wastes in rooms used as toilets or for dressing, storing garbage or implements, or housing machinery can become sources of food contamination. Moist conditions in storage areas promote microbial growth.

Food storage containers, identified with common name of food

Certain foods may be difficult to identify after they are removed from their original packaging. Consumers may be allergic to certain foods or ingredients. The mistaken use of an ingredient, when the consumer has specifically requested that it not be used, may result in severe medical consequences. For example, the accidental use of a non-highly refined peanut oil versus another type of oil of similar appearance could result in severe, life-threatening allergic reaction.

Storage or display of food in contact with water or ice

Packages that are not watertight may allow entry of water that has been exposed to unsanitary exterior surfaces of packaging, causing the food to be contaminated. This may also result in the addition of water to the food that is unclaimed in the food's formulation and label. Unpackaged foods such as fresh fish are often stored and/or displayed on ice. A potential for increasing the microbial load of a food exists because, as the ice melts, pathogens from one food may be carried by water to other foods. Continuous draining of melting ice and appropriately segregating foods stored on ice reduces the potential for contamination (e.g., keeping produce away from raw meats and fish).

Segregation and location of distressed merchandise

Products which are damaged, spoiled, or otherwise unfit for sale or use in a food facility may be mistaken for safe and wholesome products and/or cause contamination of other foods, equipment, utensils, linens, or single-service or single-use articles. These items may also contribute to the attraction of pests.

32. Consumer self-service

Authority: California Retail Food Code, §§ 114063, 114065, 114075, 114081

This violation category is used to indicate the compliance status with consumer self-service requirements that include the exclusion of prohibited food items and providing serving utensils and/or food dispensing mechanisms that are protected from contamination.

OUT – “**OUT**” shall be marked if prohibited food items, serving utensil or other approved device, and/or mechanism for dispensing food is missing and/or not protected from possible contamination.

Examples of violations include:

- A food dispensing utensil is not provided for each food container at a buffet and/or salad bar. [§114063]
- Raw, non-prepackaged food of animal origin such as lamb, beef, pork, poultry, and eviscerated fish is offered for customer self-service. [§114063]
- A food facility lacks an effective method for dispensing food (e.g., cereal dispenser, condiment pump dispenser, etc.). [§114063(d)]
- Food employees do not periodically check the customer self-service buffet/salad bar to ensure proper food display, utensils storage, food temperatures, and cleanliness. [§114063(e)]
- Consumer self-service bulk beverage dispensers are not properly operated and/or maintained. [§114065]

- Consumers are not notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets. [§114075(c)]
- Customer utensils are not individually wrapped, or dispensed in a manner that avoids customer contact with any part other than the handle of the utensil. [§114081]

Notes:

- ❖ *Consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish are allowed.*
- ❖ *Ready-to-cook individual portions intended for immediate cooking and consumption onsite, such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue is allowed.*
- ❖ *Buffets and salad bars must be checked on a regular basis by food employees trained in safe operating procedures.*

Public Health Reason:

Consumer self-service operations

Raw foods of animal origin usually contain pathogens. In addition, these foods, if offered for consumer self-service, could cross contaminate other foods stored in the same display. Because raw foods of animal origin are assumed to be contaminated and do provide an ideal medium for the growth of pathogenic organisms, they should not be available for consumer self-service.

Self-service operations of ready-to-eat foods also provide an opportunity for contamination by consumers. The risk of contamination can be reduced by supplying clean utensils and dispensers and by employee monitoring of these operations to ensure that the utensils and dispensers are properly used. Appropriate serving utensils provided at each container will, among other things, reduce the likelihood of food tasting, use of fingers to serve food, use of fingers to remove the remains of one food on the utensil so that it may be used for another, use of soiled tableware to transfer food, and cross-contamination between foods, including a raw food to a cooked potentially hazardous food.

Customer self-service bulk beverage dispensing

This requirement is intended to protect the machine-dispensed, unpackaged, liquid foods and the machine components from contamination. Barriers need to be provided so that the only liquid entering the food container is the liquid intended to be dispensed when the machine's mechanism is activated. Recessing of the machine's components and self-closing doors prevent contamination of machine ports by people, dust, insects, or rodents. If the equipment components become contaminated, the product itself will be exposed to possible contamination.

A direct opening into the food being dispensed allows dust, vermin, and other contaminants access to the food.

33. Food properly labeled & honestly presented

Authority: California Retail Food Code, §§ 114057, 114087, 114088, 114089, 114089.1(a, b), 114090, 114093.1, 114094, 114094.5, 114377; Sherman Food, Drug, and Cosmetic Law, §§ 110800, 110370, 111926, 11926.2; Code of Federal Regulations 21, §§ 101, 101.15(c), 170, 170.3(i), 201(s), 402, 409

This violation category is used to indicate the compliance status with labeling and advertising requirements.

Labels for prepackaged foods items shall include:

- 1) Common name or an adequately descriptive identity statement
- 2) If made with two or more ingredients, a list of ingredients in descending order of predominance by weight, declaration of artificial color or flavor, and/or chemical preservatives
- 3) An accurate declaration of the quantity of contents
- 4) Name and address of manufacturer, packer, or distributor
- 5) Nutritional labeling, unless exempted in the Federal Food, Drug and Cosmetic Act
- 6) The statement "Perishable Keep Refrigerated" for potentially hazardous foods preserved by refrigeration

- 7) List of any major food allergens in compliance with the Food Allergen Labeling and Consumer Protection Act of 2004. (See Appendix C – Major Food Allergens)

OUT – “**OUT**” shall be marked if consumer foods are improperly labeled and/or falsely advertised.

Examples of violations include:

- Prepackaged food item(s) without required labeling information. [§110370, §114089, 21 CFR §101]
- Prepackaged food products not labeled in English. [§114089, 21CFR §101.15(c)]
- Lack of “use by” date on PHF packaged at the food facility using reduced oxygen packaging. [§114057]
- Previously frozen fish is advertised as “Fresh”. [§114087]
- Burrito advertised as “1 lb.” but the product weighs 14.5 oz. [§114087]
- Use of deceptive lighting to misrepresent the freshness of meat. [§114087]
- The pre-cooked weight of food used in preparation is less than advertised. [§114087]
- Refilling a condiment container with a product that does not match the label. [§114087]
- The fat content of ground beef exceeds the labeled percentage (e.g., 15%, 22% or 30%, etc.). [§114087, §110805]
- Primal cut (meat) or species (seafood) information on the menu, package label, or sign card/board is false and/or misleading. [§114087, §114089, §110800]
- An unpackaged or unlabeled Class B CFO product is served at the food facility and consumers are not notified of the product’s homemade status via menu, menu board, or reasonably visible signage. [§114088]
- A bulk food item available for consumer self-service does not have label information or does not have a sign or other method of notification that includes the label information (e.g., manufacturer’s or processor’s label, and a card, sign, or other method of notification with the common name of the food, list of ingredients, and food labeling and nutritional labeling if applicable). [§114089]
- Prepackaged bakery products that are not directly sold over the counter to the consumer lack the required labeling. [§114089.1]
- Manufacturer’s or food facility’s dating information on foods is concealed or altered. [§114090]
- Unpackaged confectionary food contains more than ½% alcohol and is not labeled to identify alcohol content. [§114093.1]
- A restaurant that is a part of a chain with 20 or more locations is not adhering to menu labeling requirements. [§114094]
- Lack of or inadequate calorie and nutrition labeling at restaurants or similar retail food facility that is part of a chain with 20 or more locations, doing business under the same name, and offering for sale substantially the same menu items. [§114094]
- A retail food facility sells or offers for sale infant formula and/or baby food after the “use by” date. Administrative penalties shall be assessed at ten dollars (\$10) per day per item that is sold or offered for sale after the “use by” date. [§114094.5]
- Labeling on an industrial hemp product is directly advertising or marketing to children or to persons who are pregnant or breastfeeding. **(Red Tag)** [§111926]
- Industrial hemp products obtained from an IHEO Authorization operator is incorrectly labeled and/or missing one or more labeling requirement. **(Red Tag)** [§111926.2]
- A facility is serving food that contains partially hydrogenated oils. **(Red Tag)** [21 CFR §170, §170.3(i), §201(s), §402, §409]

Additional Violations:

- *Category #14 (Food in good condition, safe and unadulterated)* shall also be marked if round sirloin/hamburger exceeds 30% fat content and/or ground chuck exceeds 26% fat content and/or ground pork exceeds 50% fat content. [§110605, §110610]
- *Category #14 (Food in good condition, safe and unadulterated)* shall also be marked if the food facility packages PHF using ROP without a HACCP plan and exceeds the “use by” date on the label. [§113980, §114419]
- *Category #16 (Food obtained from approved source)* shall also be marked if mislabeled food is from an unapproved source. [§113980]

Notes:

- ❖ *Menu labeling requirements do not apply to foods that are not on the standard menu (e.g., daily specials, temporary menu items, general use condiments, custom orders, etc.).*
- ❖ *Bakery products sold directly to a restaurant, catering service, retail bakery, or over the counter directly to the consumer by the manufacturer or baker distributor are exempt from labeling provisions.*
- ❖ *Per 21 C.F.R. 101, the following products are exempt from nutritional labeling if no nutrition claim is made on the label of packaged food:*
 - *Fresh produce and seafood*
 - *Packages labeled “Not for Retail Sale”*
 - *Foods prepared and served in restaurants and/or delivered to homes intended for immediate consumption*
 - *Deli foods and bakery products sold directly to consumers prepared and sold directly to the consumer*
- ❖ *Prepackaged food labeled at a retail food facility is regulated by the local enforcement agency.*
- ❖ *Labeling violations related to a food processed at a wholesale facility should be referred to CDPH.*
- ❖ *A referral shall be made to the California Department of Public Health (CDPH) for mislabeled industrial hemp products.*

Public Health Reason:**Honestly presented**

Food must be presented in a way not to hide the true color or quality of the product to allow the consumer to make an informed decision.

Labeling

Sources of packaged food must be labeled in accordance with law. Proper labeling of foods allows consumers to make informed decisions about what they eat. Many consumers, as a result of an existing medical condition, may be sensitive to specific foods or food ingredients. This sensitivity may result in dangerous medical consequences should certain foods or ingredients be unknowingly consumed. In addition, consumers have a basic right to be protected from misbranding and fraud.

Other forms of information

The identity of a food in terms of origin and composition is important for instances when a food may be implicated in a foodborne illness and for nutritional information requirements. Ingredient information is needed by consumers who have allergies to certain food or ingredients. The appearance of a food should not be altered or disguised because it is a cue to the consumer of the food's identity and condition.

Confectionary containing alcohol, notice to consumer

A notice that advises the consumer of alcohol content in a non-prepackaged food informs the consumer that alcohol is an ingredient in this product, which can be associated with certain health risks. Alcohol is not permitted for underage persons and persons with certain medical conditions.

Menu labeling and nutritional information

Providing nutritional information on menu boards allows consumers to make healthier choices when eating out.

EQUIPMENT/UTENSILS/LINEN**34. Non-food contact surfaces clean**

Authority: California Retail Food Code, §§ 114115(b), 114175

This violation category is used to indicate the compliance status with ensuring non-food contact surfaces of equipment are kept free of an accumulation of dust, dirt, food residue, or other debris.

OUT – “**OUT**” shall be marked if non-food contact surfaces of equipment, shelving, and cabinets are not maintained clean.

Examples of violations include:

- Reach-in units with unclean handles or door gaskets. [§114115(b), §114175]
- Debris-encrusted drawer used for the storage of utensils. [§114115(b), §114175]
- Dirty fan guards or door gaskets in the walk-in refrigerator. [§114115(b), §114175]
- Dirty shelving in the refrigeration unit with no direct food contact. [§114115(b), §114175]
- Accumulation of calcium or chemical buildup on the interior surfaces of the mechanical warewashing unit. [§114115(b), §114175]
- Accumulated grease or food debris on the non-food contact surfaces of equipment, shelving, cabinets, or fryers. [§114115(b), §114175]

Notes:

- ❖ *Category #38 (Adequate ventilation and lighting; designated areas, use) shall be marked if violations related to the cleaning of ventilation hoods and/or lights/light shields are observed. [§114149.1, §114149.2]*
- ❖ *Category #45 (Floors, walls, and ceiling: properly built, maintained and clean) shall be marked if violations related to the cleaning of floors, walls, and ceilings, inclusive of walk-in refrigerators/walk-in freezer/cargo container, are observed. [§114257, §114268, §114271]*

Public Health Reason:

Equipment, non-food contact surfaces, and utensils

The objective of cleaning focuses on the need to remove soil from non-food contact surfaces so that pathogenic microorganisms will not be allowed to accumulate, and insects and rodents will not be attracted.

The inability to adequately or effectively clean areas under equipment could create a situation that may attract insects and rodents and accumulate pathogenic microorganisms that are transmissible through food. The effectiveness of cleaning is directly affected by the ability to access all areas to clean fixed equipment. It may be necessary to elevate the equipment. When elevating equipment is not feasible or prohibitively expensive, sealing to prevent contamination is required.

35. Warewash facilities: installed, maintained, used; test equipment

Authority: California Retail Food Code, §§ 114095, 114099, 114099.3, 114099.5, 114101, 114101.1, 114101.2, 114103, 114107, 114125, 114175

This violation category is used to indicate the compliance status with all warewashing facility requirements.

OUT – “OUT” shall be marked if the warewashing sink/mechanical dishwasher is inoperable/not maintained clean, and/or missing the appropriate sanitizer test kit.

Examples of violations include:

- A food facility prepares food and has removed the approved warewashing sink, but there is a properly functioning mechanical warewashing machine available. (*Refer to Plan Check Program*) [§114095, §114067(f)]
- Sink compartments are not large enough to accommodate the largest equipment or utensil. [§114099(b)]
- The warewashing sink/machine is missing one or both integral metal drain boards and/or not attached at the point of entry and the point of exit. [§114099(a), §114103(a)]
- In manual warewashing operations, a temperature measuring device is not provided and accessible for frequently measuring washing and sanitizing temperatures. [§114099.5]
- Mechanical warewashing machine is tested and determined to be non-functional or does not effectively sanitize (ppm of chemical/contact time/temperature) and **CANNOT** be readily adjusted at the time of inspection, however, a three-compartment sink is available for warewashing. [§114099.7, §114101, §114175]
- The mechanical warewashing machine is not approved, installed, or operated according to the manufacturer’s specifications. [§114101]

- The warewashing machine does not have an easily accessible and readable data plate affixed to the machine by the manufacturer that lists the machine's design and operating specifications. [§114101.1]
- The warewashing machine is not equipped with a temperature measuring device that indicates the temperature of the water. [§114101.2]
- The sanitizing test kit is missing or is the wrong type. [§114107]
- A warewashing sink is used for handwashing and the facility was constructed or remodeled after January of 1996. [§114125(a)]
- Plastic bags being used as sink stoppers in the three-compartment sink. [§114175]

Notes:

- ❖ *Category #15 (Food contact surface; clean and sanitized - Major) shall be marked if the warewashing sink has been removed and no other approved method to clean and sanitize food contact surfaces is available. [§113984(d), §114097, §114113]*
- ❖ *Category #49 (Plan Review) shall be marked if the warewashing sink was replaced prior to Plan Check approval. [§114380]*
- ❖ *Alternative manual warewashing equipment may include any of the following:*
 - *High-pressure detergent sprayers*
 - *Low-or-line pressure spray detergent foamers*
 - *Other task-specific cleaning equipment*
 - *Brushes or other implements*
- ❖ *Alternative warewashing facilities/methods may be allowed if approved by the enforcement agency.*
- ❖ *Mechanical warewashing shall be accomplished by using an approved machine installed and operated according to the manufacturer's specifications.*
- ❖ *Warewashing machine drainboard requirements may be satisfied by using the drainboards that are part of the manual warewashing sinks if the sink is located adjacent to the warewashing machine.*
- ❖ *Food facilities that were constructed or remodeled prior to January of 1996, may use the warewashing sink for handwashing if facilities exclusively for handwashing do not exist in the food preparation area. [§114125(b)]*
- ❖ *Food facilities who plan to install a larger warewashing sink to accommodate the largest equipment or utensil, must submit plans and obtain approval from the Department's Plan Check program prior to installation.*
- ❖ *If the warewashing sink is used to wash wiping cloths, wash produce, or thaw food, the sink shall be cleaned and sanitized before and after each use.*

Public Health Reason:

Manual Warewashing, Sink Compartment Requirements

The three-compartment requirement allows for proper execution of the 3-step manual warewashing procedure. If properly used, the three-compartments reduce the chance of contaminating the sanitizing water and therefore diluting the strength and efficacy of the chemical sanitizer that may be used.

Alternative manual warewashing equipment, allowed under certain circumstances and conditions, must provide for accomplishment of the same 3 steps:

1. Application of cleaners and the removal of soil
2. Removal of any abrasive and removal or dilution of cleaning chemicals and
3. Sanitization.

Drainboards

Drainboards or equivalent equipment are necessary to separate soiled and cleaned items from each other and from the food preparation area in order to preclude contamination of cleaned items and of food. Drainboards allow for the control of water running off equipment and utensils that have been washed and also allow the operator to properly store washed equipment and utensils while they air-dry.

Temperature Measuring Devices, Manual Warewashing

Water temperature is critical to sanitization in warewashing operations. This is particularly true if the sanitizer being used is hot water. The effectiveness of cleaners and chemical sanitizers is also determined by the temperature of the water used. A temperature measuring device is essential to monitor manual warewashing

and ensure sanitization.

Sanitizing Solutions, Testing Devices

Testing devices to measure the concentration of sanitizing solutions are required for 2 reasons:

1. The use of chemical sanitizers requires minimum concentrations of the sanitizer during the final rinse step to ensure sanitization; and
2. Too much sanitizer in the final rinse water could be toxic.

Temperature-measuring devices, manual warewashing

Water temperature is critical to sanitization in warewashing operations. This is particularly true if the sanitizer being used is hot water. The effectiveness of cleaners and chemical sanitizers is also determined by the temperature of the water used. A temperature-measuring device is essential to monitor manual warewashing and ensure sanitization.

Warewashing machines, temperature-measuring devices

The requirement for the presence of a temperature-measuring device in the warewashing machine as the water enters the hot water sanitization final rinse manifold or in the chemical sanitizing tank is based on the importance of temperature in the sanitization step. In hot water machines, it is critical that minimum temperatures be met at the various cycles so that the cumulative effect of successively rising temperatures causes the surface of the item being washed to reach the required temperature for sanitization. When chemical sanitizers are used, specific minimum temperatures must be met. The temperature of the solution directly affects the effectiveness of chemical sanitizers.

36. Equipment/utensils approved; installed; good repair; capacity

Authority: California Retail Food Code, §§ 114130, 114130.1, 114130.2, 114130.3, 114130.4, 114039.5, 114130.5, 114130.6, 114132, 114133, 114137, 114139, 114153, 114163, 114165, 114167, 114169, 114175, 114177, 114180

This violation category is used to indicate the compliance status with equipment and utensils being approved, properly installed, in good repair, and have the necessary capacity to meet operational needs.

OUT – “**OUT**” shall be marked if food equipment/utensils are not approved, in good repair, and food equipment is not properly installed.

Examples of violations include:

Approved Equipment

- Equipment and utensils are not designed and constructed to be durable and retain characteristic qualities under normal use. [§114130]
- All new and replacement food-related and utensil-related equipment is not certified or classified for sanitation by an ANSI accredited certification program, or if no standard exists, is not evaluated by the local enforcement agency. [§114130]
- New and replacement electrical appliances do not meet UL standards for electrical equipment. [§114130]
- Using enamel/ceramic/stoneware pots or pans, or lead-glazed containers. [§114130]
- Using domestic “household use only” utensils or equipment. [§114130]
- Unapproved use of portable propane burner. [§114130]
- Unapproved tortilla press. [§114130]
- Unapproved mop sink/food preparation sink/handwashing sink/bar sink. [§114130]
- Latex gloves observed at the food facility, but food employees are not using gloves. [§114130, §114130.1]
- Materials used in the construction of single-use articles, utensils, and food contact surfaces of equipment allow migration of deleterious substances or impart colors, odors, or tastes to food or otherwise do not meet approved standards. [§114130.1, §114130.2]

- Multiuse food contact/non-food contact surfaces are not smooth and easily cleanable, and/or made of an unapproved material. [§114130.3, §114130.4]
- Clean in place (CIP) equipment is not self-draining or designed for effective cleaning and sanitizing. [§114130.5]
- Fabric implements are made of materials that allow the migration of deleterious substances or imparts colors, odors, or tastes to food and under normal use conditions or are not safe, durable, and sufficient in strength to withstand repeated cleaning or laundering or are not resistant to fraying and deterioration. [§114130.6]
- Using wood and/or wood wicker as a food contact surface. [§114132]
- Copper or copper alloys are used in contact with food that has a pH below 6.0 (e.g., vinegar, fruit juice, or wine) or for a fitting between a backflow prevention device and a carbonator. [§114133]
- Dollies, pallets, racks, or skids are not designed to be moved by hand, hand truck, or forklift. [§114165]
- A fogging device installed after July 1, 2007, which uses a reservoir instead of water under pressure for fogging or misting food. [§114180]
- Reservoirs that supply water to a device such as a produce fogger are not maintained and cleaned according to manufacturer's specifications or a more stringent process. [§114180]
- Molluscan shellfish life-support system display tanks are not marked conspicuously so that it is obvious to the consumer that the shellfish are for display only. [§114039.5]

Installed:

- Fixed equipment that is not easily movable is not installed with adequate spacing or sealing, or floor-mounted equipment that is not easily movable is not sealed to floor or elevated on 6-inch legs. *Note: This does not apply to display shelving, refrigeration, and freezer units located in consumer shopping areas if the floor under these units is maintained clean.* [§114169]
- Removeable knife holder is permanently mounted. [§114169]
- Table-mounted equipment that is not easily movable, is not sealed to table or elevated on 4-inch legs. [§114169(d)]
- Beverage tubing or cold-plate beverage cooling devices are installed in contact with ice intended to be used for food or drink. *Note: This does not apply to cold plates constructed integrally with an ice storage bin.* [§114167]
- The cutting or piercing parts of can openers are not readily removable. [§114139]
- "V" type threads are used on food contact surfaces, other than for hot oil cooking or filtering equipment. [§114137]

Good Repair

- Equipment and utensils are not kept fully operational and in good repair. [§114130, §114175]
- Damaged utensils (e.g., knives, spoons, colander, dishes, and glassware). [§114130, §114175]
- Frayed or deteriorated fabric implements. [§114130.6, §114175]
- A piece of cloth or other material is used to hold equipment in place. [§114175]
- A non-working refrigeration unit is used for storage. [§114175]
- Deteriorated caulking at the wall and sink junction. [§114175]
- A refrigeration unit is not holding the required temperature. [§114175]
- The condensate pan in the walk-in refrigeration unit is cracked/leaking. [§114175]
- Ice build-up on the condenser unit inside the walk-in freezer/cooler. [§114175]
- A sink (other than a warewashing sink) is cracked or not secured to the wall. [§114175]
- Torn door gaskets, rusty shelves, painted shelves, or missing fan guard(s) in a refrigeration unit/walk-in refrigerator/walk-in freezer. [§114175]
- Surfaces of equipment (e.g., cutting blocks and boards) are scratched and scored in a manner that they no longer can be effectively cleaned and sanitized. [§114177]

Capacity

- Equipment used for cooling and heating food, and for holding cold and hot food, is not sufficient in number and/or capacity to ensure proper food temperature control during transportation and operation. [§114153]

- A food facility (approved for operation after January 1, 2007) prepares food by washing, rinsing, soaking, thawing, or using similar methods and does not have an approved food preparation sink. [§114163]

Note:

- ❖ *If EHS deems necessary, unapproved equipment (e.g., unapproved walk-in cooler, indoor wood burning oven, etc.) should be red tagged and a referral made to the Department's Plan Check Program.*
- ❖ *Restricted food service facilities may not need to comply with the ANSI requirements depending on the extent of food service activities, and if the enforcement officer determines that the equipment is constructed to be durable and to retain its characteristic qualities under normal use conditions.*
- ❖ *Hard maple or equivalent may be used for cutting boards, rolling pins, chopsticks, and as specified in CRFC, §114132 (b).*
- ❖ *Raw fruit, vegetables and nuts in the shell may be kept in wood shipping containers.*
- ❖ *Copper and copper alloys may be used in contact with beer brewing ingredients.*
- ❖ *Reservoirs that supply water to a device such as a produce fogger shall be maintained according to the manufacturer's specifications or the following (whichever is more stringent) at least once a week:*
 - *Drainage and disassembly of the water and aerosol contact parts.*
 - *Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution.*
 - *Flushing the complete system with water to remove the detergent solution and particulate accumulation.*
 - *Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with an approved sanitizer.*
- ❖ *Food facilities that were approved for operation without a food preparation sink prior to January 1, 2007, need not provide a food preparation sink unless the food facility makes a menu change or changes their method of operation per CRFC, §114163(b).*
 - *The Department may approve other methods where the installation of a food preparation sink would not be readily feasible. In these cases, the facility shall submit a SOP to the Department detailing the methods in which food preparation without a food preparation sink can occur in a safe and approved manner that will prevent cross contamination of food items. If the EHS observes deviation from the submitted SOP, the Department may require the facility to discontinue such food preparation methods or install an approved food preparation sink.*

Public Health Reason:

Characteristics

Multiuse equipment is subject to deterioration because of its nature, i.e., intended use over an extended period of time. Certain materials allow harmful chemicals to be transferred to the food being prepared which could lead to foodborne illness. In addition, some materials can affect the taste of the food being prepared. Surfaces that are unable to be routinely cleaned and sanitized because of the materials used could harbor foodborne pathogens. Deterioration of the surfaces of equipment such as pitting may inhibit adequate cleaning of the surfaces of equipment, so that food prepared on or in the equipment becomes contaminated.

