



County of Orange

California

**Michael B. Giancola**  
County Executive Officer

April 29, 2014

Honorable Glenda Sanders  
Presiding Judge of the Superior Court of California  
700 Civic Center Drive West  
Santa Ana, CA 92701

Subject: Response to Grand Jury Report, "Revisiting Orange County Restaurant Food Safety: Improving Placard Visibility For The Public's Best Interest"

Dear Judge Sanders:

Per your request, and in accordance with Penal Code 933, please find the County of Orange response to the subject report as approved by the Board of Supervisors. The respondents are the Orange County Board of Supervisors and the Health Care Agency.

If you have any questions, please contact Mike Kerr of the County Executive Office at 714-834-7086.

Sincerely,

Michael B. Giancola  
County Executive Officer

Enclosure

cc: FT 2013-14 Orange County Grand Jury Foreman  
Mark Denny, Chief Operating Officer, County Executive Office  
Mark Refowitz, Director, Orange County Health Care Agency  
Mike Kerr, Assistant to the COO, County Executive Office

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**2013-14 Grand Jury Report**  
**“Revisiting Orange County Food Safety:  
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**Response to Findings and Recommendations**

The Health Care Agency’s Environmental Health Division protects public health and the environment, and promotes the well-being of all Orange County residents, workers, and visitors. Environmental Health is a regulatory agency that enforces State and local requirements while emphasizing education and outreach in fulfilling its legal responsibilities. Services include restaurant inspections to ensure the safety of the food served to the public, public pool safety inspections, ocean water quality monitoring, inspections regarding the safe handling and disposal of hazardous materials and medical waste, and inspections of landfills and other solid waste facilities.

Environmental Health’s Food Protection Program implements the requirements of the California Retail Food Code (Health and Safety Code, Division 104, Part 7), and is responsible for the inspection of retail and wholesale food operations throughout the County. Facilities that fall into this category include restaurants, supermarkets, packaged food stores, meat markets, bakeries, school cafeterias, and wholesale food processing plants. To fulfill this legal responsibility, services include conducting unannounced routine inspections, responding to citizen complaints, educating food operators and the public on laws and regulations governing the food industry, reviewing and approving plans for any new construction or remodel of a food facility, and issuing health permits to all facilities that are in compliance with the law. Environmental Health has 63 staff members involved in the inspection of approximately 13,800 food facilities and conduct approximately 35,000 initial and follow-up inspections annually. Food Protection Program staff also review and approve construction and remodel plans for public pools and spas and conduct routine inspections to assure safe and healthful conditions at over 7,200 public pool facilities throughout the County.

**Response to Findings**

- F.1.** The present Orange County Environmental Health Inspection Placard does not have *At-a-Glance* distinction that assists the public awareness of restaurant inspection status.

***Response:***     ***Disagrees wholly with the finding.***

The County of Orange has implemented a food facility inspection notification system since April 2000 under guidance and direction from the Board of Supervisors. The original inspection seals included the location, date of the inspection, inspector name and language that would subsequently be adopted into State law (SB180, Sher, Chaptered 2000) that each facility must maintain the most recent inspection report onsite, and to make that report available to patrons upon request.

In 2008, the Orange County Grand Jury issued a report entitled, “Restaurant Inspection – What No One is Telling You”. While the report recognized the Health Care Agency (HCA) for conducting very thorough inspections; the Grand Jury recommended that Orange County’s current inspection notification system be replaced with an A-B-C

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grading system similar to those implemented in our neighboring counties. HCA subsequently provided the Board with a report that contained background regarding the development of Orange County’s notification system and a discussion of various notification system options and projected costs associated with these systems.

In December of 2008, HCA presented information and notification options to the Board of Supervisors. Following much discussion and some revision, the Board directed HCA to improve the at-a-glance appearance of the inspection seals by adding the words “PASS” and “REINSPECTION DUE – PASS” in bold font on the center of the seal to make the difference more apparent, and added a “CLOSED” seal to notify the public of a health permit suspension.

While at-a-glance notification may be convenient, it does not convey a full depiction of the food safety practices of a facility. Full transparency and availability of inspection information is a significant benefit to consumers. The inspection seal is only one of the four components that make up Orange County’s comprehensive food safety Public Notification System. The four components are:

