

**DATE:** June 25, 1998

**TO:** Lin Koester  
Chief Administrative Officer

**FROM:** Thomas Berg *Tom*  
Director, Resource Management Agency

**SUBJECT:** RESPONSE TO 1997-1998 INTERIM GRAND JURY REPORT

The following comments are in response to the recommendations directed to the Environmental Health Division's (EHD) Food Protection Program in the Grand Jury's Interim Report dated April 8, 1998.

**Grand Jury Recommendation:** *That EHD study and develop a program for rating/grading retail food establishments.* 1

**RMA Response:** We agree. The recommendation to study the issue has already been implemented. On April 14, 1998, the results of the study were presented to the Board of Supervisors (Attachment #1). The Board reaffirmed the EHD Program as adopted on January 6, 1998 (Attachment #2). The Board agreed with staff that a grading program was not warranted at this time for the reasons discussed in the Board letter.

**Grand Jury Recommendation:** *That EHD, because of some language and cultural differences, issue appropriate printed departmental procedures to each retail food establishment owner.* 2

**RMA Response:** We agree. The recommendation has not yet been fully implemented. On January 6, 1998, the Board approved a "training specialist" position that will develop training classes for all food handlers. That position was filled on May 18, 1998. Training materials and handouts will be prepared in all languages used by training participants. Also, it should be noted that of 19 food handler training classes provided in 1997, 9 were conducted in Spanish.



SUPERVISORS SUSAN K. LACEY, FRANK SCHILLO,  
KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN  
April 14, 1998 at 8:30 a.m.

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RESOURCE MANAGEMENT AGENCY - Environmental Health - Options to the  
Ventura County Food Protection Program.

- ( ) All board members are present.
- (X) All board members are present except Supervisor Flynn.
- (X) The following person(s) are heard: Don Koepf and Mike Saliba.
- ( ) The following document(s) are submitted to the Board for consideration:  
( ) \_\_\_\_\_ statement card(s); ( ) \_\_\_\_\_
- ( ) The Board holds a public hearing.
- (X) After discussion upon motion of Supervisor Lacey, seconded by  
Supervisor Long, and duly carried, the Board hereby approves the  
attached staff recommendations, and ask staff to give the Board a copy  
of the pending legislation.
- ( ) Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and  
duly carried, the Board hereby approves the attached staff  
recommendation(s) with the following modification(s): \_\_\_\_\_
- ( ) Upon motion of Supervisor \_\_\_\_\_, seconded by  
Supervisor \_\_\_\_\_, and duly carried, the Board hereby  
continues the above stated matter to \_\_\_\_\_  
( ) Supervisor(s) \_\_\_\_\_ dissent-  
ing/abstaining.
- ( ) Upon motion of Supervisor \_\_\_\_\_, seconded by  
Supervisor \_\_\_\_\_, and duly carried, the Board hereby
- ( ) Without motion, the Board hereby: ( ) Continues the above stated matter  
to \_\_\_\_\_ ( ) Hears  
the attached presentation. ( ) Removes the above stated matter from the  
Agenda. ( ) Receives and files the attached.
- ( ) Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor  
\_\_\_\_\_, and duly carried, the Board hereby approves the  
Informational Agenda as attached.

By: *Frank Schillo*  
Deputy County Clerk

CLERK'S CERTIFICATE

I hereby certify that the annexed instrument  
is a true and correct copy of the document  
which is on file in this office.  
RICHARD D. DEAN, County Clerk and ex-officio  
Clerk of the Board of Supervisors, County of  
Ventura, State of California.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Deputy County Clerk

Item # 29  
4/14/98

DISTRIBUTION: Originating Agency, Auditor, File, \_\_\_\_\_

**STATEMENT OF MATTER FOR BOARD CONSIDERATION:**

**Background:**

On January 6, 1998, in adopting the staff-recommended changes to the Ventura County Food Protection Program, your Board directed staff to return to the Board with additional information about alternatives to the staff-recommended Program, as well as information about fees, workload, public disclosure, and recognition options to reward complying food facilities. A staff review and assessment "issue" paper was prepared and is attached as Attachment 1. Highlights of this issue paper follow.