Good repair

Proper maintenance of equipment to manufacturer specifications helps ensure that it will continue to operate as designed. Failure to properly maintain equipment could lead to violations of the associated requirements of the Code that place the health of the consumer at risk. For example, refrigeration units in disrepair may no longer be capable of properly cooling or holding potentially hazardous foods at safe temperatures.

Single-use characteristics

The safety and quality of food can be adversely affected through single service and single use articles that are not constructed of acceptable materials. The migration of components of those materials to food they contact could result in chemical contamination and illness to the consumer. In addition, the use of unacceptable materials could adversely affect the quality of the food because of odors, tastes, and colors transferred to the food.

In situations in which the reuse of multiuse items could result in foodborne illness to consumers, single-service and single-use articles must be used to ensure safety.

Articles that are not constructed of multiuse materials may not be reused, as they are unable to withstand the rigors of multiple uses, including the ability to be subjected to repeated washing, rinsing, and sanitizing.

Food contact surfaces

The purpose of the requirements for multiuse food contact surfaces is to ensure that such surfaces are capable of being easily cleaned and accessible for cleaning. Food contact surfaces that do not meet these requirements provide a potential harbor for foodborne pathogenic organisms. Surfaces that have imperfections such as cracks, chips, or pits allow microorganisms to attach and form biofilms. Once established, these biofilms can release pathogens to food. Biofilms are highly resistant to cleaning and sanitizing efforts. The requirement for easy disassembly recognizes the reluctance of food employees to disassemble and clean equipment if the task is difficult or requires the use of special, complicated tools.

Non-food contact surfaces

Non-food contact surfaces of equipment routinely exposed to splash or food debris are required to be constructed of nonabsorbent materials to facilitate cleaning. Equipment that is easily cleaned minimizes the presence of pathogenic organisms, moisture, and debris and deters the attraction of rodents and insects.

The presence of food debris or dirt on non-food contact surfaces may provide a suitable environment for the growth of microorganisms, which employees may inadvertently transfer to food. If these areas are not kept clean, they may also provide harborage for insects, rodents, and other pests.

Hard-to-clean areas could result in the attraction and harborage of insects and rodents and allow the growth of foodborne pathogenic microorganisms. Well-designed equipment enhances the ability to keep non-food contact surfaces clean.

CIP equipment

Certain types of equipment are designed to be cleaned in place (CIP) when it is difficult or impractical to disassemble the equipment for cleaning. Because of the closed nature of the system, CIP cleaning must be monitored via access points to ensure that cleaning has been effective throughout the system.

The CIP design must ensure that all food contact surfaces of the equipment are contacted by the circulating cleaning and sanitizing solutions. Dead spots in the system, i.e., areas that are not contacted by the cleaning and sanitizing solutions, could result in the buildup of food debris and growth of pathogenic microorganisms. There is equal concern that cleaning and sanitizing solutions might be retained in the system, which may result in the inadvertent adulteration of food. Therefore, the CIP system must be self-draining.

Can openers

Once can openers become pitted or the surface in any way becomes uncleanable, they must be replaced because they can no longer be adequately cleaned and sanitized. Can openers be designed to facilitate replacement. The cutting or piercing parts of can openers may accumulate metal fragments that could lead to food containing foreign objects and, possibly, result in consumer injury.

Cutting surfaces

Cutting surfaces such as cutting boards and blocks that become scratched and scored may be difficult to clean and sanitize. As a result, pathogenic microorganisms transmissible through food may build up or accumulate. These microorganisms may be transferred to foods that are prepared on such surfaces.

Food preparation sinks

Food preparation activities may expose food to an environment that may lead to contamination of the food. Care is needed to prevent food from becoming contaminated by pathogens or debris remaining in the sink from warewashing activities, handwashing, and/or janitorial activities. Using a separate sink for preparation minimizes opportunities for contamination from these sources.

Copper and copper alloys

When carbon dioxide is mixed with water, carbonic acid, a weak acid, is formed. Carbonators on soft drink dispensers form such acids as they carbonate the water to be mixed with the syrups to produce the soft drinks.

If, for some reason, a negative pressure develops in the water line to the carbonator, some acidic water will be drawn into the water line. If this line is made of copper, carbonic acid will dissolve some of the copper. When pressure is restored, the trapped water containing dissolved copper will return to the carbonator and be mixed into the first few drinks. This may result in copper poisoning.

Copper is an essential nutrient for yeast growth in the beer brewing process. Low levels of copper are metabolized by yeast during the fermentation process. However, studies have shown that copper levels above 0.2 mg/L are toxic or lethal to the yeast. In addition, copper levels as low as 3.5 mg/L have been reported to cause symptoms of copper poisoning in humans. Therefore, the levels of copper necessary for successful beer fermentation (i.e., below 0.2 mg/L) do not reach a level that would be toxic to humans.

Water reservoir of fogging devices, cleaning

Improper cleaning and sanitizing of fogging devices may create environments where pathogenic bacteria, particularly *Legionella*, may grow and contaminate the surfaces of the fogged food. By properly cleaning and sanitizing the fogging devices, either by specified manufacturer procedures, or the procedure detailed in this section, the fogging devices may pose a lower risk of food contamination.

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

Authority: California Retail Food Code, §§ 114067(h), 114074, 114075, 114081, 114083, 114119, 114121, 114130, 114130.1, 114161, 114172, 114178, 114179, 114185, 114185.2, 114185.3, 114185.4, 114185.5

This violation category is used to indicate the compliance status with proper storage and use of equipment, utensils, and linens.

OUT – “**OUT**” shall be marked if the food facility is using approved equipment for an unapproved use and/or improper storage/use of utensils/linens.

Examples of violations include:

Use

- Unapproved use of approved equipment (e.g., such as a merchandise refrigerator approved for canned or bottled non-PHF, is used to store open food or PHFs, a steam table is not designed for re-thermalization is used to reheat food, etc.). [§114130, §114130.1]
- Milk crates used as shelving. [§114130, §114130.1]
- Condiment containers not intended for reuse (e.g., single use ketchup bottles) are refilled. [§114130, §114130.1]
- Soiled tableware is used to provide second portions. [§114075]
- Single-use articles are not kept in the original protective package or otherwise protected from contamination until used. [§114081, §114178]
- Tableware preset at the outside dining areas without adequate protection. [§114081(a)]
- Utensils are not handled, displayed, and dispensed so as to prevent contamination of lip-contact surfaces. [§114081(a)]
- Single-use articles are reused. [§114081(d)]

Refilling Containers

- Returned empty containers intended for refilling with food or beverage are not cleaned and refilled in an approved manner (e.g., customer owned coffee cup or insulated bottle). [§114121]

Storage

- Cleaned and sanitized equipment, utensils, laundered linens, or single-use articles are found in, or stored in unapproved areas (e.g., locker rooms, toilet rooms, refuse rooms, mechanical rooms, under sewer lines that are not shielded to intercept potential drips, under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed, under open stairwells, and/or under other sources of contamination). [§114161, §114178, §114179]

- During non-operating hours and periods of inclement weather, utensils belonging to a satellite food service operations or outdoor displays are not fully enclosed; or utensils are not stored inside a fully enclosed permanent food facility. [§114067(h)]
- Preset, unprotected tableware has not been removed when a customer is seated and has not been cleaned and sanitized before further use. [§114074, §114083]
- Utensils are stored in an unapproved manner during pauses in food preparation or dispensing. [§114119]
- Storing knives in between equipment. [§114119]
- The handle of an approved scooping utensil is submerged in ice or a bulk food item that requires further processing. [§114119]
- Storing a serving utensil in ice water, sanitizing solution, or standing water measuring less than 135°F. [§114119(c)]
- Kitchen utensils stored together with tools/hardware. [§114161]
- Pressurized cylinders are not securely fastened to a rigid structure. [§114172]
- A cutting board stored on the faucet handles of the food preparation sink. [§114178]
- Easily moveable equipment/utensils stored inside/on top of food preparation sink or janitorial sink. [§114178]
- Clean equipment and utensils are not stored covered or inverted in a self-draining manner that allows air drying. [§114178]
- Storing dirty utensils on a clean surface (e.g., dirty knife stored with clean knives on a wall mounted magnetic knife holder). [§114178]
- Cleaned equipment and utensils, laundered linens, and single-use articles are stored where they are subject to splash, dust or other contamination, and/or are not at least 6 inches above the floor. [§114178]
- Clean pots, pans, multi-service dishes, utensils, or clean take-out containers stored where they are subject to contamination, such as on the floor, in an unapproved area, mixed with dirty utensils, or dirty area (e.g., dirty drawer). [§114178, §114179]

Linens

- A mechanical clothes washer or dryer is located where it is exposed to contamination or where there is exposed food, utensils, linens, or unwrapped single-use articles. [§114161(b)]
- Linens are not free of food residue and soil. [§114185.2]
- Linens, cloth gloves, or cloth napkins are not washed as required. [§114185.3]
- Linens that do not come in direct contact with food are not laundered when they become wet, sticky, or visibly soiled. [§114185.3(a)]
- Cloth gloves are not laundered before being used with a different type of raw animal food such as beef, lamb, pork, fish, or poultry. [§114185.3(b)]
- Cloth napkins are not laundered between each use. [§114185.3(c)]
- Adequate space is not provided for storage of clean linens. [§114185.4]
- Soiled linens are not kept in proper receptacles or handled to prevent contamination of food, clean equipment and utensils, and single use articles. [§114185.4]
- Clean linens are stored where they are subject to contamination, such as on the floor or in an unapproved area. [§114185.4]
- Linens used to line food service containers are not changed and washed each time the container is refilled for a new consumer. [§114185]
- Except for linen used in fabric implements, linens are used in contact with food in a manner different than lining a container for the service of food. [§114185]
- Laundry facilities on premises are used for laundering items other than those used in the operation of the food facility. [§114185.5(a)]
- Linens or work clothes are laundered on the premises and a mechanical washer and dryer are not provided. [§114185.5(b)]

Notes:

- ❖ *Category #15 (Food contact surfaces, cleaned and sanitized)* shall be marked if fabric implements are not laundered and sanitized as required. [§114118, §114185]

- ❖ *Items in enclosed packages may be stored less than six inches above the floor on dollies, pallets, racks, or skids that are designed to be easily movable.*
- ❖ *Laundered linens and single-use articles may be stored in a locker room if protected by packaging or a storage compartment.*
- ❖ *Linen may be used to cover food items if the linen is used exclusively on food and is laundered and sanitized after each use.*
- ❖ *Linens are permitted to line food containers if the linens are replaced each time the container is refilled for a new consumer, and they are laundered prior to reuse.*
- ❖ *Drinking cups and containers may be reused for self-service if no contact occurs between pouring utensils and the lip area of the cup or container.*
- ❖ *Soiled tableware shall be removed from consumer eating and drinking areas and handled so that clean tableware, food, and food contact surfaces are not contaminated.*
- ❖ *Single-use paper towels may be used in contact with raw and ready-to-eat foods.*
- ❖ *The following are acceptable utensil storage practices:*
 - *Handles of food preparation/serving utensils stored above the top of the food and the container.*
 - *Utensils used for non-PHF stored within a closed container and the handle of the utensil is above the top of the food (e.g., bins of sugar or flour).*
 - *Utensils stored on a clean portion of the food preparation table or cooking equipment and the “in use” utensil is cleaned and sanitized as required.*
 - *In running water (e.g., dipper well) if used with moist food (i.e., ice cream).*
 - *In a clean, protected location if the utensils (e.g., ice scoops) are used only with a food that is not PHF.*
 - *In a container of water if the water is maintained at a temperature of at least 135°F and the container is cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of residues.*
- ❖ *Consumer-owned food containers returned to the food facility for refilling may be refilled and returned to the same consumer if either of the following conditions apply:*
 - *The container is refilled by an employee of the food facility, after the container has been wash, rinsed, and sanitized.*
 - *The container is refilled by the owner of the container if the dispensing system includes a transfer process that protects the dispensing equipment from lip contact surfaces and from manual contact of the delivery tube/chute/orifice.*

Public Health Reason:

Storage prohibitions

The improper storage of clean and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may allow contamination before their intended use. Contamination can be caused by moisture from absorption, flooding, drippage, or splash. Food debris, toxic materials, litter, dust, and other materials can also cause contamination. The contamination is often related to unhygienic employee practices, unacceptable high-risk storage locations, or improper construction of storage facilities.

Tableware

Food-and-lip contact surfaces of tableware can become contaminated by unnecessary handling and/or airborne contaminants if left exposed for significant periods of time, especially if left exposed on surfaces which have not been properly cleaned and sanitized.

In-use utensils, between-use storage

Once a food employee begins to use a utensil such as a ladle, spatula, or knife, that has been previously cleaned and sanitized, it is then considered an in-use utensil. In-use utensils, used on a continuous or intermittent basis during preparation or dispensing, must be cleaned and sanitized on a schedule that precludes the growth of pathogens that may have been introduced onto utensil surfaces. In-use utensils may be safely stored in hot water maintained at 135°F or above during intermittent use because microbial growth is controlled at such temperatures.

Pressurized cylinders

All compressed gases are hazardous because of the high pressures inside the cylinders. Even at a relatively low pressure, gas can flow rapidly from an open or leaking cylinder. Damaged cylinders can become rockets or

pinwheels that can cause severe injury and damage. An unsecured, uncapped cylinder is a major accident waiting to happen. If such a cylinder is knocked over causing the cylinder valve to break, the compressed gas will escape at rocket velocity. A poorly controlled release of a compressed gas in chemical reaction systems can also cause vessels to burst, create leaks in equipment or hoses, or produce run-away reactions.

Mishandled cylinders may rupture violently, release their hazardous contents or become dangerous projectiles. If a neck of a pressurized cylinder should be accidentally broken off, the energy released would be sufficient to propel the cylinder to over three-quarters of a mile in height. A standard 250 cubic foot cylinder pressurized to 2,500 PSIG can become a rocket attaining a speed of over 30 miles per hour in a fraction of a second after venting from the broken cylinder connection.

Linen, use limitation

Except for linen used in fabric implements (refer to section 114130.6), because of their absorbency, linens and napkins used as liners that contact food must be replaced whenever the container is refilled for a new customer. Failure to replace such liners could cause the linens or napkins to become sources of cross contamination.

Storage of linens

Soiled linens may directly or indirectly contaminate food. Proper storage will reduce the possibility of contamination of food, equipment, utensils, and single-service and single-use articles.

38. Adequate ventilation and lighting; designated areas, use

Authority: California Retail Food Code, §§ 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1, 114257, 114271(e)

This violation category is used to indicate the compliance status with approved use, installation, and maintenance/condition of ventilation and lighting.

OUT – “OUT” shall be marked when the facility does not meet all ventilation and lighting requirements.

Examples of violations include:

Ventilation

- Mechanical exhaust ventilation equipment is not provided over all cooking equipment which requires a 6-inch overhang to effectively remove cooking odors, smoke, steam, grease, heat, and vapors. [§114149.1(a)]
- A deep fryer is installed under a Type II hood instead of a Type I hood. [§114149.1]
- Solid fuel-burning equipment is not installed under a separate exhaust duct. [§114149.1]
- Gas rice cooker is not installed and/or operating under a hood. [§114149.1]
- Mechanical ventilation at the hood is not turned on when cooking equipment is in use. [§114149.1]
- The hood is not functioning properly (e.g., does not effectively remove smoke, odors, grease, etc.). [§114149.1] **(Red Tag and refer to Fire Department)**
- Tabletop cooking equipment (e.g., shabu-shabu) is used without the required ventilation system. [§114149.1]
- An electric tabletop fryer is located outside of the hood canopy while in use (e.g., on the drainboard of the food preparation sink or a food preparation table, etc.). [§114149.1]
- Sufficient ventilation is not provided in all areas to facilitate proper food storage and provide a reasonable condition of comfort consistent with job performed by employees. [§114149(a)]
- An accumulation of grease and/or dust on the hood (exterior/interior) and/or hood filters. [§114149.2]
- The grease-collecting device at the hood is missing. [§114149.2]
- Hood filter(s) are missing, damaged, or improperly installed. [§114149.2]
- Exhaust hood ducting does not meet the following requirements: [§114149.2(f)]
 - All seams are completely tight. [§114149.2(f1)]
 - Sufficient clean-outs are provided so that ducts are readily accessible for cleaning. [§114149.2(f2)]

- Ducts are properly sloped. [§114149.2(f3)]
- Intake and exhaust air ducts are cleaned, and filters are changed so they are not a source of contamination by dust, dirt, and other materials. [§114149.2(f4)]
- A gas water heater is unvented. **EHS shall make an immediate referral to the gas company.** [§114149.3]
- The makeup air is not provided in an amount equal to the exhaust air. [§114149.3]
- Toilet rooms are not ventilated to the outside air by means of an openable, screened window, an air shaft, or a light-switch-activated exhaust fan consistent with local building codes. [§114149(b)]
- HVAC systems are designed and installed such that intake and exhaust vents cause contamination of food, food contact surfaces, equipment, or utensils, or create air currents that cause difficulty in maintaining required temperatures of PHFs. [§114149.3]

Lighting

- Sufficient natural or artificial lighting is not provided in every room and area, while the area is in use, in which any food is prepared, manufactured, processed or prepackaged, or in which equipment or utensils are cleaned. [§114252]
- Light bulbs are not shielded, coated, or otherwise shatter-resistant in areas where open food, clean equipment, utensils, and linens, or unwrapped single-use articles are located. [§114252.1(a)]
- Infrared or other heat lamps are not protected against breakage by a shield or by using shatter resistant bulbs. [§114252.1(c)]
- The facility is not maintaining at least 50-foot candles where safety is a factor, such as at a cutting table, slicer, or grinder. [§114252(c)]
- Water is observed inside the light shield located in the walk-in cooler. [§114252.1, §114257]
- A light shield with an accumulation of grease, dust, or dead insects. [§114252.1, §114257, §114271(e)]

Notes:

- ❖ *Category #33 (Food properly labeled & honestly presented) shall be marked if deceptive lighting is used to misrepresent the freshness of meat stored inside a display case. [§114087]*
- ❖ *Ventilation requirements may apply to cooking equipment if the equipment has been submitted to the local enforcement agency for evaluation, and the local enforcement agency has found that the equipment does not produce toxic gases, smoke, grease, vapors, or heat when operated under conditions recommended by the manufacturer. However, it is also important to note that local building and fire authorities may require mechanical exhaust ventilation over equipment exempted by the local agency.*
- ❖ *Approved electric equipment that only produces steam (e.g., panini press, bain-marie) may not need to be located under a hood canopy when in use. The use and capacity of these types of electric equipment can be verified prior to installation and use by contacting the Department's Plan Check program.*
- ❖ *High-velocity hood may not require a 6-inch overhang. Verification of hood type can be confirmed by reviewing the hood specifications and contacting the Department's Plan Check program.*
- ❖ *Restricted food service facilities are not required to provide mechanical ventilation.*
- ❖ *All areas of a food facility shall have sufficient ventilation to facilitate proper food storage and provide a reasonable condition of comfort for each employee.*
- ❖ *Issues concerning ventilation or reasonable condition of comfort for employees should be referred to the local Building Department. A referral to CALOSHA will be made if the ambient room temperature measures greater than 88°F.*
- ❖ *Shielded, coated, or otherwise shatter-resistant bulbs are not required in areas used only for storing prepackaged food in unopened packages.*
- ❖ *Lighting must be provided as follows:*
 - *At least 10 foot candles measured 30 inches above the floor in walk-in refrigeration units, at a working surface at which alcoholic beverages are prepared or utensils used to prepare alcoholic beverages are cleaned, inside equipment and dry food storage areas.*
 - *At least 20 foot candles: 1) at a surface where food is provided for consumer self-service or prepackaged foods are sold or offered, 2) in server stations where food is prepared, 3) 30 inches above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms, and 4) in all areas and rooms during periods of cleaning.*

- *At least 50 foot candles: 1) with the exception of server stations, at a surface where a food employee is working with food or utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor and 2) in other areas and rooms during periods of cleaning.*

Public Health Reason:

Sufficient ventilation

Having sufficient ventilation to prevent excess heat reduces the workload of refrigeration equipment, which could cause failure of the equipment and subsequent loss of food product stored therein. Employee comfort prevents excess sweating which could possibly contaminate food products during preparation.

Mechanical exhaust ventilation, ventilation exemption

Removing the air-borne by-products of the cooking process increases the comfort level of the employees and customers, as well as protect against accidental fires.

Some equipment that is designed for cooking produces negligible amounts of heat, steam, vapors, smoke, or grease. When equipment is submitted for review by the local enforcement agency, a determination may be made that the equipment can operate safely without mechanical exhaust ventilation and an exemption may be granted for that piece of equipment in that specific location.