- 1) The Inspection Report; which conveys information to both the operator and the consumer. The report distinguishes violations that can cause foodborne illness (Major Violations) from those that do not (Minor Violations), and as required by law is available from the food facility operator upon request.
- 2) The Inspection Seals (placards), which provide the public with the date of the last inspection, the status of the facility since the last inspection, the web page address, the e-mail address, the 24-hour hotline telephone number, and directions on how to view a copy of the last inspection report.
- 3) An Award of Excellence program, which recognizes the food facilities that maintain excellent food safety practices throughout the year. This incentive program identifies and awards food establishments that achieve excellence in food safety and sanitation practices for an entire calendar year.
- 4) The food safety website ([ocfoodinfo.com](http://ocfoodinfo.com)), where the public can view inspection information including full inspection reports in PDF format. The web site [ocfoodinfo.com](http://ocfoodinfo.com) provides availability to all of the following information:
  - Inspection Reports – Searchable inspection report information for each food facility is available at the retail food safety program web site. A two year history for any facility, inspection reports, and enforcement actions can be viewed.
  - Award of Excellence Listing – The list of facilities that received the Award of Excellence for the previous year is posted online for review.

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- Food Facility Closure Lists – All food facilities that have been closed are posted monthly. The list shows the facility’s name, address, the reason it was closed, date it was closed, and the date reopened.

In addition, [ocfoodinfo.com](http://ocfoodinfo.com) posts information useful to consumers such as recall information and food safety tips

- F.2.** The current placard that notes a re-inspection entitled, “REINSPECTION DUE-PASS” is ambiguous and sends a vague message to the public.

**Response:** *Disagrees wholly with the finding.*

The reinspection placard lets the public know that a reinspection has been scheduled. The placard reads, “This food facility was inspected and violations that may cause foodborne illness were corrected. A reinspection has been scheduled to ensure continued compliance.” and the date of the reinspection is documented on the inspection placard. Using the term “Conditional” does not provide an at-a-glance indication of the impending follow-up activity to be conducted to ensure continued compliance with food handling requirements.

**Response to Recommendations**

- R.1. Implement Color Enhanced System:** Implement the proposed color enhanced placards suggested in this report. (F.1.)

**Response:** *The recommendation requires further analysis.*

The implementation of a public notification system that communicates the results of food facility inspections is a policy decision made at the local level. As the Grand Jury report discusses, jurisdictions throughout California have developed unique public notification systems that vary in form, presentation and visibility. The ultimate goal of the Food Safety Program is to prevent foodborne illnesses originating from poor food safety practices occurring in public food facilities. However, no one system has been shown to be superior in protecting public health. The most recent information for hospitalization rates related to foodborne illnesses vary from jurisdiction to jurisdiction even among those with grading systems. This data also indicates that Orange County has illness rates that are similar, higher and lower than jurisdictions with different notification systems.

Inspections are conducted to ensure the County’s food facilities practice safe food handling procedures. Unannounced routine inspections are conducted from one to three times per year at retail food facilities and additional inspections are scheduled to follow

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up on outstanding issues. During a typical inspection, the operator is asked to accompany the inspector to allow for questions and to address any food safety education opportunities that may arise. HCA inspection staff evaluate a facility’s food handling procedures to ensure that food is cooked and stored at a safe temperatures, employee and facility sanitation is upheld, food is being received from approved sources, that there exists protection from cross contamination between raw foods and ready-to-eat foods, and that the facility is free from vermin. When an inspection is completed, the operator is presented with a copy of the inspection report, and each condition noted during the inspection is explained. If a reinspection is necessary, a date is noted and a reinspection seal is issued and posted.

A robust food safety program, including quality routine inspections, business education and public outreach ensures consistent application of food safety laws and a higher level of public health protection.

If directed by the Board of Supervisors, the Health Care Agency will provide a report within 90 days for the Board’s consideration on public notification system options.

**R.2. Modify the Reinspection Placard:** Delete the ambiguity in “REINSPECTION DUE-PASS.” Replace with “CONDITIONAL PASS.” (F.2.)

***Response:***     *The recommendation requires further analysis.*

A reinspection placard is issued after a routine inspection when the inspector determines that an additional inspection is needed to verify that the facility has corrected any outstanding violations. Reinspections are conducted to verify and ensure compliance with applicable laws and to achieve and maintain a high level of food sanitation and safety. A reinspection occurs when:

- Three or more major violations exist regardless of corrective action taken at the time of inspection.
- The operator has displayed a pattern of repeated major or a significant number of repeat minor violations, even when the violations have been immediately corrected.
- Equipment is impounded or food is embargoed at a facility.
- Following the reinstatement of a suspended health permit.

During a reinspection, proper documentation is required to justify the inspector’s decision to issue a “PASS” placard. A statement concerning the corrective action taken is documented after every major violation noting how the violation was corrected.



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Using the term “Conditional” does not provide an at-a-glance indication of the impending follow-up activity. A reinspection can occur anywhere from the following day to up to two weeks subsequent to the initial inspection.

If directed by the Board of Supervisors, the Health Care Agency will provide a report within 90 days for the Board’s consideration on public notification system options.