**Workload of Community Services Staff:**

EHD Community Services inspection staff is currently responsible for the routine inspection of 3,666 permitted food facilities as well as 1,298 public swimming facilities, approximately 5,000 facilities in all. In addition, staff is responsible for responding to citizen complaints, performing plan checks and construction inspections for new facilities, preparing enforcement actions, attending office violation hearings, meeting with prospective food facility operators, providing public information, leading voluntary food safety training sessions for food handlers, and attending staff training sessions. Workload indicators based on inspections by type, by inspector, and by time period are summarized in Table 1A on page 11.

Table 1B, on page 12, compares Ventura County's Food Protection Program with comparable counties in Southern California. As can be seen, our County compares favorably with other counties with similar programs.

**Restaurant Fee Comparison:**

Table 2, on page 13, relates Ventura County's Food Protection Program fees to fees of counties in Southern California with comparable programs. Our fees are consistent with and often lower than fees in other, similar counties.

Protection Program, as adopted by the Board on January 6, 1998, remains the preferred approach at this time.

#### **Optional Program Enhancements:**

The goal of the Ventura County Food Protection Program is to protect public health by minimizing the risk of foodborne illness as effectively and efficiently as possible. This involves determining the optimal mix of staffing, inspection frequency, penalties for non-compliance, food safety training, and public disclosure.

Options to expand the existing Ventura County Food Protection Program include the following:

- ▶ Mandate food safety training for all food handlers.
- ▶ Mandate food safety training for all food facility managers.
- ▶ Create a food facility "grading" program of some sort.
- ▶ Establish alternative public disclosure methods.
- ▶ Establish incentives to reward complying food facilities.

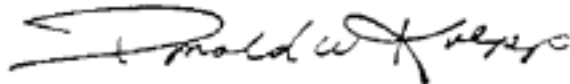
The pros and cons of using each of these sorts of measures to expand the existing Ventura County Food Protection Program are discussed in the issue paper.

Each option would add to the cost of the existing program. In general, a clear relationship **between** implementing some of these optional requirements and achieving **increased** food safety has not been clearly demonstrated. Additionally, there were **no readily available** studies which addressed the relationship of public disclosure and changes in compliance levels.

The Board should be aware that none of these enhancements to the Ventura County Food Protection Program are mandated by the State and would therefore require individual approval by each general purpose government. Any action taken solely by your Board would take effect only in the unincorporated areas.

Board of Supervisors  
April 14, 1998 (Agenda)

If you have any questions concerning this item, please contact Donald W. Koepp at 654-2818.



DONALD W. KOEPP, DEPUTY DIRECTOR  
RMA-ENVIRONMENTAL HEALTH DIVISION

Attachments:

- Attachment 1 - Issue Paper
- Table 1A - Workload: Local
- Table 1B - Workload: Comparison with Similar Counties
- Table 2 - Fees: Comparison with Similar Counties
- Table 3A - Health Program Options
- Table 3B - Fee Implications for Options

## ISSUE PAPER DISCUSSING OPTIONS TO THE VENTURA COUNTY FOOD PROTECTION PROGRAM

On January 6, 1998, your Board directed the Environmental Health Division (EHD) to return to the Board with additional information pertaining to the Ventura County Food Protection Program. Specifically, the Board asked staff to prepare additional information on the following subjects:

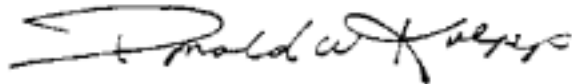
- ▶ Workload of Community Services Inspection staff
- ▶ Restaurant fee comparison
- ▶ Additional options to the January 6, 1998 Board adopted Food Protection Program enhancements
- ▶ A recognition program for Food Facilities