Ventilation hood systems, adequacy

If a ventilation system is inadequate, grease and condensate may build up on the floors, walls and ceilings of the food facility, causing an insanitary condition and possible deterioration of the surfaces of walls and ceilings. The accumulation of grease and condensate may contaminate food and food contact surfaces as well as present a possible fire hazard.

The dripping of grease or condensation onto food constitutes adulteration and may involve contamination of the food with pathogenic organisms. Equipment, utensils, linens, and single service and single use articles that are subjected to such drippage are no longer clean.

Lighting

Lighting levels are specified so that sufficient light is available to enable employees to perform certain functions such as reading labels; discerning the color of substances; identifying toxic materials; recognizing the condition of food, utensils, and supplies; and safely conducting general food facility operations and clean-up. Properly distributed light makes the need for cleaning apparent by making accumulations of soil conspicuous.

Light bulbs, protective shielding

Shielding of light bulbs helps prevent breakage. Light bulbs that are shielded, coated, or otherwise shatter-resistant are necessary to protect exposed food, clean equipment, utensils and linens, and unwrapped single-service and single-use articles from glass fragments should the bulb break.

39. Thermometers provided and accurate

Authority: California Retail Food Code, §§ 114130, 114157, 114159, 114175

This violation category is used to indicate the compliance status with providing approved thermometers that are accurate and functional.

OUT – “**OUT**” shall be marked if thermometer(s) are missing/inaccurate/non-functional/unapproved.

Examples of violations include:

Thermometers for Hot and Cold Holding Equipment

- A readily visible thermometer is not provided in the warmest part of each refrigeration unit containing PHFs and/or is non-functional/inaccurate/unapproved. [§114130(b), §114157(a-b), §114175]
- A thermometer at a hot holding cabinet is missing or non-functional. [§114157(c), §114175]

- A temperature measuring device is not integral or permanently affixed to cold or hot holding equipment used for PHFs, or is not located to allow easy viewing of the device's temperature display. [§114157(c)]
- Temperature measuring devices are not easily readable or have increments that are greater than 2°F. [§114157(e)]

Thermometers for Measuring Food Temperatures

- A metal probe thermometer suitable for measuring the temperature of food is not readily available/non-functional/inaccurate/unapproved. [§114130(b), §114159(a)]
- An unapproved thermometer is being used for checking food temperatures. [§114130(b), §114159]
- A temperature measuring device with a suitable small-diameter probe designed to measure the temperature of thin masses of food (e.g., meat patties, fish filets) is not readily available. [§114159(b)]
- A temperature measuring device is used for food is not accurate to within plus or minus 2 degrees Fahrenheit or plus or minus 1 degree Celsius when scaled in only Celsius or dually scaled in Fahrenheit and Celsius. [§114159(c)]
- A glass stem temperature measuring device that is not encased in a shatterproof coating is used. [§114159(d)]

Additional Violations:

- *Category #1 (Demonstration of knowledge)* shall also be marked if the food employee does not know how to verify and/or calibrate their metal probe thermometer. [§113947(a)]
- *Category #11 (Proper cooking time and temperature)* shall also be marked if a metal probe thermometer is not available, and the EHS observes the required cooking temperatures were not met. [§114004]

Note:

- ❖ *This requirement does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment, such as calrod heating units, heat lamps, cold plates, bain-marie units, steam tables, insulated food transport containers, and salad bars.*
- ❖ *Metal probe thermometer is required only if PHFs are stored and/or prepared at the facility.*
- ❖ *Refrigerator units that only store non-PHFs (e.g., bottled soda display) do not require a thermometer.*
- ❖ *Infrared thermometers are a survey tool and must not be used to measure internal temperatures of foods for compliance with CRFC.*

Public Health Reason:

Temperature-measuring devices

The placement of the temperature-measuring device is important. If the device is placed in the coldest location in the storage unit, it may not be representative of the temperature of the unit. Food could be stored in areas of the unit that exceed Code requirements. Therefore, the temperature-measuring device must be placed in a location that is representative of the actual storage temperature of the unit to ensure that all potentially hazardous foods are stored at least at the minimum temperature required.

A temperature-measuring device is required in any refrigeration unit storing potentially hazardous food because of the potential growth of pathogenic microorganisms should the temperature of the unit exceed Code requirements. In order to facilitate routine monitoring of the unit, the device must be clearly visible.

The exception to requiring a temperature-measuring device for the types of equipment listed is primarily due to equipment design and function. It would be difficult and impractical to permanently mount a temperature-measuring device on the equipment listed. The futility of attempting to measure the temperature of unconfined air such as with heat lamps and, in some cases, the brief period of time the equipment is used for a given food negate the usefulness of ambient temperature monitoring at that point. In such cases, it would be more practical and accurate to measure the internal temperature of the food.

The importance of maintaining potentially hazardous foods at the specified temperatures requires that temperature-measuring devices be easily readable. The inability to accurately read a thermometer could result in food being held at unsafe temperatures.

Temperature-measuring devices must be appropriately scaled per Code requirements to ensure accurate readings.

- The required incremental gradations are more precise for food measuring devices than for those used to measure ambient temperature because of the significance at a given point in time, i.e., the potential for pathogenic growth, versus the unit's temperature. The food temperature will not necessarily match the ambient temperature of the storage unit; it will depend on many variables including the temperature of the food when it is placed in the unit, the temperature at which the unit is maintained, and the length of time the food is stored in the unit.
- A temperature-measuring device used to measure the air temperature in a refrigeration unit is not required to be as accurate as a food thermometer because the unit's temperature fluctuates with repeated opening and closing of the door and because accuracy in measuring internal food temperatures is of more significance.
- The accuracy specified for a particular air or water temperature-measuring device is applicable to its intended range of use. For example, a cold holding unit may have a temperature-measuring device that measures from a specified frozen temperature to (68°F). The device must be accurate to specifications within that use range.

Food temperature-measuring devices

The presence and accessibility of accurate food temperature-measuring devices is critical to the effective monitoring of food temperatures. Proper use of such devices provides the operator or person in charge with important information with which to determine if temperatures should be adjusted or if foods should be discarded.

An accurate thermometer with a small margin of error (+/- 2°F or +/- 1°C) is important. The accuracy specified for a particular food temperature-measuring device is applicable to its entire range of use, that is, from refrigeration through cooking temperatures if the device is intended for such use. Food temperature-measuring devices must be calibrated in accordance with manufacturer's specifications as necessary to ensure that they maintain their accuracy.

Food temperature-measuring devices that have glass sensors or stems present a likelihood that glass will end up in food as a foreign object and create an injury hazard to the consumer. In addition, the contents of the temperature-measuring device, e.g., mercury, may contaminate food or utensils.

40. Wiping cloths; properly used and stored

Authority: California Retail Food Code, §§ 114125, 114135, 114161, 114178, 114179, 114185.1, 114185.3(d, e), 114185.4, 114185.5, 114254.2

This violation category is used to indicate the compliance status with proper use and storage of wiping cloths.

OUT – “**OUT**” shall be marked if a wiping cloth is improperly used, stored, and/or not maintained in a sanitizing solution when necessary.

Examples of violations include:

- Bacteria growth is not inhibited on wiping cloths stored at a sanitizer bucket due to the sanitizer level measuring below 100 ppm for Chlorine or below 200 ppm for Quaternary Ammonium. [§114185.1]
- Storing wiping cloths in turbid sanitizer solution. [§114185.1]
- Wiping cloths used for wiping food spills are used for another purpose. [§114185.1(a)]
- Cloths used repeatedly prior to laundering are not held in an approved sanitizing solution. [§114185.1(b)]
- Dry cloths used for wiping food spills, other than from tableware and carryout containers, are used more than once prior to laundering. [§114185.1(b)]
- The sanitizer concentration in a sanitizer bucket used to store wiping cloths exceeds the approved concentration (e.g., in excess of 200 ppm chlorine or 400 ppm quaternary ammonium) or is otherwise

too high per manufacturer's instructions for use.[§114185.1(b), 114099.6.]

- Wet cloths used with raw animal foods are not kept in a separate sanitizing solution. [§114185.1(c)]
- Dry or wet cloths used with raw animal foods are not kept separate from cloths used for other purposes. [§114185.1(c)]
- Wet and/or dry wiping cloths are not free of food debris and/or visible soil. [§114185.1(d)]
- Working containers of sanitizing solutions for storage of in-use wiping cloths are not used in a manner that prevents contamination of food, equipment, utensils, linens, or single-use articles. [§114185.1(e)]
- Dry wiping cloths are not laundered as necessary to prevent contamination of food and clean serving utensils. [§114185.3(e), §114125(b)]
- Sponges are used in contact with cleaned and sanitized or in-use food contact surfaces. [§114135]
- Clean wiping cloths are stored in an area subject to contamination (e.g., restroom, under drain lines, inside the mop sink, etc.). [§114161, §114178(a), §114179, §114185.4]
- Wet wiping cloths are not laundered daily. [§114185.3(d)]
- Wiping cloths are not laundered and dried in a mechanical washer/dryer or not properly laundered in a warewashing sink. [§114185.5, §114125(b)]
- A sanitizer bucket is stored on a shelf directly above a container of open food at a food preparation table. [§114254.2]

Additional Violations:

- *Category #15 (Food contact surface; clean and sanitize)* shall also be marked if food contact surfaces are contaminated due to contact with an improperly used wiping cloth (e.g., a wiping cloth contaminated with raw animal food is used on the surface of a cutting board that is then used to cut raw produce or ready-to-eat food). [§113984(d), §114097, §114113]

Notes:

- ❖ *The purpose of wiping cloths stored in a sanitizer solution is to prevent bacterial growth in the wiping cloth between uses. They are not intended to sanitize the food contact surface as the food contact surface must be cleaned prior to being sanitized.*
- ❖ *Wiping cloths are considered a special-use type of linen that are to be used for no other purpose. Common sense and a reasonable, but practicable approach, must be used when determining when a wiping cloth is so soiled that it must be laundered or a sanitizing solution so debris-laden that it must be changed. If laundered on the premises, wiping cloths must be laundered in a clean mechanical clothes washer and dryer or in a warewashing sink.*
- ❖ *If a warewashing sink is used to wash wiping cloths, the sink shall be cleaned and sanitized before and after each time it is used for that purpose per CRFC, §114125(b).*
- ❖ *Sanitizer buckets **do not** have to be set up in preparation areas. They are only required when wiping cloths are being reused and sanitizing frequency must also be met.*

Public Health Reason:

Sponges, use limitation

Sponges are difficult, if not impossible, to clean once they have been in contact with food particles and contaminants that are found in the use environment. Because of their construction, sponges provide harborage for any number and variety of microbiological organisms, many of which may be pathogenic. Therefore, sponges are to be used only where they will not contaminate cleaned and sanitized or in-use, food contact surfaces such as for cleaning equipment and utensils before rinsing and sanitizing.

Wiping cloths, use limitation

Soiled wiping cloths, especially when moist, can become breeding grounds for pathogens that could be transferred to food. Any wiping cloths that are not dry (except those used once and then laundered) must be stored in a sanitizer solution at all times, with the proper sanitizer concentration in the solution to prevent cross-contamination of food and food contact surfaces. Wiping cloths soiled with organic material can overcome the effectiveness of, and neutralize, the sanitizer. The sanitizing solution must be changed as needed to minimize the accumulation of organic material and sustain proper concentration. Checking the solution periodically with an appropriate chemical test kit should ensure proper sanitizer concentration.

Proper laundering of wiping cloths will significantly reduce the possibility that pathogenic microorganisms will

be transferred to food, equipment, or utensils.

Laundering specifications

Linens, cloth gloves, and cloth napkins are to be laundered between uses to prevent the transfer of pathogenic microorganisms between foods or to food contact surfaces. The laundering of wet wiping cloths before being used with a fresh solution of cleanser or sanitizer is designed to reduce the microbiological load in the cleanser and sanitizer and thereby reduce the possible transfer of microorganisms to food and non-food contact surfaces.

PHYSICAL FACILITIES

41. Plumbing; fixtures, back flow devices, drainage

Authority: California Retail Food Code, §§ 114095, 114189.1, 114190, 114192, 114193, 114193.1, 114197, 114199, 114201, 114269, 114279

This violation category is used to indicate the compliance status when plumbing and plumbing fixtures are in good repair, backflow prevention devices are available (as applicable), and with proper drainage.

OUT – “OUT” shall be marked if the conveyance of potable water to any sinks and fixtures is leaking/not clean/in disrepair/unapproved or the drain lines from the sinks are leaking, clogged, or slow draining.

Examples of violations include:

Plumbing and plumbing fixtures

- The faucet(s) at the warewashing sink is unable to reach all compartments. [§114095]
- Plumbing and plumbing fixtures are not installed in compliance with local plumbing ordinances, or are not maintained to prevent contamination, or are not fully operative, or in good repair. [§114190]
- The drain line is leaking at a sink. [§114190]
- The sewer clean-out is uncapped, but there is no active sewage discharged. [§114190]
- The mop sink is missing and the facility was constructed after 1985. [§114190, §114279]
- An unapproved hose is used as a faucet extension. [§114192(b)]
- A hose used for conveying potable water is not constructed of *nontoxic* materials, is used for other purposes, is not clearly labeled as to its use, or is not stored or used in a manner that keeps it free of contamination. [§114192(b)]
- An unsecured flexible drain line is used to discard the discharge from a steam table, ice machine, food preparation sink, warewashing sink, display case, and/or walk-in refrigerator unit. [§114190, §114193]
- Indirect waste receptors (e.g., floor sink) are not readily accessible. [§114193(c)]
- Boiler water additives do not meet the requirements of 21 Code of Federal Regulations (C.F.R.) 173.310. [§114189.1]

Backflow/back siphonage protection

- The backflow/back siphonage protection device is missing or leaking/not in good repair. [§114192(c)]
- An air gap between a water supply inlet and flood level rim of a plumbing fixture, equipment, or non-food equipment is not at least twice the diameter of the inlet or is less than one inch. [§114193.1]
- A refrigeration unit that discharges liquid wastewater is not drained by means of indirect waste pipes through an air gap into a floor sink or other approved receptor. [§114193(a, b)]

Grease traps

- A grease trap or grease interceptor is located in a food or utensil handling area without approval. [§114201(a)]
- A grease trap or grease interceptor is not easily accessible for servicing. [§114201(b)]

Drainage

- Floor drain/floor sink/drain line is slow draining or clogged (no active backup/overflow). The facility is given 24 hours to abate. [§114190, §114197, §114269]
- Liquid waste (not sewage) is not disposed of through an approved plumbing system or does not discharge into the public sewer system or other approved private disposal system. [§114197]
- A food preparation sink drain line is directly connected to the sewer system. [§114197]
- The mop bucket is emptied outside at the exterior premises of the food facility. [§114197]
- Food preparation sink/handwashing sink/warewashing sink is used to dispose of mop water and similar liquids. [§114197]
- A cold holding buffet serving table or ice/coffee machine is draining onto floor surface or into a bucket/pan/container. [§114197]
- Equipment compartments that are subject to accumulation of moisture from condensation, food or beverage drip, or water from melting ice, are not sloped to an outlet that allows for complete drainage. [§114199]

Notes:

- ❖ *Category #23 (Sewage and wastewater properly disposed) shall be marked whenever active sewage discharge/backup is observed. [§114197]*
- ❖ *Mop sinks and sinks equipped with hose threaded faucets should be protected with a back flow prevention device.*
- ❖ *Sinks, other than mop sinks, may require a backflow device if necessary.*
- ❖ *A refrigeration unit evaporator is an acceptable alternative for liquid wastewater disposal if properly installed and functioning.*
- ❖ *Indirectly plumbed warewashing sinks that were in use on January 1, 1996, may continue to be used. A warewashing sink is not required to be indirectly plumbed when the local building official determines that the sink should be directly plumbed.*
- ❖ *Food facilities approved with a grease trap or grease interceptor that were in operation before July 1, 2007, of this part of CRFC are **NOT** required to comply with CRFC, §114201.*

Public Health Reason:

Plumbing systems

Plumbing systems and hoses conveying water must be made of approved materials and be smooth, durable, nonabsorbent, and corrosion resistant. If not, the system may constitute a health hazard because unsuitable surfaces may harbor disease organisms or it may be constructed of materials that may, themselves, contaminate the water supply.

Improper repair or maintenance of any portion of the plumbing system may result in potential health hazards such as cross connections, backflow, or leakage. These conditions may result in the contamination of food, equipment, utensils, linens, or single-service or single-use articles. Improper repair or maintenance may result in the creation of obnoxious odors or nuisances and could adversely affect the operation of warewashing equipment or other equipment, which depends on sufficient volume, and pressure to perform its intended functions.

Backflow prevention devices are meant to protect the drinking water system from contamination caused by backflow. If improperly placed, backflow prevention devices will not work. If inconveniently located, these devices may not be accessed when systems are extended, altered, serviced, or replaced. Over a period of time, un-serviced devices may fail, and system contamination may occur.

Backflow prevention methods

During periods of extraordinary demand, drinking water systems may develop negative pressure in portions of the system. If a connection exists between the system and a source of contaminated water during times of negative pressure, contaminated water may be drawn into and foul the entire system. Standing water in sinks, dipper wells, steam kettles, and other equipment may become contaminated with cleaning chemicals or food residue. To prevent the introduction of this liquid into the water supply through back siphonage, various means may be used.

The water outlet of a drinking water system must not be installed so that it contacts water in sinks, equipment, or other fixtures that use water. Providing an air gap between the water supply outlet and the flood level rim of a plumbing fixture or equipment prevents contamination that may be caused by backflow.

Floor drains

The drainage system must be designed and installed properly to prevent the backup of sewage and the possible contamination of foods or food contact surfaces in the establishment.

Improper plumbing installation or maintenance may result in potential health hazards such as cross connections, back siphonage or backflow. These conditions may result in the contamination of food, utensils, equipment, or other food contact surfaces. It may also adversely affect the operation of equipment such as warewashing machines.

Ice units, separation of drains

Liquid waste drain lines passing through ice machines and storage bins present a risk of contamination due to potential leakage of the waste lines and the possibility that contaminants will gain access to the ice through condensate migrating along the exterior of the lines.

Liquid drain lines passing through the ice bin are, themselves, difficult to clean and create other areas that are difficult to clean where they enter the unit as well as where they abut other surfaces. The potential for mold and algal growth in this area is very likely due to the high moisture environment. Molds and algae that form on the drain lines are difficult to remove and present a risk of contamination to the ice stored in the bin.

42. Garbage/refuse properly disposed; facilities maintained

Authority: California Retail Food Code, §§ 114244, 114245, 114245.1, 114245.2, 114245.3, 114245.4, 114245.5, 114245.6, 114245.7, 114257.1

This violation category is used to indicate the compliance status with the proper disposal of garbage/refuse and the refuse receptacles maintained clean and in good repair.

OUT – “OUT” shall be marked if refuse/garbage/recyclables are not properly disposed of and/or refuse containers/refuse areas are not provided, maintained clean, and/or in good repair.

Examples of violations include:

Facilities Provided

- Facilities and equipment necessary to store or dispose of all waste material are not present. [§114244(a)]
- A waste receptacle is not provided in each area where refuse is generated or discarded, or where recyclables or returnables are placed. [§114244(b, c)]
- An area designated for refuse, recyclables, returnables, or a redeeming machine for recyclables or returnables, is not separate from food, equipment, utensils, linens, and single-service and single-use articles, and a public health hazard or nuisance is created. [§114245(a)]
- An outside storage area or enclosure is not constructed of nonabsorbent material or is not easily cleanable, durable, and sloped to drain. [§114245.4]
- Receptacles or waste-handling units for refuse and recyclables are not installed so that an accumulation of debris, and insect and rodent attraction/harborage are minimized, or so that effective cleaning is facilitated around and under the unit (unless the unit is installed flush with the base pad). [§114245.5]
- Receptacles and waste-handling units are cleaned in a manner that causes the following:
 - Contamination of food, equipment, utensils, linens, or single-service or single-use articles. [§114245.6]
 - At a frequency that does not prevent the buildup of soil or that allows them to become an attractant for insects or rodents. [§114245.6]
 - Wastewater is not disposed of as specified in Section 114241. [§114245.6]

Facilities Maintained

- Refuse, recyclables, or returnables are not kept in nonabsorbent, durable, cleanable, leak proof, and rodent proof containers. [§114245.1(a)]
- Refuse containers are not covered with close-fitting lids, or sealed, disposable bags that are impervious to moisture are not used. [§114245.1(a)]
- Cardboard box used as a refuse receptacle. [§114245.1(a)]
- Trash containers in the outdoor dining area are not vermin-proof or are not emptied as needed to prevent creating a nuisance [§114245.1(a, c)]
- Refuse containers/receptacles are not clean and/or in good repair. [§114245.1(d)]
- Suitable cleaning implements and supplies are not provided as necessary, or off-premises cleaning services are not provided. [§114245.7]
- Cast-off/non-functional equipment stored at the exterior of the food facility. [§114257.1]

Disposal

- Refuse, recyclables, or returnables are not removed from the premises at a frequency that will minimize the development of objectionable odors or conditions that attract or harbor insects or rodents. [§114245.1(e)]
- Cardboard or other packaging material that does not contain food residue is stored outside and creates a rodent harborage problem or is not removed on a regularly scheduled basis. [§114245.2]

Additional Violation:

- *Category #24 (No insect, rodents, birds, or animals present - Minor)* shall also be marked if improper handling/storage of trash at the refuse area has resulted in vermin infestation (e.g., rodent, cockroach, fly) at the exterior refuse area. [§114259.1]

Notes:

- ❖ *Refuse containers inside a food facility do not need to be covered during periods of operation.*
- ❖ *Cardboard or other packaging material that does not contain food residue may be stored outside if it does not create a rodent harborage problem.*

Public Health Reason:

Receptacles, capacity and availability

Proper storage and disposal of garbage and refuse are necessary to minimize the development of odors, prevent such waste from becoming an attractant and harborage or breeding place for insects and rodents, and prevent the soiling of food preparation and food service areas. Improperly handled garbage creates nuisance conditions, makes housekeeping difficult, and may be a possible source of contamination of food, equipment, and utensils.

All containers must be maintained in good repair and cleaned as necessary in order to store garbage and refuse under sanitary conditions as well as to prevent the breeding of flies. Garbage containers should be available wherever garbage is generated to aid in the proper disposal of refuse. Outside receptacles must be constructed with tight-fitting lids or covers to prevent the scattering of the garbage or refuse by birds, the breeding of flies, or the entry of rodents.

43. Toilet facilities: properly constructed, supplied, cleaned

Authority: California Retail Food Code, §§ 114250, 114250.1, 114276; California Health and Safety Code § 118600, LA County Code of Ordinances, Title 11, § 11.38.570, Title 24 of the California Code of Regulations.

This violation category is used to indicate the compliance status with toilet facilities that are properly constructed, supplied, and maintained clean.

OUT – “**OUT**” shall be marked if toilet facilities are not maintained clean, adequately supplied, in good repair, and/or the toilet facility doors lack a self-closing mechanism.

Examples of violations include:

- Toilet rooms are not conveniently located and accessible to employees at all times the facility is in operation. [§114250]
- Toilet paper is not in a permanently installed dispenser at each toilet. [§114250]
- A food facility at a food court that was built after July 1, 2007, and the employee toilet facilities are located more than 200 feet away. [114250.1]
- Toilet rooms are not clean and in good repair. [§114276(a)]
- A food facility which is constructed after July 1, 1984, that offers onsite consumption of food and has more than 20,000 square feet of floor space, does not provide toilet facility for consumers, guest, and invitees. [§114276(b1)]
- Patrons, guests, or invitees pass through food preparation, food storage, or utensil washing areas to reach the toilet facilities. [§114276(b2)]
- The toilet room door is a damaged, is not well-fitted, and/or is missing self-closing door mechanism. [§114276(c2)]
- The handwashing sink provided for a toilet room is not in good repair and/or is missing. [§114276(d)]
- The all-gender sign at a single-user toilet room is either missing or does not meet all requirements. [§114276(e), §118600, 24 CCR, LACC Title 11 §11.38.570]
- A food facility constructed after January 1, 2004, offers onsite consumption of food, but does not provide toilet rooms for consumers, guest, and invitees. [§114276(f)]

Additional Violation:

- *Category #47 (Signs posted; last inspection report available)* shall also be marked if a “No Public Restroom” or similar signage is not posted at a facility built prior to January 1, 2004, that offers onsite consumption of food and does not provide access to toilet rooms. [§114276(f1)]

Notes:

- ❖ *Category #23 (Sewage and wastewater properly disposed)* shall be marked if there are **NO** functional toilets for employees on-site. [§114250]
- ❖ *Category #30 (Food storage; food storage containers identified)* shall be marked if food is stored in a toilet room. [§114049]
- ❖ *Category #37 (Equipment, utensils and linens: storage and use)* shall be marked if clean equipment, utensils, laundered linens, and/or single-use articles are stored in the toilet room.
- ❖ *For the purposes of determining whether a public restroom is required, the gas pump area of a service station that is maintained in conjunction with a food facility shall not be considered in determining the square footage of the floor space of the food facility.*
- ❖ *Food facilities located within malls, amusement parks, stadiums, arenas, food courts, fairgrounds, TFF’s and similar premises are not required to provide toilet facilities for employee use within each food facility if approved toilet facilities are located within 200 feet in travel distance of each food facility and are readily available for use by employees. Any food facility taking advantage of this allowance must be provided with approved handwashing facilities for employee use. [114250.1(a)]*
- ❖ *Food facilities approved prior to July 1, 2007, with toilet facilities within 300 feet are not required to meet the 200-foot requirement. 114250.1(b)]*
- ❖ *A food facility’s toilet facilities must be within the premises unless otherwise exempt. Food employees at a permanent food facility may not use a neighboring business toilet facility as a substitute for the lack of toilet facilities in their own workplace.*
- ❖ *Toilet room doors may be kept open during cleaning or maintenance.*
- ❖ *“Single-user toilet facility” means a toilet facility with no more than one water closet and one urinal with a locking mechanism controlled by the user.*
- ❖ *All single-user toilet facilities in any business establishment, shall be identified as all-gender toilet facilities by signage that complies with Title 24 of the California Code of Regulations, and designated for use by no more than one occupant at a time or for family or assisted use.*
 - *An all-gender toilet sign includes a triangle on a circle symbol. The circle must be 12" in diameter, and the overlaid triangle must have a 10.4" base and 9" height with the triangle point directed upwards.*

Public Health Reason:

Toilet facilities

Toilet rooms must be conveniently accessible to food employees at all times to encourage employee use of appropriate facilities for the disposing of human wastes as needed followed by the washing of hands. Because handwashing is such an important factor in the prevention of foodborne illness, sufficient facilities must be available to make handwashing not only possible, but also likely. A handwash sign is posted in the restroom to remind workers and patrons to wash their hands.

To minimize hand contact with fecal waste, toilet tissue is necessary for hygienic cleaning following use of toilet facilities. Toilet tissue must be supplied to meet the demand.

44. Premises; personal/cleaning items; vermin proofing

Authority: California Retail Food Code, §§ 114143(a, b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282

This violation category is used to indicate the compliance status with storage of personal items and cleaning supplies, availability of dressing room(s), and vermin proofing requirements.

OUT – “**OUT**” shall be marked when violations involving dressing rooms/areas, storage of personal items/cleaning equipment and supplies, and possible entrance of vermin are observed.

Examples of violations include:

Premises

- The premises are not kept free of litter and items that are unnecessary to the operation or maintenance of the facility. [§14257.1]
- The open-air barbecue or outdoor wood burning oven is not operated on the same premises, in conjunction with a permanent food facility or is operated in an area that may pose a fire hazard. [§114143(a, b)]
- Washing floor mats at the exterior of the food facility. [§114279]
- No curbed cleaning facility or janitorial sink with drain is provided. [§114279(a)]
- Mops/brooms stored in an unapproved area and/or an unapproved manner. [§114281, §114282]
- No mop/broom holder. [§114282]
- Mops, after use, are not placed in a position that allows them to air dry without soiling walls, equipment, or supplies. [§114282]

Storage of Personal/Cleaning Items

- Employee’s personal items (e.g., jacket, purse, keys, cell phone, medicines, radio, or TV) are stored in the food preparation/storage area. [§114256]
- Lockers or areas designated for employees are located in an area where contamination of food, equipment, utensils, linens and single-use articles can occur. [§114256]
- Dressing area is cluttered or unclean. [§114256.1]
- Lockers or other suitable facilities are not provided for the storage of employee clothing and other personal possessions, or dressing rooms/areas are not provided for employees who regularly change their clothes in the food facility. [§114256.1]
- Evidence of drinking/eating/tobacco product use by food employees, however the food employee is not actually observed eating, drinking, or using tobacco products at the time of inspection. [§113977]
- First aid supplies do not have legible manufacturer’s labels and/or stored in a kit or container that is located in an area that can cause contamination of food, utensils, and single-use articles. [§114256.4]
- There is not a designated room, area, or cabinet that is separate from any food prep or storage area, or warewashing or storage area, provided for the storage of cleaning equipment and supplies. [§114281]

Vermin Proofing

- The food facility is not constructed, equipped, maintained, or operated in a manner that prevents the entrance or harborage of animals, birds, or vermin, including but not limited to, insects and rodents. [§114067(j), §114259]
- Facility has missing/torn window screen(s). [§114257, §114259]
- Exterior door(s) and/or roll-up metal door does not seal adequately (e.g., gaps greater than ¼ inch at the sides, top, or bottom). [§114259]
- Doors or windows of the dining area are open, and the kitchen is not fully enclosed or is not properly vermin proofed. [§114259]
- The air curtain is ineffective, non-functional, or turned off at an open door, pass-thru window, or roll-up door. [§114259.2]
- Passthrough window service openings **do not comply** with the following: [§114259.2]
 - Service openings are limited to 216 square inches each.
 - Service openings are not closer than 18 inches.
 - Screening shall be at least 16 mesh per square inch.
 - Passthrough windows between 216-432 inches are approved if equipped with an air curtain device.
 - Passthrough openings shall be provided with a solid or screened window, equipped with a self-closing device.
 - The counter surface of the service openings shall be smooth and easily cleanable.
- Insect control devices are not maintained in good repair. [§114259.3]
- Insect electrocution devices do not retain the insect within the device and/or are located over food or utensil handling areas. [§114259.3]

Additional Violation:

- *Category #5 (Proper eating, drinking, or tobacco use) shall also be marked if a food employee is observed actively eating, drinking, and/or using tobacco in non-designated areas. [§113977]*

Public Health Reason:

Facilities, equipment, utensils

Keeping the facility, all equipment and utensils clean, fully operable, and in good repair ensures the facility can be operated safely, without contaminating the food product or posing hazards to employee and customer safety. Proper maintenance of equipment to manufacturer specifications helps ensure that it will continue to operate as designed. Failure to properly maintain equipment could lead to violations of the associated requirements of the Code that place the health of the consumer at risk. For example, refrigeration units in disrepair may no longer be capable of cooling or holding potentially hazardous foods at safe temperatures.

Designated employee areas

Areas designated to accommodate employees' personal needs must be carefully located because employees could introduce pathogens to food by hand-to-mouth-to-food contact and street clothing and personal belongings carry contaminants. Food, food equipment and utensils, clean linens, and single-service and single-use articles must not be in jeopardy of contamination from these areas.

Medicines, restriction, and storage

Medicines that are not necessary for an employee's health may present an unjustified risk to the health of other employees and consumers due to misuse and/or improper storage, however there are circumstances that require having personal medications on hand in the food facility. Proper labeling and storage of medicines helps to prevent accidental misuse, contamination of food, and contamination of food contact surfaces.

Storage of first aid supplies

First aid supplies for employee use must be identified and stored in accordance with the requirements of this Code in order to preclude the accidental contamination of food, food equipment, and other food contact surfaces.

Litter, nonfunctional equipment, or equipment that is no longer used

Litter and unused equipment allow for the harborage of pathogenic organisms, insects, and rodents. All of these items should be removed as soon as possible to prevent such harborages. In addition, clutter in a facility

can result in contamination of stored food and food undergoing preparation. Clutter and unused equipment can be trip hazards and impede free movement in a facility, resulting in an unsafe work environment.

Exclusion of vermin

Insects and rodents are vectors of disease-causing microorganisms that may be transmitted to humans by contamination of food and food contact surfaces. Sealing outer openings to the food facility and cleaning the facility to prevent any possible vermin attractions minimize the presence of insects and rodents.

Insect control devices, design, and installation

Insect electrocution devices are considered supplemental to good sanitation practices in meeting the Code requirement for controlling the presence of flies and other insects in a food facility.

Improper design of the device and dead insect collection tray could allow dead insect parts and injured insects to escape, rendering the device itself a source of contamination.

Exposed food and food contact surfaces must be protected from contamination by insects or insect parts. Installation of the device over food preparation areas or in close proximity to exposed food and/or food contact surfaces could allow dead insects and/or insect parts to be impelled by the electric charge, fall, or be blown from the device onto food or food contact surfaces.

Storage area for cleaning equipment and supplies

Brooms, mops, vacuum cleaners, and other maintenance equipment may contribute contamination to food, food contact surfaces, and may also contribute to the harborage of vermin. These items must be stored in a manner that precludes contamination of foods, food contact surfaces, and harborage of vermin.

Curbed cleaning facility

A service sink or curbed facility with hot and cold running water is required so that the cleanliness of the food facility can be maintained, attractants for insects and rodents minimized, and contamination of food and equipment by accumulated soil prevented. Liquid wastes generated during cleaning must be disposed of in a sanitary manner to preclude contamination of food and food equipment. A service sink is provided to prevent the improper disposal of wastes into other sinks such as food preparation and handwashing sinks.

Mop water and similar liquid wastes are contaminated with microorganisms and other filth. Wastewater must be disposed of in a sanitary manner that will not contaminate food or food equipment. A service sink or curbed cleaning facility with a drain allows for such disposal.

Drying mops

Mops can contaminate food and food preparation areas if not properly cleaned and stored after use. Mops should be cleaned and dried in a sanitary manner away from food flow areas.

45. Floors, walls and ceiling: built, maintained and clean

Authority: California Retail Food Code, §§ 114143(d), 114257, 114266, 114268, 114268.1, 114271, 114272

This violation category is used to indicate the compliance status with the floors, walls, and ceiling requirements.

OUT – “OUT” shall be marked if walls, ceilings, and/or floors are unapproved, not maintained, unclean and/or in not good repair.

Examples of violations include:

- Floors, walls, and ceilings are not maintained clean, made of an unapproved material, and/or in good repair. [§114257, §114268, §114271]
- A floor drain is missing the cover. [§114257, §114268]
- Deteriorated grout between wall/floor tiles. [§114257, §114268]
- Missing electrical outlet or light-switch cover. [§114257, §114268]

- A floor sink with an accumulation of food debris/debris. [§114257, §114268]
- Ceiling panels are missing, damaged, and/or made of an unapproved material. [§114257, §114271]
- A permanent food facility is not fully enclosed in a building or does not consist of permanent floors, walls, and an overhead structure that meet minimum standards. [§114266]
- Cardboard or unapproved floorboards are used to line the floors. [§114268]
- Concrete floors are no longer smooth with aggregate protruding. [§114268]
- Floor surfaces are not coved at the floor-wall juncture with a minimum 3/8-inch radius base coving extending 4-inches up the wall where required. [§114268(b)]
- Using an unapproved method of cleaning the floors/walls/ceilings (e.g., not using a dustless method such as wet cleaning or vacuum cleaning). [§114268.1]
- Mats and duckboards (if used) are not removable and easily cleanable. [§14272]
- The floor surface extending from a permanent open-air barbecue or wood-burning oven is not a minimum of five feet and/or is not impervious or easily cleanable. [§114143(d)]

Notes:

- ❖ *Wall and ceiling requirements do not apply to the walls and ceilings of bar areas in which alcoholic beverages are sold or served (except wall areas adjacent to bar sinks and areas where food is prepared); or where food is stored only in unopened bottles, cans, cartons, sacks, or other shipping containers; or dining and sales areas, offices, or restrooms used exclusively by patrons. [§114271(b)]*
- ❖ *A food facility that is not fully enclosed on all sides and that was in operation on January 1, 1985, does not need to meet this requirement until the facility is remodeled, has a significant menu change, or significant change in its method of operation. [§114266(a)]*
- ❖ *Dining areas or any other operation approved for outdoor food service is not required to be enclosed. [§114266(b)]*
- ❖ *A produce stand that was in operation prior to July 1, 2007, may have no more than one side open to the outside air during business hours. [§114266(c)]*
- ❖ *Public or private schools remodeled or constructed prior to January 1, 2007, are not required to have base coving provided that the existing floor surfaces are maintained in good repair and in a sanitary condition.*
- ❖ *Acceptable cleaning methods include wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust-arresting compounds. [§114268.1(a)]*
- ❖ *Use of approved dust-arresting floor sweeping and cleaning compounds during floor cleaning operations is allowed. Use of anti-slip floor finishes or materials is allowed in areas where necessary for safety reasons. [§114268(e)]*
- ❖ *Sawdust, wood shavings, peanut hulls, or similar materials may be used in dining and serving areas only. Use of approved dust-arresting floor sweeping and cleaning compounds during floor cleaning operations is allowed. [§114268(d, e)]*
- ❖ *Spills or drippage may be cleaned without the use of dust-arresting compounds. Liquid spills and drippage may be cleaned with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth that is applied immediately before cleaning. [§114268.1(b)]*

Public Health Reason:

Walls, and ceilings, floor covering, mats, and duckboards

Floors that are of smooth, durable construction and that are nonabsorbent are more easily cleaned.

Requirements and restrictions regarding floor coverings, utility lines, and floor/wall junctures are intended to ensure that regular and effective cleaning is possible, and that insect and rodent harborage is minimized.

The restrictions for areas not suited for carpeting materials are designed to ensure cleanability of surfaces where accumulation of moisture or waste is likely.

Requirements regarding mats and duckboards are intended to ensure that regular and effective cleaning is possible, and that accumulation of dirt and waste is prevented.

When cleaning is accomplished by spraying or flushing, grading of the floor to drain allows liquid wastes to be quickly carried away, thereby preventing pooling which could attract pests.

46. Sleeping Quarters

Authority: California Retail Food Code, §§ 114285, 114286

This violation category is used to indicate the compliance status with the absence of sleeping or living quarters within the food facility.

OUT – “**OUT**” shall be marked if sleeping and/or living quarters are observed within the food facility.

Examples of violations include:

- A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters, is used for conducting food facility operations. [§114285]
- There is a door/opening connecting the food facility and living/sleeping quarters. [§114286]
- A sleeping accommodation (e.g., bedding, cot, mattress, etc.) is kept in a room where food is prepared, stored, or sold. [§114286]
- Living or sleeping quarters that are located on the premises of a food facility are not separated from rooms and areas used for food facility operations by complete partitioning and solid, self-closing door(s). [§114286]

Note:

- ❖ *Restricted food service facilities, MEHKOs, and CFOs are exempt provided that no sleeping accommodations are in any area where food is prepared or stored. [§114285(c)]*

Public Health Reason:

Private homes and living or sleeping quarters, use prohibition

Areas or facilities that are not compatible with sanitary food facility operations must be separated from other areas of the food facility to preclude potential contamination of food and food contact surfaces from poisonous or toxic materials, dust or debris, the presence of improperly designed facilities and equipment, and the traffic of unauthorized and/or unnecessary persons or pets.

SIGNS/REQUIREMENTS

47. Signs posted; last inspection report available

Authority: California Retail Food Code, §§ 113725.1, 113953.5, 113978, 114276, 114381(e); LA County Code of Ordinances, Title 8 §§ 8.04.750, 8.04.752

This violation category is used to indicate the compliance status with the posting of required signs, grade/score card, permit(s), and availability of the last inspection report.

OUT – “**OUT**” shall be marked if required signs are missing, most recent inspection report cannot be provided, and/or the grade card/score card/permit is not conspicuously posted.

Examples of violations include:

- Grade/score card is not properly posted as required by Ordinance #97-0071. [Title 8 LACCO, §8.04.752]
- Permit is not posted in a conspicuous location. [§114381(e), Title 8 LACCO, §8.04.750]
- A copy of the most recent routine inspection report is not available upon request. [§113725.1]
- A sign was not posted advising patrons that a copy of the most recent inspection report is available for review. [§113725.1]
- “No Smoking” sign is not posted in food preparation, food storage, and/or warewashing areas. [§113978]
- Handwashing sign is not posted at handwashing sinks used by food employees. (*This section does not apply to toilet rooms in guestrooms of restricted food service facilities*) [§113953.5]

- A facility, built prior to January 1, 2004, that offers the onsite consumption of food and no consumer toilet facilities, does not have a “No Public Restroom” sign or similar signage posted. [§114276(f1)]

Notes:

- *Category #17 (Compliance with Gulf Oyster Regulations)* shall be marked if Gulf Oyster warning signs are missing at food facility selling them. [Title 17 CCR §13675]
- *An electronic version of the inspection report is acceptable.*
- *Facilities in cities that have not passed Ordinance #97-0071 are not required to post a grade/score card, however, they are required to post a Public Notice as required in Title 8 LACCO, §8.04.752.*

Public Health Reason:

Inspection report availability

The last routine inspection report shall be available for review by patrons upon request so that they can make an informed decision whether they want to consume food purchased at that location.

Signs Posted

The permit is required to be posted where it is easily visible and obvious to both consumers and regulators. This ensures that the public and regulators can determine if a facility has been approved and issued a permit by the local enforcement agency.

A handwash sign is posted in the restroom to remind workers and patrons to wash their hands.

A “No Smoking” sign is posted in food preparation, food storage, and warewashing areas to remind workers that smoking is prohibited in these areas to prevent the contamination of food, equipment, and utensils.

In cities within Los Angeles County that have adopted Ordinance #97-0071, the grade/score card a facility receives at the conclusion of a routine inspection must be posted in a location that is clearly visible to the general public and to patrons. This informs the public of the facility’s compliance status at the time of the routine inspection and allows for the consumer to make informative choices as to where they dine.

48. Permits Available

Authority: California Retail Food Code, §§ 114381, 114387

This violation category is used to indicate the compliance status with permit requirements.

OUT – “OUT” shall be marked if a food facility does not have a valid public health permit (PHP) and/or is operating outside the scope of their permit.

Examples of violations include:

- A food facility is open for business and does not have a valid PHP. [§114381(a), §114387]
- Food facility is handling/storing food beyond the scope of the issued permit (e.g., liquor store preparing food). (*Refer to the Plan Check program*) [§114381]
- A retail food facility is engaging in wholesale activities that exceed 25% of the total gross sales. (*Refer to Wholesale Food Safety Program*). [§114381]

CORRECTIVE ACTION:

- If an existing food facility is delinquent on their permit fees and is observed operating, the EHS shall direct the facility owner/operator to pay for the permit fee in-full within *3 business days*.
- If a newly permitted food facility has not paid their permit fees by the first routine inspection, the EHS shall direct the owner/operator to pay for the permit fee in-full within *7 calendar days*.
- If the routine inspection/site-evaluation reveals that a new owner has changed the menu, operation, and/or has undergone extensive remodeling, the EHS shall direct the owner/operator to discontinue operation and make a referral to the Plan Check program.
- If a newly constructed food facility is operating without approved plans, the EHS shall direct the

owner/operator to discontinue operation, red tag the equipment, and make a referral to the Plan Check program.

- If a facility is operating outside of the scope of its permit (e.g., coffee shop adds cooked egg sandwiches to their menu), the EHS shall direct the facility owner/operator to discontinue those operations, red tag the food/equipment (if applicable) and make a referral to the Plan Check program.

Additional Violations:

- *Category #51 (Impoundment/VC&D/Sampling)* shall also be marked if food/equipment has been voluntarily condemned and disposed of or impounded/red tagged. (See *VC&D/Red Tag/Impound instructions under Inspection Services*) [§114393]
- *Category #52 (Permit Suspended, Revoked, Modified, or Closed for No Permit)* shall also be marked if a facility is ordered to closed due to lack of a public health permit or the permit is suspended. [§114405, §114387]

Notes:

- ❖ *A facility with a food display area of 25 square feet or less of prepackaged, non-potentially hazardous food that complies with CRFC, §114289(c) does not require a permit.*
- ❖ *A routine inspection shall not be conducted if a facility has undergone a change of ownership (COO) and EHS shall follow COO procedures.*
- ❖ *An unapproved food facility operating without a valid public health permit shall be subject to closure and a penalty not to exceed three times the cost of the permit.*
- ❖ *For purposes of enforcement, the EHS may, during the facility's hours of operation and other reasonable times, enter, inspect, issue citations to, and secure any sample, photographs, or other evidence from a food facility.*
- ❖ *A retail food facility will need to obtain a Process Food Registration (PFR) if:*
 - *The gross annual wholesale sales of processed foods exceed more than 25% of the total food sales.*
 - *Facility wholesales processed foods that are subject to labeling requirements pursuant to the Sherman Food, Drug, and Cosmetic Law.*
 - *A facility sells processed foods outside the jurisdiction of the local health department.*
 - *The facility processes or handles fresh seafood, frozen seafood held in bulk for further processing, or fresh or frozen raw shellfish for wholesale.*
 - *The facility salvages processed foods for sale other than at the retail food facility.*
 - *A food facility is bottling juice for off-site sale to their own satellite retail outlets.*

Public Health Reason:

Permits and fees

Requiring a food facility to obtain a valid permit affords the enforcement agency an opportunity to conduct an investigation to ensure that the facility and its methods of operation can prepare and dispense food that is safe and unadulterated.

Having a non-transferable permit allows the enforcement agency to review the facility's proposed operation by a new owner, at the same location, possibly involving a different type of food operation than the previous permit holder, to ensure that the facility and its methods of operation are in compliance with current CRFC requirements.

Fees may be necessary to cover the cost of enforcing CRFC. Many environmental health programs are fee-based funded programs, meaning that no taxes are used for enforcement of environmental health programs. Without charging fees, some jurisdictions would be unable to operate food facility inspection services.

49. Plan Review

Authority: California Retail Food Code, §§ 113715, 114380

This violation category is used to indicate the compliance status with the facility obtaining prior Plan Check program approval before remodeling, new construction, and/or installation of new equipment.