### WORKLOAD OF COMMUNITY SERVICES STAFF - Tables 1A/1B, page 11

The 14 inspectors of the EHD Community Services Section are responsible for the routine inspection of 3,866 permitted food facilities, 1,298 public swimming pools; and responding to public complaints concerning food facilities, public swimming pools, overflowing septic systems, trash, fly breeding in horse manure, and other similar public complaints. Community Services Section staff also perform plan checking and construction inspections of food facilities and public swimming pools, meet with prospective food facility operators, perform preoperational inspections, prepare enforcement cases, attend office hearings, attend training; and staff must be available to assist the public during EHD counter times. Additionally, time is required to respond to inquires from the public and businesses pertaining to food sanitation. With the risk based inspection frequencies adopted by your Board on January 6, 1998, 7,569 routine inspections and 1,968 follow-up inspections of food facilities, 3,245 inspections of public swimming pools and 900 complaint investigations will be conducted by Community Services Section staff in the next year. Each inspector must conduct 681 food facility inspections and 232 public swimming pool inspections annually. If taken in monthly increments, each inspector must conduct 57 food facility and 19 public swimming pool inspections. Each inspector is assigned an inventory of food facilities and public swimming pools with an average inventory of 262 food facilities and 93 public swimming pools, or 355 units, assigned to each inspector. In comparison with other Southern California counties, Ventura County's inventory is second highest. Orange County has 358 units assigned to each inspector; San

Board of Supervisors  
April 14, 1998 (Agenda)

If you have any questions concerning this item, please contact Donald W. Koepf at 654-2818.



DONALD W. KOEPP, DEPUTY DIRECTOR  
RMA-ENVIRONMENTAL HEALTH DIVISION

**Attachments:**

- Attachment 1 - Issue Paper
- Table 1A - Workload: Local
- Table 1B - Workload: Comparison with Similar Counties
- Table 2 - Fees: Comparison with Similar Counties
- Table 3A - Health Program Options
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Bernardino has 350 units per inspector; and Santa Barbara and Kern Counties have significantly lower inventories of 302 and 300, respectively. Finally, it is important to note that EHD carries out these responsibilities in the 10 incorporated cities, thus providing service to all citizens of Ventura County.

### RESTAURANT FEE COMPARISON - Table 2, page 12

Results of benchmarking with four other Southern California Counties reveal that Ventura County restaurant fees were ranked fourth: San Bernardino County had the highest average restaurant fee which exceeded Ventura County's by \$372; Santa Barbara County was second highest; Orange County's average restaurant fee is \$41 higher than Ventura County; and Kern County had the lowest average restaurant fee which is \$85 lower than Ventura County.

### ADDITIONAL OPTIONS PERTAINING TO THE VENTURA COUNTY FOOD PROTECTION PROGRAM

The options for your Board to consider on Ventura County's Food Protection Program are related to:

- ▶ Inspection frequency
- ▶ The staffing required to carry out the established inspection frequency
- The associated program costs/revenue
- Optional Program Enhancements-

Mandatory Food Safety Training  
Grading  
Alternative Public Disclosure Methods



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Table 3A, page 13, represents some options available to your Board. The options are described in the narrative that follows:

### OPTION 1:

Inspection frequency would be rolled back to previously set rate of two times per year. This option does not address the risk associated with varying types of food facilities, amount of food preparation, or potentially hazardous foods being prepared. There would be no reclassification of food facilities into risk categories and therefore no corresponding increase or decrease in fees. Staffing levels and fees would be returned to levels prior to January 6, 1998.

### OPTION 1A:

Emphasis would be placed on inspections of restaurants where there is a greater risk of foodborne illness while inspections of other types of food facilities would be reduced. Fee adjustments would be made based on reduced or increased inspection frequency. Staffing levels and fees would be returned to levels prior to January 6 1998.

### OPTION 2:

This is the option approved by the Board on January 6, 1998. This option was proposed to the Board in November 1996 to enhance public health protection, maximize the use of available resources, and improve equity in the fees charged to the retail food industry. It includes the following: expansion of categories of food facilities based on risk of foodborne illness, tiering of fees based on risk level, provide corresponding level of inspection frequency, implementation of a food safety Hazard Analysis Critical Control Point (HACCP) Program, and expanded training of food handlers. This proposal calls for fee reductions for those facilities that have a lesser risk of causing foodborne illness and therefore would be inspected less frequently. The

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fee increases would be applied to those food facilities with increased risk of causing foodborne illness and the increase in inspection frequency to address this risk.

In the restaurant category, 61% of the facilities will have a minor increase or a decrease in fees; 18% will pay a fee increase for additional services that require additional inspection time, such as a bar; 21% will have fee increases necessary to achieve full cost recovery. In the market category, 53% of the facilities will have no increase or a decrease in fees, 31% will pay a fee increase for additional services that require additional inspection time, and 16% will have fee increases necessary to achieve full cost recovery.

### OPTION 3:

This option is based on State of California, Department of Health Services (DHS) recommended frequencies. The DHS Environmental Planning and Local Health Services Branch conducted a review of the Ventura County Environmental Health Division in March 1989. The DHS recommended the addition of seven inspector positions to the existing 10 inspectors in order to raise inspection frequencies to an acceptable level. Since 1989, 3 inspector positions have been added to the food protection program, while the inventory of food facilities has increased by over 700. Using the current food facility inventory in conjunction with the State's recommended frequency, 5 additional Inspector positions would need to be added to the Board's action of January 6, 1998. The costs would be distributed to all food facilities resulting in a fee increase of approximately \$87 per facility.

### OPTION 4:

This option uses the inspection frequency of Los Angeles and San Diego Counties, which "grade" food facilities. Mandatory Food Facility Manager training is required in Los Angeles County so that one certified

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food handler is always present during hours of operation. San Diego County requires all food handlers be trained. Inspection frequency is increased to maintain the "accuracy" of the "grades". This option would require an increased inspection frequency and would result in the need for 5 more Inspectors in Ventura County. The costs associated with this increased inspection frequency would be distributed to all food facilities resulting in a fee increase of approximately \$108 per facility.

### OPTIONAL PROGRAM ENHANCEMENTS

The Board should be aware that inclusion of any of the following enhancements to the Ventura County Food Protection Program in a county ordinance does not mean food facilities will be subject to these requirements countywide. Current State law would require adoption of an ordinance by each City Council to establish these requirements. The State Legislature is also looking at these issues. Senate Bill 1783, introduced by Senator Watson, would require that the State Department of Health Services, in consultation with local Environmental Health Directors and industry, develop standards in safe food handling practices and develop a written test to verify knowledge of basic food safety. It is likely that these issues will be resolved in the legislative process this year, by the mandate of some mix of additional health program enhancements that would apply Statewide.

#### Mandatory Food Safety Training

Food Safety Training sessions could be required to be completed regularly, perhaps once every 2 years. For the purposes of this report, the assumption is made that EHD would provide the training initially for the first two-year period. The figures shown in Table 3A (page 13) and 3B (page 14), do not address turnover in food handlers or managers, which would further increase the cost.

#### Training All Food Handlers

Even with a two-year process, it would be challenging to provide

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training, testing, and certification to the estimated 30,000 food handlers in Ventura County. This would necessitate 400 food handler training sessions be conducted per year with 38 food handlers in attendance at each session. For estimated cost purposes, it is assumed EHD would offer two 4-hour sessions per day, 200 days per year. Two additional Environmental Health Specialist (EHS) IV positions will be required to provide and maintain this level of training. The estimated cost would be \$204,000/year. The cost for each food handler would be approximately \$14 ( $\$204,000 \div 15,000$ ). These types of classes are offered by the California Restaurant Association in Los Angeles also at a cost of \$39 (member) or \$59 (non-member). It is likely that community colleges and private businesses could also provide training, and testing, but development of exams, requirements for instructors, and certification would remain with EHD. It is possible the actual cost of mandatory food handler food safety training for businesses could be significantly higher than shown in this preliminary cost analysis.

### Training Food Facility Managers

This also assumes a two year process to certify the estimated 6,300 food facility managers in Ventura County. This would necessitate 210 Food Facility Manager training sessions per year. EHD is assuming to offer one 8-hour session per day, 210 days per year. The cost will be \$78,000. The cost for each food facility manager would be approximately \$25. These types of classes are also currently offered by the California Restaurant Association in Los Angeles at a cost of \$95 (member) to \$160 (non-member).

### "Grading"

The costs associated with "grading" (i.e., scoring, grading, and training food handlers) include an estimated data management system cost of \$84,000 start-up and \$80,000 annual maintenance fee. This data management system provides a list of violations for each facility, can show the pattern of violations for each facility, and a list of

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violations that were ever cited for each facility owned by that entity. An estimated \$35,000 is needed annually for administrative costs including signs, forms, supplies, certificates, meeting rooms, and data entry support.