OUT – “**OUT**” shall be marked and a referral made to the Plan Check program if a food facility is undergoing remodeling/new construction or has installed new equipment prior to Plan Check program approval, or a change in menu has occurred.

Examples of violations include:

- Facility has undergone remodeling/new construction without prior approval. [§113715, §114380]
- Molluscan shellfish life support system display tanks are installed without Plan Check program approval. [§114380]
- Facility has added equipment without Plan Check program approval. [§114380]
- Facility has undergone a change in menu. [§114380]

Notes:

- ❖ *Structural and sanitation requirements are based on the food service activity that will be conducted, the type of food that is prepared or served, and the extent of food preparation that is to be conducted at the food facility.*
- ❖ *Plans may be required by the enforcement agency due to a menu change that would require a change in the food facility’s food preparation methods, storage equipment, or storage capacity previously approved by the local enforcement agency. These changes may include, but are not limited to, the addition of potentially hazardous food to a menu, installation of new food preparation or storage equipment, or increasing storage capacity.*

Public Health Reason:

Plan Review

Plan review by the local enforcement agency ensures a facility meets construction requirements covered in CRFC, as well as applicable plumbing, mechanical, and electrical code requirements. A plan review that includes a review of all aspects of the facility’s construction for a complete picture of the facility and its method of operation lays a foundation that enables the proposed operation to proactively sustain compliance with CRFC over time.

COMPLIANCE & ENFORCEMENT

50. Notification of Intent to Suspend

Authority: California Retail Food Code, §§ 114405, 114411

This category shall be marked “**OUT**” when an EHS issues a Notification of Intent to Suspend.

OUT – “**OUT**” shall be marked if:

- A repeat CRF violation from the prior routine inspection is observed during the routine inspection. [§114405, §114411]
- CRFV violation is observed outstanding during the first re-inspection. [§114405, §114411]
- A repeat GRP violation from the prior routine is observed outstanding during the first re-inspection. [§114405, §114411]
- GRP violation is observed outstanding during the first chargeable re-inspection. [§114405, §114411]

51. Impoundment/Voluntary condemn and dispose (VC&D)/Sampling

Authority: California Retail Food Code, §§ 114390, 114393

This category shall be marked “**OUT**” if the operator voluntarily condemns and disposes of food, and/or the EHS takes samples of and/or impounds food/equipment/utensils.

OUT – “**OUT**” shall be marked if:

- Food/utensils/equipment/documents are: [§114393]
 - Impounded/Red Tagged
 - Voluntarily condemned and disposed by the operator or employee
- Evidence collected (e.g., copies of a HACCP plan, invoices, etc.) [§114390]
- Samples collected (e.g., for testing at a laboratory or compliance review, etc.) [§114390]
- Photographs are taken as evidence for a court case [§114390]

Note:

- ❖ *The enforcement agency has within 30 days from the initial date that food, equipment, or utensils were impounded to commence proceedings to release the impounded materials, or to seek administrative or legal remedy for its disposition.*

Public Health Reason:

Impoundment

Impound authority is necessary to prevent unsanitary and/or damaged equipment from contaminating or adulterating a food product. Adulterated and/or contaminated food products must be impounded to prevent them from being served to the public if they will increase the risk of disease or injury as determined by the enforcement officer.

Enforcement responsibility; evidence; inspection report

Any evidence collected may be used to determine the source of contamination and show proof of unsanitary conditions that may have contributed to a food-borne illness.

Enforcement officers, as defined by CRFC, must be able to enter and inspect any food facility to ensure compliance with all applicable requirements of CRFC. For safety and security reasons, employees may refuse entry to an enforcement officer who is unable to show proof that they are an authorized enforcement officer as specified in this section.

A written report of an inspection is provided to the facility as a record of the inspection that must be presented for review upon request by interested parties (customers, enforcement officers, reporters, etc.). In addition, it provides a record for the facility to use in improving the food facility, as the inspection report will list required corrective action.

52. Permit Suspended, Revoked, Modified, or Closed for No Permit

Authority: California Retail Food Code, §§ 114405, 114409, 114411, 114387

This category is marked “**OUT**” when a food facility’s permit has been suspended or revoked due to an imminent health hazard or continued non-compliance, or the facility is closed for operating without a valid public health permit. This category shall also be marked “**OUT**” when one or multiple food operations that work under one permit are required to close while the remainder of the food operations are allowed to operate.

OUT – “**OUT**” shall be marked when:

- The public health permit is suspended due to an imminent health hazard. [§114405, §114409]
- A food facility is closed due to operating without a valid public health permit. [§114387]
- A facility’s permit is suspended for the second time within a 12-month period and a revocation hearing is issued. [§114405]
- The public health permit is suspended due to the food facility owner/operator/employee(s) interfering with the duties of a health officer/EHS. [§114411]
- A meat market and prepackaged food market are operating under one permit and the warewashing sink in the meat market is inoperable. The meat market shall be directed to close, and the prepackaged food market may continue operating. [§114411]

Note:

- ❖ *The food facility operator may be issued a citation for three times the cost of a permit if found operating without a public health permit. [114387]*
- ❖ *All closures require approval of the Chief EHS or designee.*

Public Health Reason:

Permit suspension or revocation

Authority to suspend or revoke a public health permit to operate a food facility is given to local enforcement officers in order to allow them to curtail violations of CRFC in order to protect the public. Administrative due process is required by CRFC to ensure owners/operators are treated fairly and are provided an opportunity to present evidence as to why their permit should not be suspended or revoked.

Immediate closure

Any imminent health hazard, as defined by CRFC, is a threat to the health and safety of the public. Local enforcement officers have the authority to suspend a permit and order immediate closure of a facility in order to protect that public from certain health hazards.

Permit Modified

A permit is modified when a public health permit is not suspended, however one or multiple food operations under one permit is directed to discontinue operating. The remaining operations under the same permit may continue to operate as they do not pose an imminent health hazard.

53. Multiple Major Critical Violations/Increased Risk to Public Health

This category is marked “**OUT**” if two (2) or more major critical risk violations are marked resulting in an additional three (3) points deducted.

OUT – “**OUT**” shall be marked if two (2) or more of the following major critical (4-point) violations are marked:

- Category #3. Communicable disease; reporting, restrictions & exclusions
- Category #4. No discharge from eyes, nose and mouth
- Category #6. Hands clean and properly washed, proper glove use
- Category #8. Proper hot and cold holding temperatures
- Category #9. Time as a public health control; procedures & records
- Category #10. Proper cooling methods
- Category #11. Proper cooking time and temperature
- Category #12. Proper reheating procedures for hot holding
- Category #14. Food in good condition, safe and unadulterated
- Category #15. Food contact surface; clean and sanitized
- Category #16. Food obtained from approved source
- Category #17. Compliance with shell stock tags, condition, display
- Category #18. Compliance with Gulf Oyster Regulations
- Category #19. Compliance with variance, specialized process & HACCP
- Category #21. Licensed health care facilities/public & private schools: prohibited foods not offered
- Category #22. Hot and cold water available (*only when the 4-point dedication is marked*)

Exception: Category #53 (Multiple Major Critical Violations/Increased Risk to Public Health) shall **NOT** be marked if a permit is suspended for a 11-point deduction:

- 22. Hot and cold water available
 - 23. Sewage and wastewater properly disposed
 - 24. No insect, rodent, birds or animals present
-

VII. FOOD FACILITY SELF-INSPECTION CHECKLIST

The Self-Inspection Checklist is provided as guidance for the food operator to use in evaluating their food facility's operation and food handling practices. It is separated into High Risk Factors and Low Risk Factors which are based on the same food safety principles as the Retail Food Official Inspection Report (FOIR) or Compliance Report.

Note: Although the safety principles used in this Self-Inspection Guide are the same as those used in the FOIR, not all Code requirements are listed on this form.

HIGH RISK FACTORS	MET	NOT MET
EMPLOYEE HEALTH, HYGIENE & KNOWLEDGE		
1. Demonstration of knowledge: <ul style="list-style-type: none"> Food employees have food safety knowledge that is related to their assigned duties. 		
2. Food safety certification <ul style="list-style-type: none"> At least one food employee is a Certified Food Protection Manager and has a valid certificate. Food employees have a valid certified food handler card. 		
3. Communicable disease; reporting, restrictions & exclusions: <ul style="list-style-type: none"> Food employees have no open sores or cuts on hands or fingers. No employees diagnosed with a communicable disease are handling food/utensils. 		
4. No discharge from eyes, nose, and mouth <ul style="list-style-type: none"> No employees have reported experiencing an illness. Food employees are not experiencing persistent sneezing, coughing, or runny nose that relates to discharge from eyes and nose. 		
5. Proper eating, drinking, or tobacco use <ul style="list-style-type: none"> Food employees do not eat, drink, chew gum, or smoke in food preparation, food storage, and utensil washing/storage areas. 		
PREVENT CONTAMINATION BY HANDS		
6. Hands clean and properly washed; proper glove use <ul style="list-style-type: none"> Employees wash their hands with soap and warm water at 100°F for at least 10 seconds: before starting work; immediately after using the restrooms; after handling raw animal products or unwashed produce; when there is hand contact with hair, skin, and clothes; before putting on gloves; any time needed to prevent food contamination. 		
7. Adequate hand washing facilities: supplied and accessible <ul style="list-style-type: none"> Employees wash their hands only in approved handwashing sinks. Handwashing sinks are supplied with soap and single-use towels in a dispenser. Handwashing sinks are clean and accessible/not blocked. 		
TIME AND TEMPERATURE RELATIONSHIPS		
8. Proper hot and cold holding temperatures <ul style="list-style-type: none"> Food is received at proper temperatures when delivered. Proper PHF hot (135°F or above) and cold (41°F or below) holding temperatures. 		
9. Time as a public health control; procedures & records <ul style="list-style-type: none"> Food is time marked and voluntarily disposed of within 4 hours of leaving temperature control if not served/sold. Written procedures available and complete. 		
10. Proper cooling methods <ul style="list-style-type: none"> PHF properly cooled (135°F to 70°F within 2 hours, 70°F to 41°F within additional 4 hours). Approved cooling methods used (e.g., using ice paddles, adding ice as an 		

ingredient, placing food in shallow pans, using rapid cooling equipment, using containers that facilitate heat transfer, in accordance with an approved HACCP plan, separating food into smaller or thinner portions, utilizing other effective means that have been approved by the Department, inserting appropriately designed containers in an ice bath and stirring frequently).		
<p>11. Proper cooking time and temperature</p> <ul style="list-style-type: none"> • Raw food products are cooked to the following internal cooking temperatures for at least 15 seconds: <ul style="list-style-type: none"> ▪ Cooked fruit/vegetables (meant for hot holding) ≥135°F. ▪ Raw shell eggs (for immediate service) are cooked to ≥145°F. ▪ Fish is cooked to ≥ 145°F. ▪ Single pieces of meat (beef, veal, lamb, pork) are cooked to ≥ 145°F. ▪ Ground meat (e.g., ground beef), any food containing raw eggs, and sausages are cooked to ≥ 155°F. ▪ Poultry, stuffed fish/meat are cooked to ≥ 165°F. 		
<p>12. Proper reheating procedures for hot holding</p> <ul style="list-style-type: none"> • Previously cooked and cooled food is reheated quickly to 165°F for at least 15 seconds before being served or placed in the hot holding equipment such as a steam table. • Reheating is done quickly, and the time the food is between 41°F and 165°F shall not exceed two (2) hours. • Proper equipment is used to reheat food (e.g., stove, microwave, grill, oven, etc.). • Roasts reheated as required. 		
PROTECTION FROM CONTAMINATION		
<p>13. Return and re-service of food</p> <ul style="list-style-type: none"> • Foods that have been returned or have been served to a customer are not being re-served/reused/offered to another customer for consumption. 		
<p>14. Food in good condition, safe and unadulterated</p> <ul style="list-style-type: none"> • Minimizing bare hand contact with exposed food that is not ready-to-eat by using utensils, tongs, forks, or gloves. • Food appears in good condition, with no signs of adulteration, damage, or contamination. • Ready-to-eat foods are stored separately or above raw animal products and unwashed produce. • Food items stored inside the refrigerator unit are covered with approved material and protected from overhead contamination. • Food is prepared/washed in a food preparation sink or other approved sink. 		
<p>15. Food-contact surfaces: clean and sanitized</p> <ul style="list-style-type: none"> • Equipment/utensils are properly washed, rinsed, and sanitized. • Sanitizer solution is at the approved concentration. • Water temperature at the warewashing sink reaches the minimum temperature required by the detergent used. • Multi-use utensils are clean and sanitized every 4 hours or as needed. 		
FOOD FROM APPROVED SOURCES		
<p>16. Food obtained from an approved source</p> <ul style="list-style-type: none"> • Food is purchased from other licensed and agency-regulated food facilities/ establishments, including Class B Cottage Food Operation (CFO). • Copies of invoices available onsite, upon request by a Health inspector. 		
<p>17. Compliance with shell stock tags, condition, and display</p> <ul style="list-style-type: none"> • Shell stock tags (kept for 90 days in chronological order)/invoices are maintained onsite. • Tags are kept with shell stock and different batches of shell stock are not comingled. • No dead or broken shellfish/shellfish is free of mud. 		

18. Compliance with Gulf Oysters Regulations <ul style="list-style-type: none"> • Raw Gulf Oysters (harvested between April 1st – October 31st) have been treated and verification letter is maintained on site. • Raw Gulf Oyster warning signs are posted as required. 		
ADDITIONAL CRITICAL RISK FACTORS		
19. Compliance with variance, specialized processes, and HACCP <ul style="list-style-type: none"> • HACCP plan(s)/variance(s) are being followed and related documents are kept onsite. • Food employees have been trained on the HACCP plan/variance and records are kept. 		
20. Consumer advisory provided for raw/uncooked foods. <ul style="list-style-type: none"> • A consumer advisory (disclosure & reminder) is provided. 		
21. Licensed health care facilities/public & private schools: prohibited foods not offered <ul style="list-style-type: none"> • No prohibited foods (e.g., raw seeds sprouts, unpasteurized milk/juice/eggs, raw meats, etc.) are served. 		
22. Hot and cold water available <ul style="list-style-type: none"> • All sinks (except the hand sink) are fully operable with hot water (120°F) and cold water under pressure at each faucet. • Hand wash sink and lavatories are fully operable with warm water (100°F -108°F) and cold water under pressure. • Potable water is available throughout the facility. 		
23. Sewage and wastewater properly disposed: <ul style="list-style-type: none"> • Floor drains and floor sinks are in good working order/no back up/overflow. • Grease trap or interceptor is maintained clean and in good working condition. 		
24. No insect, rodent, birds, or animals present: <ul style="list-style-type: none"> • Food facility is free from insects (e.g., flies, cockroaches, ants) & rodent infestation. • Live animals, birds, and fowl are not located in the food facility, except for service and animals. 		
GOOD RETAIL PRACTICES	MET	NOT MET
SUPERVISION		
25. Person in charge present and performs duties <ul style="list-style-type: none"> • A person in charge is available during the hours of operation and is performing their duties. 		
26. Personal cleanliness and hair restraint <ul style="list-style-type: none"> • Food employees wear clean outer clothing/aprons. • Applicable employees are properly restraining/covering their hair (e.g., hairnets, caps, bandanas, etc.). 		
GENERAL FOOD SAFETY REQUIREMENTS		
27. Approved thawing methods used, frozen food <ul style="list-style-type: none"> • Food is thawed under running water for ≤ 2 hours in an approved sink, microwave, as part of the cooking process, inside the refrigerator. • Frozen food is maintained in a frozen state unless being thawed/defrosted. 		
28. Food separated and protected <ul style="list-style-type: none"> • Food is prepared in approved areas. • Food is stored in a manner that prevents possible contamination. • Food at the customer self-service areas (e.g., buffet lines, salad bars, and salsa bars) have approved sneeze guards and dispensers. 		
29. Washing fruits and vegetables <ul style="list-style-type: none"> • Food is prepared/washed in a food preparation sink or another approved sink. • Chemicals used to wash/peel produce are not approved/do not meet requirements. 		

<p>30. Toxic substances properly identified, stored, and used</p> <ul style="list-style-type: none"> • Toxic substances used are approved for a food facility and are stored separately from food, food contact surfaces, equipment, utensils, and single-use articles. • Toxic substances are labeled. 		
FOOD STORAGE/DISPLAY/SERVICE		
<p>31. Food storage; food storage containers identified</p> <ul style="list-style-type: none"> • Food items are stored in an approved, clean, and dry location, and at least six (6) inches above the floor on approved racks, unless exempt (e.g., milk crates, etc.). • Working containers of food (not easily recognizable) are labeled with the common name. 		
<p>32. Consumer self-service</p> <ul style="list-style-type: none"> • Food and utensils are properly dispensed/protected from possible contamination. • Each container of food at a self-service station has a dispensing utensil. 		
<p>33. Food properly labeled & honestly presented</p> <ul style="list-style-type: none"> • Prepackaged foods meet all labeling requirements and is in English. • Food is honestly presented/as advertised. 		
EQUIPMENT/UTENSILS/LINENS		
<p>34. Non-food contact surfaces clean</p> <ul style="list-style-type: none"> • Non-food contact surfaces of equipment are clean. 		
<p>35. Warewashing facilities: installed, maintained; used; test equipment</p> <ul style="list-style-type: none"> • Correct test strip/kit available and maintained on site. • Manual/Mechanical warewashing sink is in good repair. • Faucet can reach all compartments of the manual warewashing sink. • Three (3) compartment sink or manual warewashing sink is large enough to accommodate the largest equipment or utensil that requires washing and sanitizing. • A temperature measuring device is accessible/available for use for manual warewashing. 		
<p>36. Equipment/utensils approved: installed; good repair; capacity</p> <ul style="list-style-type: none"> • Equipment/utensils/fabric implements are approved and in good repair. • Equipment has ANSI certification (NSF, ETL, UL-Listed, CSA). • Equipment is properly installed. 		
<p>37. Equipment, utensils, and linens: storage and use</p> <ul style="list-style-type: none"> • Equipment, utensils, and linens are properly stored in an approved location/manner to prevent contamination. • Soiled linens are kept separate from food, single-use utensils, clean equipment, and multi-utensils. • Equipment, utensils, and linens are used as intended. • CO2 tanks are properly secured to a rigid structure. 		
<p>38. Adequate ventilation and lighting; designated areas, use</p> <ul style="list-style-type: none"> • Adequate ventilation and lighting are provided throughout the facility. • Hood, grease filters, and make-up air vents are clean, properly installed, and well maintained. • Cooking equipment is under the correct mechanical exhaust hood type (except for exempted cooking equipment). • Light fixtures are shatterproof or fitted with light shields and in good repair. 		
<p>39. Thermometers provided and accurate</p> <ul style="list-style-type: none"> • Thermometers calibrated, available, approved, and in good repair. • Hot holding and cold holding units have an accurate thermometer where required. • Metal probe thermometer is accurate and accessible. 		

<p>40. Wiping cloths; properly used and stored</p> <ul style="list-style-type: none"> • Reusable wiping cloths are kept in a clean sanitizing solution at an approved concentration. • Working containers of sanitizing solutions for reusable wiping cloths are stored separately from food equipment, utensils, linens, or single-use articles. • Wiping cloths used with raw foods of animal origin are kept separately from cloths use for other purposes. 		
PHYSICAL FACILITIES		
<p>41. Plumbing: fixtures, backflow device, drainage</p> <ul style="list-style-type: none"> • Plumbing fixtures such as faucets/drainpipes/drains are clean and in good repair (e.g., not leaking or clogged). • Minimum one (1) inch air gap between the flood level rim of a floor sink and the end of a drain pipe. • Backflow prevention device(s) are installed at applicable sinks. 		
<p>42. Garbage and refuse properly disposed; facility maintained</p> <ul style="list-style-type: none"> • A separate area for refuse, recyclables, and returnable food. • Premises around the exterior of the food facility and trash area are clean, free of debris/castoff, and trash container lids are closed. 		
<p>43. Toilet facilities: properly constructed, supplied, cleaned</p> <ul style="list-style-type: none"> • Restrooms are supplied, clean, in good repair, and doors have a self-closing device. • Toilet tissue dispensers are permanently installed, full, and in good repair. • Ventilation is provided in each restroom and is in proper working order. 		
<p>44. Premises: personal/cleaning items; vermin proofing:</p> <ul style="list-style-type: none"> • Janitorial supplies are available and stored separately from food, food contact surfaces, equipment, and utensils. • Employee personal items are stored away from food preparation/equipment/utensil/food storage areas. • Dressing rooms, if applicable, are maintained and clean. • Lockers or other suitable areas are available for employees to store personal belongings or other possessions. • All exterior doors/pass windows are closed when not in-use, and in good repair. • Premises is rodent proof. • Air curtain is operating properly. 		
<p>45. Floors, walls and ceilings properly built, maintained and clean</p> <ul style="list-style-type: none"> • Floors, ceilings, and walls are clean, approved, and maintained in good repair. • A minimum of 3/8 inch radius base coving tiles are installed in required areas and extend up the wall by 4 inches. 		
<p>46. No unapproved sleeping quarters</p>		
SIGNS/REQUIREMENTS		
<p>47. Signs posted; last inspection report available:</p> <ul style="list-style-type: none"> • Legible handwashing and no smoking signs are properly posted in required areas. • Grade/Score Card and Public Notification are posted in an area visible to the consumer (in applicable cities). • The most recent FOIR is available at the facility. • Public Health Permit is posted in an area visible to the consumer. 		
<p>48. Permits available:</p> <ul style="list-style-type: none"> • Permit is valid. • Facility is working within the scope of the permit. 		
<p>49. Plan Review</p> <ul style="list-style-type: none"> • Construction/remodeling has been approved by the Plan Check program. • All equipment is ANSI certified and installed after approval was obtained. 		