While there is some public recognition of "grading" of food facilities, there are many elements of a "grading" program that need consideration:

- State law does not mandate "grading" of food facilities.
- State law requires counties that have a local "grading" ordinance to have each city within the county adopt an ordinance to establish grading. Even if the Board of Supervisors were to adopt an ordinance establishing "grading" it would only apply to food facilities in the county unincorporated areas. EHD records show that of the 3,666 food facilities there are 109 food facilities in the county unincorporated area that would be subject to "grading".
- There are only three counties in California that have some type of "grading" system: San Diego, Riverside, and Los Angeles. All cities within San Diego County have adopted a "grading" ordinance, two cities of 26 incorporated cities within Riverside County have not adopted the posting and "grading" requirement, and only county unincorporated areas of Los Angeles County are "graded".
- "Grading" of food facilities does not correspond to letter grades received in school, where anything above an "F" is considered passing. In food facilities, the only passing "grade" is an "A". This use of letter "grades" may be confusing to the public and may actually impart a false sense of security.
- The letter "grade" is based on conditions at the time of inspection; EHD cannot insure that a food facility is operating at an "A" level between inspections.

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- There are no studies which demonstrate an increase in compliance or improved public health protection by "grading" food facilities.
- United States Public Health Service and the Food and Drug Administration do not recommend grading in the 1997 Model Food Code.

### ALTERNATIVE PUBLIC DISCLOSURE METHODS

The following are options to "grading" that can be considered to provide the public with current information as to the compliance status of the food facility. Some alternatives of evaluation may require "local governing body approval" and thus the cities may need to adopt ordinances prescribing any of the following:

- ▶ Require posting of inspection report or violation history checklist
- ▶ Publish summaries of recent inspection reports on a weekly basis
- ▶ Publish or require posting of court actions or other enforcement actions taken against a food facility
- ▶ Require immediate posting of a score at the facility by the inspector following inspection
- ▶ Publish most recent inspection score, as determined by computer program, on a weekly basis
- ▶ Require posting of an average score of the last 2 inspections

### ELEMENTS OF AN INCENTIVE PROGRAM

In order to offer some type of incentive to food facilities that are substantially in compliance with applicable codes, the following elements must be in place within each food facility:

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1. A rating system must have been used during inspections.
2. The term, "substantially in compliance" must be given a numerical value, for example: less than 3 food handling violations or a rating of 95%.
3. The operation of the food facility must have been "substantially in compliance" for a set period of time, for example: the last three routine inspections.
4. The food facility must have operated with a valid health permit to operate (no penalties or late payments) throughout the time period involved in determining substantial compliance.
5. The entire food handling staff of the food facility must have received food safety training and have a certificate of completion from the certified training agent.

The idea of an incentive program can be two-fold: first, to provide a positive reinforcement tool to the food facility operator; and second, to publicly recognize those food facilities which have consistently maintained exceptionally high sanitary and operational standards, thereby assuring the maximum protection of the public's health and safety.

In the January 6, 1998 ordinance and resolution a non-compliance fee was established. This fee will be charged to those facilities that require additional inspections to determine that compliance has been met. It is charged directly to the facility involved to offset staff time spent at the facility. Therefore, the base fee for facilities maintaining compliance remains the same.

It is suggested that a program of this type be developed through coordination with the retail food industry.

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PROTECTION PROGRAM**

April 14, 1998

**SUMMARY:**

The Food Protection Program modifications approved by your Board on January 6, 1998 enabled EHD to enhance public health protection, maximize the use of available resources, and improve equity in the fees charged to the retail food industry. Changing inspection frequencies as detailed in this issue paper will not provide the same balance. While mandatory food safety training and public disclosure have merit, until Statewide uniformity and application of these ideas is achieved, the costs of initiating these programs locally appear to outweigh the benefits that may be derived.



**TABLE 1A**  
**WORKLOAD OF COMMUNITY SERVICES STAFF \***

	FOOD FACILITIES	PUBLIC SWIMMING POOLS	TOTALS
TOTAL INVENTORY	3,666	1,298	4,964
INVENTORY PER INSPECTOR	262	93	355
INSPECTIONS			
Routine	7,569	2,596	10,165
Follow-up	<u>1,968</u>	<u>645</u>	<u>2,613</u>
Total	9,537	3,241	12,778
ANNUAL INSPECTIONS PER INSPECTOR	681	232	913
MONTHLY INSPECTIONS PER INSPECTOR	57	19	76

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- \* This analysis does NOT include other daily activities as detailed on page 1 of Attachment 1.