VIII. LISTING OF ALL RETAIL FOOD INSPECTION PROGRAMS

**ENVIRONMENTAL HEALTH
DISTRICT INSPECTION BRANCH OFFICES**

<p>Civic Center Office 3530 Wilshire Blvd., 9th Fl. Los Angeles, CA 90010 (213) 351-7892 Fax: (213) 351-2788</p>	<p>Mid-City Office 3530 Wilshire Blvd., 9th Fl. Los Angeles, CA 90010 (213) 351-7892 Fax: (213) 351-2788</p>	<p>Hollywood Office 3530 Wilshire Blvd., 9th Fl. Los Angeles, CA 90010 (213) 351-7895 Fax: (213) 351-2787</p>
<p>Mid-Wilshire Office 3530 Wilshire Blvd., 9th Fl. Los Angeles, CA 90010 (213) 351-7895 Fax: (213) 351-2787</p>	<p>Beverly Hills Office 3530 Wilshire Blvd., 9th Fl. Los Angeles, CA 90010 (213) 351-7896 Fax: (213) 351-2736</p>	<p>Brentwood Office 6101 W. Centinela Ave., Room 300 Culver City, CA 90230 (310) 410-3447 Fax: (310) 410-1037</p>
<p>South Los Angeles Office 5850 S. Main Street, Room 2257 Los Angeles, CA 90003 (323) 897-6700 Fax: (323) 231-0029</p>	<p>Southeast Los Angeles Office 5850 S. Main Street, Room 2257 Los Angeles, CA 90003 (323) 897-6700 Fax: (323) 231-0029</p>	<p>Gardena-Hawthorne Office 9800 S. La Cienega Blvd., Room 850, Inglewood, CA 90301 (310) 338-3200 Fax: (310) 348-9336</p>
<p>Inglewood Office 9800 S. La Cienega Blvd., Room 850, Inglewood, CA 90301 (310) 338-3200 Fax: (310) 348-9336</p>	<p>Coastal Cities Office 20221 Hamilton Ave., 1st Fl. Torrance, CA 90502 (310) 965-8910 Fax: (310) 523-1036</p>	<p>Harbor Office 20221 Hamilton Ave., 1st Fl. Torrance, CA 90502 (310) 965-8900 Fax: (310) 523-1037</p>
<p>Santa Monica Office 6101 W. Centinela Ave., Room 300 Culver City, CA 90230 (310) 410-3400 Fax: (310) 348-1037</p>	<p>Marina Office 6101 W. Centinela Ave., Room 300 Culver City, CA 90230 (310) 410-3444 Fax: (310) 348-1037</p>	<p>Lancaster Office 335A East Avenue K-6 Lancaster, CA 93535 (661) 471-4880 Fax: (661) 948-9354</p>
<p>Santa Clarita Office 26415 Carl Boyer Dr., Room 145 Santa Clarita, CA 91350 (661) 287-7000 Fax: (661) 287-7000</p>	<p>East Valley Office 1101 W. Magnolia Blvd. Burbank, CA 91506 (818) 295-5151 Fax: (818) 848-2336</p>	<p>Glendale Office 1101 W. Magnolia Blvd. Burbank, CA 91506 (818) 295-5150 Fax: (818) 848-2336</p>
<p>Mid Valley Office 14500 Roscoe Blvd., 5th Fl. Panorama City, CA 91402 (818) 672-2218 Fax: (818) 672-2101</p>	<p>North Valley Office 14500 Roscoe Blvd., 5th Fl. Panorama City, CA 91402 (818) 672-2258 Fax: (818) 672-2101</p>	<p>Southeast Valley Office 14500 Roscoe Blvd., 5th Fl. Panorama City, CA 91402 (818) 672-2200 Fax: (818) 672-2101</p>
<p>Southwest Valley Office 14500 Roscoe Blvd., 5th Fl. Room 501 Panorama City, CA 91402 (818) 672-2258 Fax: (818) 672-2102</p>	<p>Whittier Office 12440 E. Imperial Hwy., Room 515 Norwalk, CA 90650 (562) 345-3451 Fax: (562) 409-5074</p>	<p>Norwalk Office 12440 E. Imperial Hwy., Room 519 Norwalk, CA 90650 (562) 345-3441 Fax: (562) 409-5074</p>
<p>East Los Angeles 245 S. Fetterly Ave., Room 2014 Los Angeles, CA 90022 (323) 362-1285 Fax: (323) 260-5209</p>	<p>Montebello Office 245 S. Fetterly Ave., Room 2014 Los Angeles, CA 90022 (323) 362-1295 Fax: (323) 260-5209</p>	<p>Monrovia Office 1435 W. Covina Pkwy., West Covina, CA 91790 (626) 813-3346 Fax: (626) 814-9173</p>
<p>San Gabriel Valley Office 1435 W. Covina Pkwy., West Covina, CA 91790 (626) 813-3346 Fax: (626) 814-9173</p>	<p>Pomona Office 1435 W. Covina Pkwy., Room 10 West Covina, CA 91790 (626) 813-3380 Fax: (626) 813-3333</p>	

**ENVIRONMENTAL HEALTH
SPECIALIZED FOOD INSPECTION BRANCH**

PLAN CHECK PROGRAM

Reviews and approves plans for new and remodeled retail food facilities, equipment evaluations, and site evaluations

PLAN CHECK SERVICE AREA - REGION A

<p>Baldwin Park 5050 Commerce Drive Baldwin Park, CA 91706 (626) 430-5560 Fax: (626) 962-1805</p>	<p>East Los Angeles 4801 E 3rd Street Los Angeles, CA 90022 (323) 881-7075 Fax: (323) 264-7626</p>	<p>South Bay 20221 Hamilton Ave Torrance, CA 90502 (310) 965-8929 Fax: (310) 523-1037</p>
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PLAN CHECK SERVICE AREA - REGION B

<p>Metroplex 3530 Wilshire Blvd., 9th Fl. Los Angeles, CA 90010-2313 (213) 351-7352 Fax: (213) 351-2789</p>	<p>West Valley 14500 Roscoe Blvd., 5th Fl. Panorama City, CA 91401 (818) 672-2293 Fax: (818) 672-2101</p>	<p>West Office 6101 W. Centinela Ave., Ste. 300, Culver City, CA 90230 (310) 410-3448 Fax: (310) 348-0137</p>
<p>Antelope Valley 335-A East Ave. K-6, Room 23 Lancaster, CA 93535 (661) 471-4880 Fax: (661) 948- 9354</p>	<p>Santa Clarita 26415 Carl Boyer Dr., Room 145 Santa Clarita, CA 91350 (661) 287-7000</p>	

SPECIALIZED FOOD SERVICES

Inspects restaurants/food sites at large venues, micro markets, food services at licensed health care facilities, food demonstrators, and collection of soft-serve product samples

<p>Baldwin Park (Main Office) 5050 Commerce Drive Baldwin Park, CA 91706 (626) 430-5421 Fax: (626) 813-3017</p>	<p>Metroplex 3530 Wilshire Blvd., 9th Fl., Los Angeles, CA 90010-2313 (213) 351-7354 Fax: (213) 351-2736</p>	<p>Brentwood 6101 W. Centinela Ave., Ste. 300, Culver City, CA 90230 (310) 410-3447 Fax: (310) 410-1037</p>
<p>Coastal Cities 20221 Hamilton Ave., 1st Floor, Torrance, CA 90502 (626) 430-5421 Fax: (626) 813-3017</p>	<p>Norwalk 12440 E. Imperial Hwy., # 519, Norwalk 90650 (562) 345-6800 Fax: (562) 409-5074</p>	<p>Santa Clarita 26415 Carl Boyer Dr. # 145, Santa Clarita, CA 91350 (661) 287-7000 Fax: Fax: (626) 813-3017</p>

**ENVIRONMENTAL HEALTH
COMMUNITY PROTECTION BRANCH**

OUTBREAK INVESTIGATION & EVALUATION UNIT

Conducts foodborne illness outbreak investigations

Baldwin Park

5050 Commerce Drive
Baldwin Park, CA 91706

LODGING & INSTITUTIONS

Inspects restaurants and other food sites located within hotels, housing facilities, and institutions

Metroplex

3530 Wilshire Blvd., 9th Fl.,
Los Angeles, CA 90010-2313
(213) 351-0288
Fax: (213) 673-0028

CAMPS & SCHOOLS PROGRAM

Inspects cafeterias at private and public schools and food sites at organized camps and children's camps

West Covina

1435 West Covina Pkwy.
West Covina, CA 91790
(626) 813-3428
Fax: (626) 814-9173

**ENVIRONMENTAL HEALTH
ADMINISTRATION / DIVISION SUPPORT BRANCH**

QUALITY ASSURANCE

Ensure all programs within Environmental Health are adhering to current policies and procedures

Baldwin Park

5050 Commerce Drive
Baldwin Park, CA 91706
(626) 430-5300
Fax: (626) 813-3000

CUSTOMER SUPPORT CENTER

Telephone agents available to receive reports of public health issues Monday-Friday, 8:00 AM-5:00 PM

(888) 700-9995

IX. APPENDIX A – RETAIL FOOD OFFICIAL INSPECTION REPORT



RETAIL FOOD OFFICIAL INSPECTION REPORT
 COUNTY OF LOS ANGELES ♦ DEPARTMENT OF PUBLIC HEALTH
 OFFICE: ♦ CHIEF:
 5050 COMMERCE DRIVE BALDWIN PARK, 91706 - Phone:
WWW.PUBLICHEALTH.LACOUNTY.GOV/EH



Facility Name:			Inspection Date:			Facility Status
Owner/Permittee:			Re-inspection Date:			
Program Identifier:			Time In:	Time Out:		
Facility Address: City/State/Zip:			Service:			
FA:	PR:	PE:	Result:			Grade:
			Action:			

✓ IN = In compliance ✓ N/A = Not applicable ✓ N/O = Not observed ✗ COS = Corrected on-site
○ OUT = Items not in compliance ⊘ MAJ = Major Violation ○ MIN = Minor Violation

CRITICAL RISK FACTORS							
The following pose a threat to public health and must be corrected immediately.							
EMPLOYEE HEALTH, HYGIENE & KNOWLEDGE	IN	N/A	N/O	COS	OUT		
					M7	Maj	Min
1. Demonstration of knowledge							2
2. Food safety certification							2
3. Communicable disease, reporting, restrictions & exclusions						4	
4. No discharge from eyes, nose and mouth						4	
5. Proper eating, drinking, or tobacco use							2
PREVENT CONTAMINATION BY HANDS							
6. Hands clean and properly washed; proper glove use						4	2
7. Adequate hand washing facilities: supplied and accessible							2
TIME AND TEMPERATURE RELATIONSHIP							
8. Proper hot and cold holding temperatures						4	2
9. Time as a public health control; procedures & records						4	2
10. Proper cooling methods						4	2
11. Proper cooking time and temperature						4	
12. Proper reheating procedures for hot holding						4	
PROTECTION FROM CONTAMINATION							
13. Returned and re-service of food							2
14. Food in good condition, safe and unadulterated						4	2
15. Food contact surface, clean and sanitized						4	2
FOOD FROM APPROVED SOURCES							
16. Food obtained from approved source						4	
17. Compliance with shell stock tags, condition, display						4	2
18. Compliance with Gulf Oyster Regulations						4	
ADDITIONAL CRITICAL RISK FACTORS							
19. Compliance with variance, specialized process & HACCP						4	
20. Consumer advisory provided for raw/undercook food							2
21. Licensed health care facilities/public & private schools: prohibited foods not offered						4	
22. Hot and cold water available						11	4 2
23. Sewage and wastewater properly disposed						11	
24. No insect, rodent, birds or animals present						11	2

GOOD RETAIL PRACTICES	
Preventive measures that can reduce food borne illness.	
SUPERVISION	
25. Person in charge present and performs duties	1
26. Personal cleanliness and hair restraints	1
GENERAL FOOD SAFETY REQUIREMENTS	
27. Approved thawing methods used, frozen food	1
28. Food separated and protected	1
29. Washing fruits and vegetables	1
30. Toxic substances properly identified, stored and used	1
FOOD STORAGE/DISPLAY/SERVICE	
31. Food storage; food storage containers identified	1
32. Consumer self service	1
33. Food properly labeled & honestly presented	1
EQUIPMENT/UTENSILS/LINENS	
34. Nonfood-contact surfaces clean	1
35. Warewash facilities: installed, maintained, used; test equipment	1
36. Equipment/utensils approved; installed; good repair; capacity	1
37. Equipment, utensils and linens: storage and use	1
38. Adequate ventilation and lighting; designated areas, use	1
39. Thermometers provided and accurate	1
40. Wiping cloths; properly used and stored	1
PHYSICAL FACILITIES	
41. Plumbing; fixtures, backflow devices, drainage	1
42. Garbage and refuse properly disposed; facilities maintained	1
43. Toilet facilities: properly constructed, supplied, cleaned	1
44. Premises; personal/cleaning items; vermin proofing	1
45. Floors, walls and ceiling; properly built, maintained and clean	1
46. No unapproved sleeping quarters	1
SIGNS/REQUIREMENTS	
47. Signs posted; last inspection report available	1
48. Permits available	1
49. Plan Review	1

COMPLIANCE & ENFORCEMENT		
50. Notification of Intent to Suspend	OUT	
51. Impoundment/VC&D/Sampling		
52. Permit Suspended, Revoked, Modified, or Closed for No Permit	OUT	
53. Multiple Major Critical Risk Violations / Increased Risk to Public Health		3

PIC/Owner Signature

EHS Signature

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X. APPENDIX B – COMPLIANCE AND ENFORCEMENT

COMPLIANCE

Re-inspections/follow-up dates are scheduled to ensure the facility has abated the violations cited on the FOIR. Compliance dates vary depending on the public health risk associated with the violations observed. Depending on the severity, frequency, and negative risk/impact the violation has to public health, an informal or formal enforcement action may be taken as an option for gaining compliance.

Non-compliance of Critical Risk Factor Violations (CRFV) or Good Retail Practices violations (GRP) observed outstanding from a previous routine or follow-up inspection may result in the EHS issuing a Notification of Intent to Suspend (NOITS) the public health permit. Non-compliance at a re-inspection may result in additional fees for any subsequent inspection regarding outstanding violations. If a NOITS is issued, the food facility operator may request a hearing within 15 days to show cause as to why their public health permit should not be suspended.

Notes:

- ❖ *When a re-inspection is conducted to determine compliance after a facility has been closed due to an imminent health hazard (e.g., sewage, no potable water, vermin infestation) and the imminent health hazard has been corrected, the re-inspection to determine compliance for the remaining violations shall **NOT** be chargeable.*
- ❖ *EHS shall refer to the Department’s standard of practices for conducting a re-inspection following a permit suspension.*
- ❖ *If a **new** violation is observed at the re-inspection, the violation shall be added to the OIR and issued to the owner/operator with a new re-inspection date (see compliance date chart below).*
- ❖ *EHS shall consult with supervision to determine the next course of action if compliance has not been obtained under the conditions set forth at the compliance review.*

COMPLIANCE DATES

Compliance dates can vary depending on the following situations:

- Inspection and violation history of the facility.
- Violation categories observed at the time of inspection (e.g., *Major, Minor, GRP, etc.*).
- A permit **suspension** as of a result of one or more major critical risk factors that pose an imminent health hazard to the public which cannot be corrected by the end of inspection.

In the event multiple compliance dates are required, the earliest date shall be documented in the *Re-inspection Date* field on the FOIR. For example, if a sewage discharge is observed, which is an emergency violation and requires immediate abatement, the EHS is to document the next calendar day on the *Re-inspection Date* field on the FOIR and document the re-inspection date for the remaining violations in the “Overall Comments” section on the FOIR.

Facility Name: BURGER PLACE			Inspection Date: 9/14/2024		Facility Status	
Owner/Permittee: JOHN DOE			Re-inspection Date: 9/15/2024			Score: 82
Program Identifier: BURGER PLACE		Time In: 02:51 PM	Time Out: 05:17 PM			
Facility Address: 1234 H ST City/State/Zip: BURBANK, CA 91502		Service: ROUTINE INSPECTION				Grade: B
FA: FA1234567 PR: PR9874561 PE: 1638		Result: CORR. ACTION REQ'D / COMPLIANCE REVIEW SCHED. Action: PERMIT OR LICENSE SUSPENDED / FACILITY CLOSED				

OVERALL INSPECTION COMMENTS
<p>The purpose of this visit is to conduct a routine inspection.</p> <p>Upon inspection of the facility, it was found that the facility was not in compliance with: California Retail Food Code 114197 detailed on Retail Food Official Inspection Report (FOIR) dated 9/14/24.</p> <p>Re-inspection for violation #23 Sewage and wastewater properly disposed shall be conducted on 9/15/24. Compliance date for all other outstanding violations shall be conducted on 9/28/24.</p> <p>Your Public Health Permit is hereby suspended and you are directed to discontinue operation of this facility AT ONCE. You are charged with violation(s)...</p>

When there are multiple compliance dates, the EHS shall document the re-inspection date of each violation in the narrative comments of each violation.

Facility Name: SALAD STOP	Inspection Date: 8/18/2024
Facility Address: 5467 W AVE	City/State/Zip: BURBANK, CA 91502
CRITICAL VIOLATIONS	
2	<p>Violation: # 24. No rodents, insects, birds, or animals - 114259.1,114259.4, 114259</p> <p>Violation Text: A food facility shall be constructed, equipped, maintained, and operated as to prevent the entrance and harborage of animals, birds, and vermin, rodents and insects. Animals other than service animals are not allowed inside a food facility.</p> <p>Corrective Action: Eliminate cockroaches and all evidence of cockroaches from the facility (e.g. egg capsules, dead cockroaches, fecal markings) from the facility by safe, legal and effective means at once.</p> <p>a) Observed 2 dead German cockroaches on the floor under the warewashing sink. Re-inspction date 8/20/2024.</p>
GOOD RETAIL PRACTICE VIOLATIONS	
1	<p>Violation: # 41. Plumbing: Plumbing in good repair, proper backflow devices - 114171, 114189.1</p> <p>Violation Text: All plumbing and plumbing fixtures shall be installed in compliance with local plumbing ordinances, shall be maintained so as to prevent any contamination, and shall be kept clean, fully operative, and in good repair.</p> <p>Corrective Action: Maintain all plumbing fixtures and drain lines fully operative, clean and in good repair.</p> <p>a) Observed a clogged floor sink (no back up or overflow) located under the warewashing sink. Facility has 24 hours to abate. Re-inspection date 8/19/2024.</p>

The EHS shall use the following guidelines to determine compliance dates:

Violations	Compliance Times	When to Issue a NOITS
Critical Risk Factor Violations (Major or Minor)	<p>Major - Corrective action required prior to the end of inspection. EHS shall schedule a re-inspection within 14 calendar days to determine ongoing compliance.</p>	<ul style="list-style-type: none"> • A CRFV is observed at the routine inspection and remains outstanding at the first re-inspection. • A “repeat” CRFV is identified at the routine inspection.
	<p>Minor - Up to 14 calendar days; however, some violations may require corrective action before the end of the inspection.</p>	
Good Retail Practice (GRP) Violations	<p>From 14 - 30 calendar days depending on the urgency of violations.</p>	<ul style="list-style-type: none"> • A GRP violation observed at the routine inspection remains outstanding at the chargeable re-inspection. • A “repeat” GRP violation identified at the routine inspection remains outstanding on the re-inspection.
<p>NOTE: If the owner requests for a hearing as a result of the Notification of Intent to Suspend the Public Health Permit, a new compliance date may be issued based on the findings of the hearing.</p>		

GRP violations which may be checked at the next graded inspection, verified via photos and documentation, or require a reinspection are categorized below:

- GRP’s that can be checked for compliance at the next graded inspection
 - Person in Charge Present and Preforms Duties
 - Washing Fruits and Vegetables
 - No Unapproved Sleeping Quarters
 - Signs Posted, Last Inspection Report Available

- GRP's that can be verified for compliance via photos and documentation
 - Toxic Substances Properly Identified, Stored and Used
 - Consumer Self Service
 - Equipment, Utensils and Linens: Storage and Use
 - Adequate Ventilation and Lighting; Designated Areas, Use
 - Thermometers Provided and Accurate
 - Garbage and Refuse Properly Disposed; Facilities Maintained
 - Toilet Facilities: Properly Constructed, Supplied, Cleaned
 - Floors, Walls and Ceiling: Properly Built, Maintained and Clean

- GRP's that require a reinspection
 - Personal Cleanliness and Hair Restraints
 - Approved Thawing Methods Used, Frozen Food
 - Food Separated and Protected
 - Food Storage; Food Storage Containers Identified
 - Food Properly Labeled & Honestly Presented
 - Nonfood-Contact Surfaces Clean
 - Warewash Facilities: Installed, Maintained, Used; Test Equipment
 - Equipment/Utensils Approved; Installed; Good Repair; Capacity
 - Wiping Cloths; Properly Used and Stored
 - Plumbing; Fixtures, Backflow Devices, Drainage
 - Premises; Personal/Cleaning Items; Vermin Proofing
 - Permits Available
 - Plan Review

ENFORCEMENT

Non-compliance of violations indicated on a FOIR by a food facility operator/owner is a misdemeanor and may be punishable by a fine of no less than one hundred (\$100) for the first violation and no more than five hundred dollars (\$500) for the second violation and any subsequent violations, or imprisonment in the county jail for no more than six months, or both as stated in the LA County Code, Title 8, section 8.04.947. Non-Compliance fees or other administrative fines may also be issued.

The EHS shall ensure that all violations cited on the FOIR are corrected by the indicated re-inspection date. If most violations are corrected or reasonable progress is made, additional time may be granted. However, the owner may be charged for the additional re-inspections.

A public health permit may be suspended or revoked by the Department for non-compliance of serious or repeat violations; or violations that are considered an imminent health hazard. Any food facility for which the permit has been suspended shall close and remain closed until the permit has been reinstated. Any food facility for which the permit has been revoked shall close and remain closed until a new permit has been issued.

At any time within 15 calendar days after the facility has been closed, the permit holder may make a request in writing for a compliance review before a compliance review officer to show cause as to why the permit suspension is not warranted. The compliance review shall be held within 15 calendar days of the receipt of a written request. A failure to request a compliance review within 15 calendar days shall be deemed as a waiver to the right for a compliance review.

A permit may be reinstated or a new permit issued if the Department determines that the conditions that prompted the suspension or revocation no longer exist.

XI. APPENDIX C – MAJOR FOOD ALLERGENS

The person in charge and employees at a food facility shall be knowledgeable about the nine (9) major food allergens to ensure proper communication between consumers and other staff, as well as implementing good practices that prevent cross contamination of food, equipment, and utensils.

Major Food Allergens

Although many different foods can cause an allergic reaction, the Food Allergen Labeling and Consumer Protection Act (FALCPA) has identified the following food items (which includes any food ingredients that contains protein derived from these foods) as major food allergens:



Crustacean Shellfish



Tree Nuts



Wheat



Sesame Seeds



Soybeans



Eggs



Milk



Peanuts



Fish

A highly refined oil (e.g., peanut oil) derived from any of the foods listed above is not included in the definition of a major food allergen as the refining process removes the allergen particles.

Food Allergen Labeling Requirements

FALCPA requires that food labels identify the food source names of all major food allergens used to make the food. This requirement is met if the common or usual name of an ingredient (e.g., buttermilk) that is a major food allergen already identifies that allergen's food source name (i.e., milk). Otherwise, the allergen's food source name must be declared at least once on the food label in one of two ways:

- 1) In parentheses following the name in the list of ingredients. Example: "flour (wheat), lecithin (soy), whey (milk), tahini (sesame)".
-OR-
- 2) Immediately after or next to the list of ingredients in a "contains" statement. Example: "Contains wheat, soy, milk, sesame."

An advisory statement (e.g., "may contain...", "product manufactured in a facility that also handles...", etc.) may be used on labels of prepackaged food items as supplemental information to customers, however such statements cannot be used as a substitute for implementing good practices to prevent cross contamination, allergen controls, and other labeling requirements under FALCPA and any other applicable statutes.

In addition to manufactured prepackaged foods, the FALCPA's labeling requirements extend to retail and food-service establishments that package, label, and offer products for human consumption. However, FALCPA's labeling requirements do not apply to foods that are placed in a wrapper or container (such as paper or a box for a sandwich) following a customer's order at the point of purchase.

Symptoms of Food Allergies

People who have allergic reactions from consuming a food allergen can experience symptoms that range from mild to life threatening. While most symptoms from food allergies are mild and limited to skin or digestive discomfort, some may progress to a severe, life-threatening allergic reaction called anaphylaxis. Symptoms of an allergic reaction can occur within minutes to a few hours after a person has ingested a food item.

Symptoms of food allergies (allergic reactions), can include:

- Hives
- Abdominal cramps
- Difficulty breathing
- Flushed skin or rash
- Coughing or wheezing
- Tingling or itchy sensation in the mouth
- Face, tongue, or lip swelling
- Vomiting and/or diarrhea
- Dizziness and/or lightheadedness
- Swelling of the throat and vocal cords
- Loss of consciousness
- Constricted airways in the lungs
- Suffocation by swelling of the throat and larynx
- “Anaphylactic shock” (severe lowering of blood pressure and shock)

XII. APPENDIX D – EXEMPTIONS

Chinese-Style Roast Duck

Raw duck that otherwise would be readily perishable shall be exempt from CRFC, §113996 for a period not to exceed two hours if the duck will subsequently be cooked at or above a temperature of 350°F for at least 60-minutes. Whole Chinese-style roast duck shall be exempt from §113996 for a period not to exceed four hours after the duck is prepared, if the methods used to prepare the food inhibit the growth of microorganisms that can cause food infections or food intoxications.



"Chinese-style roast duck" shall include, but not be limited to, Chinese-style barbecue duck, dry hung duck, and Peking duck. "Chinese-style roast duck" means duck which is prepared as follows:

- 1) The abdominal cavity is cleaned
- 2) The duck is marinated
- 3) The cavity is closed prior to cooking
- 4) The duck is roasted at a temperature of 350°F or more for at least 60 minutes



Violation example: Whole Chinese style duck is holding between 42°F – 134°F for greater than the allowed 4-hour variance period. **(VC&D)** [§114425]

Korean Rice Cakes

A "Korean rice cake" is defined as a confection that contains rice powder, salt, sugar, various edible seeds, oil, dried beans, nuts, dried fruits, and dried pumpkin. The ingredients shall not include any animal fats, or any other products derived from animals. Korean rice cakes are exempt from holding temperatures as stated in CRFC, §113996 and §114343, if the following conditions are met:

- 1) Korean rice cakes that have been at room temperature cannot be sold over a 24-hour period
- 2) At the end of the operating day, Korean rice cakes that have been at room temperature for no more than 24 hours shall be destroyed in an approved manner
- 3) All manufacturers of Korean rice cakes shall place a label on the Korean rice cake as prescribed by California Health and Safety Code, §111223



Violation example: Korean rice cakes are holding at room temperature for greater than the allowed 24-hour time period or missing the required label/label information. **(VC&D)** [§114429]

Asian Rice-Based Noodles

Asian rice-based noodle is a rice-based pasta that contains rice powder, water, wheat starch, vegetable cooking oil, and optional ingredients to modify the pH or water activity, or to provide a preservative effect. The ingredients shall not include any animal fats, or any other products derived from animals. An Asian rice-based noodle is prepared by using a traditional method that includes cooking by steaming at not less than 130°F for not less than four minutes.

Asian rice-based noodles are exempt from holding temperatures as stated in CRFC, §113996 and §114343, and may be kept at room temperature for no more than four hours and shall be consumed or cooked within four hours of the date and time labeled on the product. Asian rice-based noodles that have been kept at room temperature for more than four hours shall be destroyed in a manner approved by the local enforcement agency.



If the Asian rice-based noodles maintain a pH of not more than 4.6, as measured at a temperature of 76°F, a water activity of 0.85 or below, or have been determined by the Department to be a non-PHF based on formulation and supporting laboratory documentation submitted to the department by the manufacturer, the

four-hour time limitation will not apply.

Violation example: Asian rice-based noodles are holding between 42°F – 134°F and has exceeded the allowed 4-hour time period or is missing the required label/label information. **(VC&D)** [§114429.5]

Vietnamese Rice Cakes

Vietnamese rice cakes are exempt from holding temperatures as stated in CRFC, §113996 and §114343, if the following conditions are met:

- 1) Rice cakes are kept at no more than 70°F for no more than 24 hours
- 2) Vietnamese rice cakes stored at no more than 70°F for greater than 24 hours shall be destroyed in an approved manner
- 3) All Vietnamese rice cakes shall bear a label meeting the requirements stated in California Health and Safety Code, §111223



Violation example: Vietnamese rice cakes are holding at temperatures greater than 70°F, or holding between 42°F – 70°F and has exceeded a 24-hour time period, or is missing the required label/label information. **(VC&D)** [§114429.3]

Note: *Category #8 (Proper hot and cold holding temperatures) shall be marked if any of the listed food items above are being held outside the allowed parameters of the exemption.*

XIII. APPENDIX E – VARIANCE, SPECIALIZED FOOD PROCESS, & HACCP PLAN REFERENCE TABLE

FOOD PROCESS		CDPH – FOOD & DRUG BRANCH APPROVAL	CDFA APPROVAL	LOCAL AGENCY APPROVAL
SMOKING FOOD AS A METHOD OF FOOD PRESERVATION RATHER THAN AS A METHOD OF FLAVOR ENHANCEMENT AS FOLLOWS:				
	SEAFOOD	X*		
	MEAT		X	
CURING FOOD AS FOLLOWS:				
	SEAFOOD	X*		
	MEAT		X	
ACIDIFICATION, FOOD ADDITIVES, OR OTHER AS A METHOD OF PRESERVATION (SUSHI RICE)				X
MOLLUSCAN SHELLFISH FOR HUMAN CONSUMPTION LIFE SUPPORT SYSTEM DISPLAY TANK				X
CUSTOM PROCESSESSING FOR PERSONAL USE			X	
CANNING AND PRESERVING FOR CUSTOMER USE		X**		
FOOD PREPARATION DETERMINED TO REQUIRE A HACCP PLAN (BOTTLING JUICE)				X
ACIDIFICATION TO PREVENT GROWTH OF C. BOTULINUM (FERMENTATION)			X	
REDUCED OXYGEN PACKAGING HELD PAST 48 HOURS		X		
PAR COOKING †			X	

CDPH – FOOD & DRUG BRANCH APPROVAL

***CDPH – SHELLFISH INSPECTION PROGRAM**

****CDPH – CANNERY INSPECTION PROGRAM**

CDFA – CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

LOCAL AGENCY – WHOLESALE FOOD AND SAFETY PROGRAM

† A HACCP plan is not required if the cooking process for a par cooked potentially hazardous food (PHF) item is completed within the allowed two (2) hour preparation time or the facility is utilizing time as a public health control and the par cooked

XIII. APPENDIX F – INSPECTION RELATED QUESTIONS

Questions an Inspector Should Ask Themselves

Some questions an EHS should ask themselves during the course of an inspection as it relates to each violation category include, but are not limited to the following:

General questions EHS should ask themselves during an inspection
What should be looked at to determine if what is observed is a violation?
Is the violation observed dynamic and in need of immediate corrective action or is it static and can be addressed later? What is the public health significance?
What is the intended purpose or objective? Are there alternative methods to performing the task?
What are the potential concerns that are observed?
Is the observation a major or minor violation and what distinguishes one from the other?
Is this a repeat violation?
Can the violation be corrected on site? What actions need to be taken to correct the violation?
How should the violation be prioritized with regards to corrective actions needed?
Does the violation impact the entire facility or have accompanying violations?
Does the facility have the necessary supplies/equipment to adequately monitor the issue in question (i.e., thermometers, test strips)?
Are the correct steps, tools, supplies, etc., being utilized for the task? How do you verify/what do you check for?
What strategies, training, or document(s) can you (the EHS) provide to the PIC to help ensure they do not repeat the violation in the future?
1. Demonstration of knowledge
What are the different ways the EHS can check a food employee's knowledge as it is related to their assigned task(s)?
Can an employee be trained at the time of inspection to resume his/her duties?
Does the facility have written procedures for their operation/food processes? If not, how do they ensure staff is properly trained and knowledgeable in their assigned duties?
2. Food safety certification
When should this violation be marked? When should "N/O" or "N/A" be marked?
Is this facility required to have a designated CFPM? Are the employees required to have a FHC?
Was the presented CFPM certificate or FHC obtained from an ANSI accredited provider?
Are the employees at this facility exempt from having a CFPM/FHC?
3. Communicable disease; reporting, restrictions & exclusions
What are the types of communicable diseases and the associated symptoms that require a PIC to report and exclude or restrict an employee? What are the requirements for excluding, restricting, or reporting an ill employee?
Did the PIC report, exclude, and/or restrict employees experiencing acute gastrointestinal illness or other listed in the CRFC?
4. No discharge from eyes, nose and mouth
Where there any employees who were actively working with discharge coming from their eyes, nose, or mouth? Was there any contamination of food, food contact surfaces, or equipment as a result?
5. Proper eating, drinking, or tobacco use
Where do employees take their meal breaks/breaks? Is this area away from food preparation/storage and utensil/equipment storage areas? Is there a potential for contamination?
Does the food facility have a designated area where employees store their food or drinks?
Is training provided to employees regarding proper eating, drinking, or tobacco use?

6. Hands clean and properly washed; proper glove use

Are the food employees practicing good personal hygiene including frequent and effective handwashing? Do I need to provide training on handwashing?

How does the operator ensure that employees are washing their hands as necessary?

Are food employees preparing food? Are they properly washing their hands as required?

Are employees using gloves properly? Are the gloves approved (no latex)?

7. Adequate hand washing facilities: supplied and accessible

Are all the required supplies available and easily accessible for an employee to wash their hands as needed?

Who oversees monitoring of the supplies?

Does the food preparation area need a handwashing sink? If so, when was this food facility built? Was it built before January 1, 1996?

8. Proper hot and cold holding temperatures

What is the current temperature of the food when taken with a probe thermometer?

How long has the food been out of temperature control (ask both the manager and food employees)? Are the answers of the food employees and the manager consistent with one another?

Is this a hot holding or reheating violation?

Was the food reheated or cooked to the proper temperature before being allowed out of temperature control?

If there has been an opportunity for post-cook contamination? Can reheating eliminate the hazard concerns?

Is it likely that food has cooled to its current temperature after being out of temperature control for the alleged time?

Given what is known about the food, the food's temperature, the handling of the food, and the alleged time out of temperature, is it reasonably likely that the food already contains hazards that cannot be destroyed by reheating?

Does equipment play a role in the violation?

What are the ingredients in the food and how was it made?

How long before the food will be served? Will the food be saved as leftovers?

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

How do employees effectively monitor the time to determine when to dispose of foods utilizing TPHC?

Is the facility following all TPHC requirements (e.g., time marking, written procedures, disposal of food after 4 hours)?

Are there any written procedures in place for using time alone as a public health control and, if so, are they being followed properly?

Are there any instances of food utilizing TPHC that have been held beyond the 4-hour time parameter, and if so, what corrective actions have been taken?

10. Proper cooling methods

Is the cooling food item within the allowed time and temperature parameters?

What state is the food in? Has cooling started?

What are the potential concerns with what is observed?

Is the food item being cooled using an approved method?

11. Proper cooking time and temperature

Is the food being cooked or reheated?

How are the food handlers ensuring correct cooking temperatures are met? Does the facility have a probe thermometer and know how to use it?

Is there a public notice disclosing food is intentionally undercooked at this facility?

12. Proper reheating procedures for hot holding
Is cooked PHF being reheated to at least 165°F for 15 seconds within two hours? If not, what corrective action should be taken?
How is the facility checking that the reheated PHF has reached an internal temperature of at least 165°F for 15 seconds?
Are staff members knowledgeable about reheating procedures?
Is the appropriate equipment being used to reheat food (e.g., ovens, steamers, microwaves, etc.) and properly functioning?
13. Returned and re-service of food
Is food being re-served to one consumer to the next? If so, is that food item (e.g., condiment bottle or prepackaged non-PHF item) exempt?
14. Food in good condition, safe and unadulterated
Is the food contaminated or adulterated? How?
What are the ingredients listed on the spice labels which will be applied to raw foods before service? Do I have my list of FDA approved sulfites? Are all listed sulfites approved by the FDA? Are all sulfite concentrations 10 ppm or below?
Was the food preparations sink or ware washing sink cleaned and sanitized prior to washing produce?
Are acidic foods stored inside a container that can cause leeching (e.g., ceramic container, copper pot)?
Does the facility prepare foods that require a HACCP plan? If so, are they adhering to the approved HACCP plan?
Is Industrial Hemp being added to open food at the facility?
Has there been an opportunity for post-cook contamination of food from raw animal foods or contaminated equipment?
15. Food contact surface; clean and sanitized
Does the facility require a warewashing sink?
Does the facility have a working warewashing sink? Is there a mechanical warewashing sink?
Are utensils and equipment being properly washed, rinsed, sanitized, and air-dried as required?
What type of saniting solution does the facility use and is it the correct concentration during active warewashing?
Is the facility washing, rinsing, and sanitizing multi-use utensils/equipment at least every 4-hours?
At what water temperature is the detergent effective?
Where and how often are fabric implements laundered?
16. Food obtained from approved source
Is the food invoice provided by the operator from an approved source?
Is the operator purchasing the product in bulk and then portioning?
Does the facility sell prepackaged foods or prepared foods? Do they have the equipment required to sell prepared foods?
Is the product in question presented in the original wrapping with the required labels? If so, does the operator have proof of purchase?
17. Compliance with shell stock tags, condition, display
Are the molluscan shellfish live storage tanks properly maintained and installed?
Is shellstock from different harvest dates/locations/batches being comingled?
Are the molluscan shellfish from an approved source?
Are shellstock tags/labels available and kept in the container until the last shellstock has been sold?
Are the shell stock tags kept in chronological order for the past 90 days?

Are shucked molluscan shellfish properly labeled?
18. Compliance with Gulf Oyster Regulations
Are Gulf Oysters that have been harvested between April 1st – October 31 st being sold? If so, have they been treated? Does the facility have a treatment verification letter?
Are the Gulf Oysters from an approved source?
Are there required warnings posted as required?
19. Compliance with variance, specialized process & HACCP
Does the facility serve, prepare, and/or store food that require a HACCP plan or variance? If so, can they provide that documentation upon request?
20. Consumer advisory provided for raw/undercook food
Does the facility serve raw/undercooked foods of animal-origin (e.g., fish, meat, etc.)? What is on the menu?
Are raw or undercooked unpasteurized eggs used as an ingredient in a ready-to eat food (e.g., bearnaise or hollandaise sauce, Caesar salad dressing, etc.)?
Does the facility provide a consumer advisory (disclosure and reminder) for food items intentionally served raw or undercooked? How is the consumer advisory provided?
21. Licensed health care facilities/public & private schools: prohibited foods not offered
Are foods being cooked to the required temperatures? Are there any raw/undercooked foods being served?
Does this facility serve a highly susceptible population?
What types of food cannot be served in the facility? Are prohibited foods being served at this facility?
22. Hot and cold water available
Is there an adequate supply of uncontaminated potable water from an approved source available? If not, why (e.g., main waterline shut-off)? Has food been made with non-potable/contaminated water?
If the food facility obtains their water from a well, does the operator have a permit (public water system) from the CADPH and is testing the water as required?
Is there potable hot and cold water available at all the sinks in the facility? If not, why (e.g., water valve intentionally turned off, faucet fixtures broken, etc.)?
Is each sink meeting the minimum hot/warm water temperatures as applicable? Is the hot water heater properly working (e.g., pilot light is off, water temperature setting is set to “low”, etc.)?
How does the hot water issue affect sanitary conditions and food safety requirements?
Does the of lack warm water affect the facility’s ability to properly wash and sanitize utensils and equipment?
23. Sewage and wastewater properly disposed
Is sewage actively discharging and/or backing up? Where is the waste coming from and what areas are affected (potential concerns for contamination or impact on the entire facility)?
Have actions be taken to correct the situation? Has the PIC taken the proper actions by notifying the management/owner/plumber, stopping operation in the affected area, and/or took measures to prevent contamination of food or food contact surfaces?
Should the facility continue operating or cease operation? Is it in need of immediate corrective action? Should process of suspension of permit be started?
Is a referral to another agency/program (e.g., public works, Plan Check, Cross Connections) required?
24. No insect, rodent, birds or animals present
Is there evidence of vermin in the facility (e.g., live or dead cockroaches, fecal spotting, egg capsules, live or dead rodents, nesting material, droppings, rub or gnaw marks, etc.)? If so, is the infestation active?
Does the facility have an effective pest control program in place?
When was their last pest control visit? Is the company licensed? Is there a report or comments left by the pest control technician regarding the vermin status observed at their most recent visit?
Are traps and bait stations properly placed and maintained?
Is waste managed and disposed of properly to avoid attracting pests?

Have food, food contact surfaces, and/or equipment been contaminated by vermin?
Are there any cracks, gaps, or holes in the walls, floors, or ceilings that could allow pests to enter?
Are there numerous flies in food preparation areas that are contacting food or food-contact surfaces?
Are there signs of other pests, such as ants, gnats, or birds, that could pose a contamination risk?
Are all entry points, such as doors, windows, and vents, properly sealed to prevent pest entry?
Are screens, door sweeps, and other barriers in good condition and effectively preventing pest entry?
25. Person in charge present and performs duties
Is there a Person in Charge on site during the hours of operation? Are they performing their duties?
Are customers allowed access through the food preparation area? If so, is there at least three feet of clearly delineated space from the consumer and/or the route of access, separated by a rail or wall at least 3 feet high?
26. Personal cleanliness and hair restraints
Are the food workers wearing hair covers and/or hair restraints when required?
Are the food workers' outer garment excessively soiled?
27. Approved thawing methods used, frozen food
Is thawing being done using an approved method?
How long has the food item been thawing?
Is the water pressure/velocity sufficient to agitate and flush loose particles into the sink drain?
28. Food separated and protected
Is food being prepared or displayed in an approved area?
Is food stored in a manner that prevents possible contamination?
Does the facility have an open-air barbecue/outdoor wood burning oven? If so, is there an adequate separation the equipment and the public access points?
Are working containers of food, refrigerators, freezers, and/or ice machines stored in a manner/area that allows easy access by consumers?
29. Washing fruits and vegetables
Where does the facility wash their produce?
Does the operator have a standard method to wash their produce?
What cleaning solution(s) are used, if any? Are they safe for produce?
Does the operator prepare and use the solution according to the manufacturer's instructions? Are there SOPs available?
30. Toxic substances properly identified, stored and used
Are all chemical containers and spray bottles properly labeled?
Is this chemical approved for use in this facility? Is this chemical for "household" use?
Is this chemical stored in a manner that could cause contamination of food, food contact surfaces, and linens?
31. Food storage; food storage containers identified
Are all food items adequately stored in approved areas? If so, are they elevated at least 6 inches above the floor?
Is the floor clean and not exposed to moisture where pressurized beverage containers, cased food in waterproof containers (e.g., bottles, cans), and milk containers in plastic crates are stored less than 6 inches above the floor?
Are working containers of foods that are not easily identifiable (e.g., sugar, salt, flour, etc.) properly labeled with the common name?
32. Consumer self service
Does the facility have a customer self-service operation (e.g., salad bars, buffet lines, etc.)?

Are utensils available for each container at the salad bars and buffet lines?
Does a food market offer for sale raw, non-prepackaged food of animal origin such as lamb, beef, pork, poultry, and eviscerated fish for customer self-service?
33. Food properly labeled & honestly presented
Are foods being sold as advertised?
Do the labels on prepackaged food items have all the required information?
Does the facility sell baby food or infant formula? Are the products within the "use by" date?
Are all the labels on prepackaged food items in English?
Does the facility have a meat display that uses deceptive lighting (e.g., pink/red light shields)? If so, what is the quality of the meat and does it lead to additional violations?
34. Non-food contact surfaces clean
Are the non-food contact surfaces of equipment clean/free of an accumulation of debris/grease/food debris?
35. Warewash facilities: installed, maintained, used; test equipment
Is the warewashing facilities in good repair and properly installed according to manufacturer specifications and health code requirements?
Does the facility have the correct test strips/testing equipment to verify that their sanitizer solution is correct?
Does the warewashing machines have functioning temperature measuring devices in each tank?
Is the data plate on the warewashing machine easily accessible and legible?
Is a temperature measuring device accessible to measuring washing and sanitizing temperatures?
36. Equipment/utensils approved; installed; good repair; capacity
Are equipment and utensils properly installed, approved, and in good repair?
Are there any health risks associated with the equipment/utensils (e.g., chemical leeching, etc.)?
Unapproved utensils/equipment may not be durable or cleanable. Are there alternative utensils or equipment that are approved and available on-site which can accomplish the same task?
Does the facility have an adequate number of equipment (e.g., refrigerator/freezer units, cooking equipment, etc.) to sustain their daily operation?
Is the equipment approved and properly installed? Is it ANSI/NFS certified or has been approved by Plan Check?
37. Equipment, utensils and linens: storage and use
Is the equipment/utensil/linen being used and stored in an approved and clean manner?
Are there any public health risks (e.g., cross contamination, etc.) associated with the current method of storage/usage of this equipment/utensil/linen?
Are CO2 tanks secured to a rigid structure?
Are linens being laundered as required? If so, where/how?
Does the facility refill customer owned containers? Are the containers received clean and properly refilled?
38. Adequate ventilation and lighting; designated areas, use
Does the facility require a hood ventilation system? If so, what type of cooking equipment is being used that would require a ventilation hood?
Does the facility have the correct hood type for the cooking equipment being used?
Is required cooking equipment being stored under the hood canopy? Is there a minimum 6-inch overhang from the inner lip of hood and end of cooking surface?
Is the hood properly working? What methods can be used to verify the hood is in good repair?
Is there adequate lighting in areas where food is stored and prepared?
Do the lights over food preparation, food storage, and warewashing areas have light shields or shatter-proof bulbs?
39. Thermometers provided and accurate

Is the hot or cold holding unit required to have a temperature measuring device? Does the unit hold PHF?
Does the facility have an NSF-approved metal probe thermometer available for measuring food temperatures?
Does the refrigeration unit holding PHF have an accurate/functional thermometer? Is the thermometer stored in the warmest part of the unit?
If the facility has an NSF-approved metal probe thermometer available for measuring food temperatures, is the thermometer functional and accurate to +/- 2 °F?
40. Wiping cloths; properly used and stored
Is the facility using wiping cloths? What are the wiping cloths used for?
Are the wet wiping cloths stored in a sanitizing solution when not in use? If so, what kind of sanitizing solution is being used and what is the concentration?
Are the wiping cloths stored in a turbid solution? If so, does the turbidity affect the concentration of the sanitizer? What corrective action should be taken?
Where are the clean and soiled wiping cloths stored when not in use?
Are the wiping cloths being laundered as required?
Are the wiping cloths being properly stored and used in a manner that does not pose a potential risk of contamination of food, food contact surfaces, equipment, and utensils?
41. Plumbing; fixtures, backflow devices, drainage
Are any drain lines, floor sinks, and/or floor drains slow draining or clogged (not backing up)?
Are plumbing fixtures and drain lines approved, properly working, and in good repair?
Does the faucet(s) at the warewashing sink able to reach all the compartments?
Is there a backflow/back siphonage protection device installed at any applicable sinks/spouts?
Is liquid wastewater being properly disposed of?
Is the grease trap accessible for cleaning?
Is there an air gap between the end of an indirectly draining drain line and the rim of a floor sink?
42. Garbage and refuse properly disposed; facilities maintained
Is there an adequate number of trash containers for the amount of trash/garbage being generated at the facility?
Where is the refuse area located? Is the refuse area clean?
Is the refuse area shared between multiple businesses?
Are the trash containers maintained clean and in good repair?
Do the trash containers have tight-fitting lids? Are the lids closed?
Are the trash containers overflowing?
Are the trash bins/containers approved or are they constructed of unapproved materials (e.g., cardboard)?
Are there cast-off items located on the premises of the facility?
43. Toilet facilities: properly constructed, supplied, cleaned
Are the toilets/urinals properly working and easily accessible to employees?
Are the toilet facilities clean and in good repair?
Is the toilet facility door well fitted with a self-closing door mechanism?
Is the toilet paper in a permanently installed dispenser?
Is there a handwashing sink provided for the toilet room? Is it in good repair?
Is the facility required to provide a toilet room to customers?
Does the single-user toilet room have an all-gender sign posted that meets all the requirements?
44. Premises; personal/cleaning items; vermin proofing

Where/how are the mop(s) and broom(s) stored? Is there a mop/broom holder installed at the facility?
Is the open-air BBQ/wood-burning oven own by the facility operator and located on the same premises as the facility? Does it pose a fire hazard?
Is there a designated area/cabinet where cleaning equipment and supplies are stored?
Are the cleaning equipment and supplies stored away from food storage and food preparation areas?
Is he facility adequately vermin proofed (e.g., screen windows, no gaps greater than ¼ inch along the exterior doors)?
Are passthrough windows, window, and doors without screening, left open when not in use?
Are employees' personal items stored away from food preparation, food storge, and utensil and equipment storage areas?
Does the facility have enough space to accommodate a locker or separate area to store the employees' belongings per shift?
45. Floors, walls and ceiling: properly built, maintained and clean
Are the floors, walls, and/or ceiling approved, clean, and in good repair?
What areas in the food facility requires base coving tiles? Are the base coving tiles approved and properly installed?
Are the floor mats made of an approved material and easily removable and cleanable?
Is the floor surface extending at least 5 ft from an open-air BBQ/wood-burning oven and is it impervious and easily cleanable?
46. No unapproved sleeping quarters
Is there bedding/blankets/cots/a sofa at the food facility?
Are the food preparation and/or food storage areas directly connected to sleeping/living accommodations?
47. Signs posted; last inspection report available
Is the permit posted in a conspicuous location?
Is there a "No Smoking sign" posted in the food preparation, food storage, and warewashing areas?
Are there handwash signs next to each handwash sink used by food employees?
Is a "No Public Restroom" sign posted at a food facility built before January 1, 2004, that offers on-site consumption of food, but does not provide consumer toilet rooms?
Is the grade card posted in a conspicuous location as required by Ordinance #97-0071?
Is the most recent inspection report available upon request?
Is there a sign posted notifying consumers that the most recent inspection report is available for review?
48. Permits available
Does the facility have a valid public health permit (PHP)? Has the PHP fee been paid for the fiscal year?
Has there been a change of ownership?
Is the mailing address for the owner correct?
When was the last time the permit verification form was completed for this site?
Is the facility operating under the scope of the assigned risk assessment of the PHP? If not, what corrective actions should be taken?
49. Plan Review
Has the facility installed unapproved equipment?
Has there been any major remodeling? If so, as it been approved by Plan Check?
Did the previous inspector mention this violation in the previous inspection report?
Is a referral to the Plan Check Program required? What information would the plan check program need to help facilitate the review process?
Is there any documentation/history on file indicating that the facility has obtained approval regarding the observed changes to the facility/equipment?
Was the Plan Check Program contact information provided to the operator on the report?

Were photographs of suspect/unapproved equipment taken? Was identifying information (e.g., affixed sticker indicating the name and model number) documented/recorded?
Does a referral need to be made to an outside agency (e.g., local building and safety, fire department, etc.)?
50. Notification of Intent to Suspend
Are there any repeat outstanding violations? What repeat violations were observed (GRP or CRFV)?
Were any CRFV violations observed during the routine inspection noted on the previous inspection report?
Should a Notification of Intent to suspend be issued?
Was the Notification of Intent to Suspend properly communicated to the operator and documented on the FOIR?
51. Impoundment/VC&D/Sampling
Was the impounded equipment, utensils, and/or food red tagged?
Did the operator voluntarily condemn and dispose of any food during the inspection?
Was evidence, samples, or photographs taken at the time of inspection?
52. Permit Modification, Suspension, Revocation, or No Permit Closure
Was a permit suspension/closure of the facility required? Was the Closure sign visibly posted?
Was there an imminent health hazard observed that could not be corrected at the time of inspection?
Did I notify my supervision regarding the facility's closure/permit suspension?
Is this the second closure within a 12-month period? If so, was a revocation hearing requested?
Was the compliance review date/time included on the report?
Were directives clearly stated on the report as to <u>why</u> the establishment's permit is suspended?
Does PIC understand the facility must discontinue their operation until the facility is reopened by the department?
If a permit modification is issued, has the affected parts of the facility discontinued operating?
Was the facility workers/PIC interfering with the duties of a health officer?

Questions an Inspector Should Ask Operator/Food Employees

Some questions an EHS should ask the operator/food employees during the course of an inspection as it relates to each violation category include, but are not limited to the following:

1. Demonstration of knowledge
What is the minimum cooking temperature for this food item (e.g., beef, chicken, fish, etc.)?
How do you warewash utensils/equipment?
What is the approved concentration/temperature for this sanitizer solution (e.g., chlorine, QT-10, etc.)?
How do you properly cool foods? What approved methods do you use?
Are the food employees/PIC/CFPM aware of the nine food allergens? What are they?
How are the customers notified of the food allergens in the food they ordered?
How do you calibrate the probe thermometer?
How do you ensure the mechanical dishwasher is working correctly (washing, rinse, and sanitizing)?
What is the procedure in place to report, restrict, and exclude employees with communicable diseases?
How do you properly wash your hands?
What sort of training process has been put in place to ensure all employees have adequate knowledge of their assigned tasks?
How do you properly reheat food items? What are the time and temperature parameters?
2. Food safety certification
Does your facility have an in-house food handler training program?
Who is the current CFPM? What is their work schedule? Can you provide the CFPM certificate?
Is the CFPM also the CFPM at any other location?
How do you keep track of all the soon-to-expire CFH and CFPM certificates for your employees?
How many food handlers are employed at your facility? Can you provide a copy of all your food handler cards?
3. Communicable disease; reporting, restrictions & exclusions
What are your facility's exclusion and restriction policies?
What do you do when food employees have lesions on their hands?
When can a food employee who had been diagnosed with a communicable illness return to work?
Do you check for any exposed sores/lesions on food employees' hands or arms? If yes, what is the process?
Are your food employees aware that they must report when sick and experiencing gastrointestinal disease or a confirmed communicable illness?
Are you aware about reporting requirements for employees with gastrointestinal disease or confirmed communicable illness? If yes, what is the process?
Do you know if any of your employees currently have been diagnosed with a communicable illness (as listed in CRFC)? If yes, did you report it to the Department?
4. No discharge from eyes, nose, and mouth
What do you do when an employee reports to work exhibiting discharge from their eyes, nose, or mouth?
Are there any processes in place to limit the tasks of employees exhibiting discharge from their eyes, nose, or mouth?
What steps do you take when you observe a food employee exhibiting discharge from their eyes, nose or mouth and is working with food, clean equipment, clean utensils, and clean linens?
5. Proper eating, drinking, or tobacco use
Have you established a designated area for eating, drinking, and tobacco use (where applicable) for your employees? If so, where?
6. Hands clean and properly washed; proper glove use
Where do the employees wash their hands?
How often to employees wash their hands?
What is the minimum time required for an employee to wash their hands?
Do you use gloves at the facility? If so, what kind of gloves do you use?
7. Adequate handwashing facilities: supplied and accessible
Do you have an employee designated to routinely check for adequate handwashing supplies at the handwashing sink?
How often are handwashing supplies checked?

Can the facility readily switch to using paper towels when hand drying devices fail?
8. Proper hot and cold holding temperatures
When was this food made? What is the status of this food item? How long has this food item been holding at this measured temperature?
Was the steam table heated prior to placing food in it?
Was the food reheated prior to placing it in the steam table?
Where was this food item located before you placed it in this location?
How often do you check temperatures of food items in hot and cold holding units?
How do you ensure that your equipment can maintain proper holding temperatures?
What food safety measures do you have if any of your refrigeration units are in disrepair?
Is this food item holding using time and temperature control or another intervention (e.g., TPHC) is being implemented?
9. Time as a public health control; procedures & records
What food items are utilizing TPHC?
Where are the written procedures for the food items utilizing TPHC?
How do you ensure that record keeping is completed?
Who is designated to complete/monitor TPHC record keeping/time marking of food items?
What do you do with food items utilizing TPHC once its time marking has exceeded?
What corrective actions are taken if an employee fails to follow TPHC procedures?
What tools or equipment do you use to manage TPHC (e.g., timers, labels, temperature logs)?
10. Proper cooling methods
When did you prepare the food items? What is the status of this food item (holding or cooling)?
How long has this been cooling?
What was the temperature of the food when you started cooling it?
When did you place the food item in the refrigerator and what was the temperature when you did so?
How do you monitor the appropriate time and temperature when cooling potentially hazardous foods?
Is this an approved method for cooling food items?
11. Proper cooking time and temperature
What temperature do you cook this food item to and for how long if a customer does not request this item less than thoroughly cooked?
How are cooking temperatures for cooked food items checked?
What foods do you prepare "less than thoroughly cooked" at the customer request?
Do you use the microwave to cook any food items? If yes, how?
12. Proper reheating procedures for hot holding
What is the status of this food item (holding, cooking, or reheating)?
Is this an approved method for reheating food?
What equipment or methods do you use for reheating food? Do you have a hot holding unit that is also approved for reheating?
Can you describe the procedures your establishment follows for reheating food for hot holding? Are staff members trained on proper reheating procedures?
How do you ensure that reheated food reaches the appropriate internal temperature?
How often do you monitor the performance of your reheating equipment? Do you have a maintenance log?
Do you use the microwave to reheat food? If yes, how?
Did you use the steam table for reheating?
What was the state of the food prior to reheating?
Was the potentially hazardous food (PHF) refrigerated or frozen prior to reheating?
13. Returned and re-service of food
Where do you store the communal food items you serve at a customer's table?
What happens to the leftover communal food?
Who is ensuring that the food is being disposed and not re-served?
14. Food in good condition, safe and unadulterated
How does the facility prevent cross contamination?

Does the facility sell Gulf Oysters? If so, Are the Gulf Oysters stored inside the original shipping container? Is the shellstock tag present? Were any oysters from another container added to this container? What is your record keeping system?
What process is followed to prepare raw foods for display in the salad bar? Are there any additives/preservatives added to the foods items prepared for salad bar?
Have new spices been added to your recipes since the last inspection?
Do you ROP food items?
Does your facility prepare any food items that require a HACCP plan or variance? Can you explain to me how you prepare the food item as I compare it with your HACCP plan/variance?
Do you inspect food items you receive at delivery? If so, how?
Has this ice used for human consumption previously been used to cool down drink bottles/cans or other food items?
Do you add industrial hemp to any of your food items?
15. Food contact surface; clean and sanitized
Where is your manual warewashing sink? Do you have a mechanical warewashing sink?
How do you clean your 6ft X 11in cutting board?
How do you clean large equipment in place?
How often do you clean iced tea dispensers and consumer self-service utensils such as tongs, scoops, or ladles.
When was this restaurant built? Is it pre-1996?
Are utensils and equipment allowed to air-dry properly?
How long have the cutting boards been in continuous use today?
Can you show me how you open this equipment to clean it?
Can you demonstrate the wash, rinse, and sanitized process?
Is this utensil/equipment clean and ready to be used?
Do you know how much sanitizer needs to be added? How do you measure the amount of sanitizer that is added?
At what water temperature is your detergent effective?
16. Food obtained from approved source
Are any food items made in a private residence?
How do you maintain your food invoices at your facility?
How do you ensure that you order foods from approved sources?
Where does this food item come from? Can you provide an invoice?
How do you deal with foods received that are discovered to be from unapproved sources?
Do you make any milk products from scratch at the facility? If so, do you have a license from CDFA?
17. Compliance with shell stock tags, condition, display
May I see your harvest tags for the last 90 days?
How do you maintain records of your shell stock tags and invoices?
How do you quality check the condition of your received shell stock?
How do you ensure co-mingling is prevented when storing shell stock in display tanks?
18. Compliance with Gulf Oyster Regulations
Are there warning signs posted? Where are they posted?
How do you keep or maintain the tag or label with the Gulf Oysters?
Does the facility warn patrons/guests regarding consumption of raw Gulf Oyster?
How do you ensure approved receipt of raw gulf oysters from an appropriate harvest time for both treated and untreated raw Gulf Oysters? Can I see the invoices?
Can I see the verification letter for the treated Gulf Oysters?
19. Compliance with variance, specialized process & HACCP
Do you prepare any food items that require a HACCP plan?
Do you have a written HACCP plan in place for this process?
How did you obtain the variance for this food process?
How do you personally ensure that your HACCP plan is being followed?
Who oversees the HACCP plan? Who trains? Who makes sure it is being followed?
20. Consumer advisory provided for raw/undercook food

Does your facility purposely serve food that is raw or undercooked? If so, how do you inform your patrons they are eating food that is less than fully cooked?
Where is your consumer advisory? Where is the reminder and disclosure located?
Does the facility prepare any food items that use raw or undercooked unpasteurized eggs?
21. Licensed health care facilities/public & private schools: prohibited foods not offered
Who is the population being served?
What is on the menu for today?
What are the ingredients? How do you make this? How do you usually prepare this type of food?
What happens to food that has been served but not consumed?
How do you ensure that prohibited foods are not offered a highly susceptible population?
What training is provided to staff regarding prohibited foods?
22. Hot and cold water available
Where does your potable water come from? Does it come from a private or public source?
Have you had any recent issues with your hot water system?
How frequently do you check water temperatures at various sinks?
Do you follow a regular maintenance schedule for your hot water heater(s) and plumbing?
Have you had past violations related to hot water? How were they addressed?
Are you aware of the requirements for hot water temperatures?
How do you inform your staff about the importance of maintaining correct water temperature?
Do you keep records of water temperature checks and maintenance activities?
23. Sewage and wastewater properly disposed
When did you notice the overflow?
Have you notified the owner/PIC and if a technician has already been summoned?
What precautions have you taken to prevent contamination of food contact surfaces and adulteration of food?
What measures have you taken to stop the source of the discharge and clean the affected areas?
Does the facility have a method of monitoring to ensure grease trap, plumbing, and all other drainage are in good repair?
Where is the grease trap/interceptor? How often is it serviced?
24. No insect, rodent, birds or animals present
Do you have a regular pest control company? Are they licensed? How often do they visit? Can you provide records of recent pest control treatments and inspections?
How will you monitor the effectiveness of the pest control measures implemented?
Have your employees received training on pest prevention and control measures?
What procedures are in place for reporting and addressing pest sightings by employees?
What long-term strategies do you plan to implement to prevent future infestations?
How do you manage waste and ensure that it does not attract flies?
Do you have fly traps or screens installed in the food preparation and storage areas?
Have you observed any live or dead cockroaches, or their droppings, in the facility?
Are there any structural issues, such as gaps or cracks, that could allow pests to enter?
What steps have you taken to prevent rodents from entering the facility?
When was the last time you performed a thorough inspection for rodent activity?
Have you noticed any signs of rodents, such as droppings, gnaw marks, or nests, recently?
Are there any known areas in your facility that are more prone to cockroach activity?
Do you know about integrated pest management?
25. Person in charge present and performs duties
Who is the PIC?
What duties is the PIC responsible for?
Do you allow non-employees to enter through the kitchen? If so, why?
26. Personal cleanliness and hair restraints
Are your food workers wearing hair or beard restraints as required?
Are your food workers following proper hygiene practices?
How often do your team wash their uniform or outer garments?
27. Approved thawing methods used, frozen food
Where/how do you thaw frozen food items?

How long ago did you begin to thaw this item?
Are you thawing this frozen item inside the display case?
What are the manufacturer's label instructions for thawing this vacuum-packed item?
28. Food separated and protected
Is this area approved for food preparation?
Is the food item stored in an area and manner that protects it from possible contamination?
Are food ingredients stored in containers, refrigerators, or freezers or the ice machine stored in a manner that is easily accessible to customers?
29. Washing fruits and vegetables
Where is produce washed? What is the process used for cleaning fruits and vegetables?
Is a cleaning solution used to wash produce? May I see the product container? How is the solution prepared? Are written or posted procedures available?
30. Toxic substances properly identified, stored and used
What are the contents of the unlabeled container?
Where are the chemicals and cleaners stored in the facility?
What is done with the chemical containers once the product is finished?
Do you use any chemicals intended for "household" use?
31. Food storage; food storage containers identified
Where do you store your food items?
Did you get this cargo container approved by our Plan Check program? If so, can you provide me the documentation?
Where is the label with the common name of the ingredient on this working container of food?
32. Consumer self service
Do you have an employee that is trained in safe operating procedures and regularly monitor the buffet lines and salad bars to make sure the utensils and dispensers are being used properly?
33. Food properly labeled & honestly presented
Are you aware that infant formula cannot be offered for sale past the "use by" date and if so, is there an employee that rotates/pulls expired inventory and how often?
For what purpose are pink light shields being used in the meat display case?
Where are these prepackaged food products being manufactured at or are you repackaging them since labels are missing from the package?
34. Nonfood-contact surfaces clean
How often do you clean the exterior surfaces of your food equipment?
Do you have a procedure on how food shelves, food equipment, etc. should be cleaned?
Do your employees receive training on how to clean equipment?
35. Warewash facilities: installed, maintained, used; test equipment
Was the dishwashing machine recently added? Were plans submitted to Plan Check?
How often is the warewashing equipment maintained and serviced?
How do you ensure that temperature measuring devices in each tank of the warewashing machine are functioning properly?
What temperatures are maintained during the wash, rinse, and sanitizing cycles?
How do you ensure the correct concentration of chemical sanitizers?
Are there test devices available to measure sanitizer concentrations?
Can you show records of sanitizer concentration checks?
How is the three-compartment sink used for washing, rinsing, and sanitizing?
Are drainboards or equivalent equipment used to separate soiled and cleaned items?
How often do you check the effectiveness of the sanitization process?
Is there documentation of regular maintenance and checks of the warewashing facilities?
What training do staff receive on the proper use and maintenance of warewashing equipment?
Do you have a thermometer available to measure water temperatures at the warewashing sink?
Are there protocols in place for reporting and addressing issues with the warewashing equipment?
How do you know if the thermometer at the high temperature warewashing machine is functional/accurate? Can you run the high temperature warewashing machine?
36. Equipment/utensils approved; installed; good repair; capacity
Is there any available proof that the food equipment/utensil is approved?

Can you tell me more about this non-operational equipment?
Did you obtain Plan Check approval prior to installing this equipment?
Is this equipment malfunctioning or broken?
37. Equipment, utensils and linens: storage and use
Where are the utensils/equipment/linens stored? How do you ensure equipment/utensils/linens are stored to protect them from possible contamination?
Do you allow customers to use their own containers for the refilling of food?
Can storage areas be rearranged to allow for equipment, utensils, and linens to be stored in clean and approved areas in a manner that prevent contamination?
Can cleaning supplies be moved to the outdoor shed, and food equipment moved back into an approved area within the food facility?
Have employees been trained on proper use of the food facility's equipment and utensils?
When applicable, are written standard procedures available, and if yes, are employees familiar with them?
38. Adequate ventilation and lighting; designated areas, use
What do you use the table-top equipment for? Are you aware that a ventilation hood is required over cooking equipment in the customer area?
How do you make sure the hood is working properly and how often is the unit cleaned?
Can you provide adequate lighting in areas where food is prepared and stored?
39. Thermometers provided and accurate
Do you have a thermometer available to measure food temperatures?
How do you know if the metal probe thermometer is properly calibrated?
Does this refrigeration unit have a thermometer? Where is the thermometer located?
40. Wiping cloths; properly used and stored
How are the wiping cloths stored? What is the purpose of the wiping cloth?
How do you measure the sanitizer concentration in the sanitizer bucket?
How/When are the wiping cloths laundered?
41. Plumbing; fixtures, backflow devices, drainage
When was the grease trap/interceptor installed?
Which sink are you using as a food preparation sink?
How do you connect the hose to the mop sink faucet?
Where is the drain line from the walk-in cooler draining, since there is no visible floor sink?
How long has this drain line/floor sink/floor drain slow draining/clogged?
42. Garbage and refuse properly disposed; facilities maintained
Where is the refuse area located?
How often do you clean your refuse area?
How often do you clean your trash container?
How many times per week are the trash containers emptied?
Do you plan on using any of these items or equipment in the future?
If the grease collection bin is located at the refuse area, how often is it serviced?
What is your process for transferring trash/garbage from the trash bins inside your facility into the trash containers?
Has bulky-item pickup been scheduled to remove these items? When are they scheduled to come pickup these items?
43. Toilet facilities: properly constructed, supplied, cleaned
How often do you check the toilet room facilities?
Are the fixtures (toilets, urinals, sinks) in good working order?
Who ensures the toilet facilities are fully supplied?
44. Premises; personal/cleaning items; vermin proofing
How do you assess for cleanliness and structural upkeep (e.g., visual inspection, cleaning log checklist?)
Where do employees store their personal belongings?
Do you have first aid kit for your employees? If so, where do you store the first aid kit?
Where do you dispose the dirty mop water?
Where do you clean the mops after use? Do you have a designated area to air dry the mops?
Do you have room/area to store cleaning equipment (e.g., brooms)?

Where do you store the cleaning supplies or chemicals used at the facility?
How do you vermin proof the facility? Who is responsible for monitoring that the building is vermin proof? If so, how often?
45. Floors, walls and ceiling: properly built, maintained and clean
Have the floor finishes been changed since your last routine inspection?
Are you planning to replace any finishes in the future?
Did you consult with Plan Check Program prior to the installation of the base coving tiles?
46. Sleeping Quarters
Why is the bedding/blankets/cots/sofa located at the facility?
47. Signs posted; last inspection report available
What year was this food facility built? Has it been in continuous operation? Is food consumed on site? If so, do you provide a customer restroom? If not, do you have a "No public restroom" sign posted?
Where is your grade/score card posted?
Since handwashing and no smoking stickers/signs are required to be posted, would you like some?
48. Permits available
Our records indicate that you have not paid for your PHP, did you receive your invoice for the new fiscal year?
When did you take ownership over this food facility?
Are you aware you are operating out of the scope of your permit?
49. Plan Review
Is this a new piece of equipment? If yes, was approval from the Plan Check Program obtained?
Did you submit plans to the plan check program for the installation of the new equipment?
Have there been any changes to the menu or operations since my last inspection? If so, was there any new equipment added to support these changes?
What equipment did you use to prepare this food item?
50. Notification of Intent to Suspend
Why wasn't this repeat violation corrected? Do you understand why a NOITS was issued?
52. Permit Modification, Suspension, Revocation, or No Permit Closure
Do you understand the reason(s) why your permit is being suspended?
Your business is closed and shall remain closed until a Health Officer can re-open the establishment, do you understand what requirements are needed in order to re-open the business?
If the food facility is closed twice within a 12-month period, the permit may be revoked. Do you have a corrective action plan to prevent another closure in the future? Do you need assistance with coming up with a plan that works for your facility?