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**Testimony of Robert Bookman, New York City Counsel,
New York State Restaurant Association Concerning
Letter Grades Proposal; New York City Department of
Health and Mental Hygiene, February 5, 2010**

At the outset, I want to acknowledge the changes that were made in this version of your proposal at the suggestion of our industry and thank you for listening to us. It is our hope that we can continue to have positive conversations about letter grading and hope you will adopt the changes we will now suggest as well.

You have heard the basis for our industry's opposition to letter grades. The arguments we believe are compelling. I would like to take a few minutes to discuss specific changes to the proposal should you decide to proceed...which we hope you do not without further discussion with the industry.

First, we believe that the mandatory posting of a letter grade, against the wishes of the business owner, and adopted as a rule by the Board of Health and not a statute by the City Council, raises significant and serious constitutional issues, especially in light of the recent Supreme Court decision upholding corporate free speech rights under the 1st Amendment to the US Constitution.

Second, should letter grading go forward, the grade must be limited to serious and critical food safety related violations only. The difference between an A or a B should not be based on a leaky faucet, an uncovered light bulb, a small work area in the kitchen or a design concern addressed for the first time well after a restaurant has opened and has passed its preopening design inspection. After 10 years of inspections, if an inspector decides that an additional sink is needed, that cannot be part of your grade. There is a long list of non food safety items currently included in your scoring system that if remains part of a letter grade, would simply be misleading to the consumer and would inevitably lead to competing window signs...yours and ours.

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Third, if an establishment gets a B and elects not to post the grade pending the re-inspection, that re-inspection must be limited, for grade purposes, to the items cited in the original inspection. If all of the cited items are corrected, then it should be an A grade for that original inspection. If the second inspection finds new violations, then that should wait for a re-inspection as well. After all, the purpose here is not to play a game of gotcha, but to have restaurants correct any violations. And all too often, what is a violation to one inspector is not to another.

Fourth, even when an operator upon re-inspection gets a grade it is not happy with, the operator must be able to request an additional inspection as soon as it is ready to prove improvement and should not have to wait until the next scheduled inspection...even if the cost of the inspection is born by the operator. An inspection is a snapshot in time. As such, it is unfair to leave an outdated grade on a window when it may not reflect current conditions.

Fifth, the proposal itself is silent as to what scores equal what grades, even though your press release provides numbers. A press release is not a rule and the industry needs to be able to comment on this critical issue before a system is adopted.

Sixth, all food service establishments must be included if any of us are to be. There is no satisfactory public policy to explain the exclusion of street food vendors, school cafeterias, soup kitchens and the like. However, if you persist in making exemptions, then one obvious group that should be exempted are bars and nightclubs that serve no food or do not prepare any food on the premises. In those cases the letter grade will have very little meaning as it relates to your concern about food safety.

Seventh, our industry believes that the most effective method for ensuring compliance with food safety codes is through education and cooperation. WE are in the hospitality business. We are more concerned than you are with our patrons health and safety and have no desire to not comply. But the inspection process is long, complicated and subject to human error and differences of opinion not only between restaurant and inspector, but as we have explained, between different inspectors viewing the same kitchen differently.

This agency has tried fining the industry into compliance, which clearly has not worked in that the amount of fines has increased each year into the many millions of dollars, rather than decreasing as it should if compliance was up. This theory therefore, gets a big F. Now you are attempting to embarrass us into compliance. Given that the inspection

process is not conducted by a computer, but by humans subject to many individual vagaries, and includes many minor items not directly related to food safety, this will not work either. You will simply hurt the reputation of perhaps thousands of excellent restaurants in NYC and damage our standing as a world class tourist attraction. Therefore, we urge that this proposal have a two year sunset provision and that prior to the sunset date, an independent examination is conducted to determine its effectiveness. By that time we hope you will finally follow our recommended theory of compliance, one used successfully in hundreds of localities throughout the nation, that of education and cooperation.



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**IF NYC MUST ACCEPT LETTER GRADING;
 REVISIONS *MUST BE MADE*
 SO THE PUBLIC IS NOT MISLEAD BY
NON-FOOD SAFETY VIOLATIONS**

“A restaurant can receive a grade of A, B or C. To get an A, a restaurant must receive fewer than 14 demerit points for violating the Health Code. A grade of B reflects 14 to 27 violation points, and a C grade reflects 28 or more points. Restaurants that are unsafe for dining are closed.”

NYC DOHMH Press Release, December 17, 2009

NON-FOOD SAFETY POINTS ADD UP:

The following are a few examples of some of the violations that are currently included in the letter grade evaluation; however they are not a health threat to the public. Their inclusion is misleading as they pose no threat to food safety.

- 10 – 28 points = low water pressure in sink
- 2 – 28 points = leaky faucet
- 10 points = holder of Food Protection Certification not present during inspection
- 10 points, *minimum* = soiled uniform or apron
- 7 points, *minimum* = rusted or swollen can present in facility
- 7 points, *minimum* = cleaning supplies near packaged food
- 5 points, *minimum* = evidence of insects or other vermin present in non-food areas
- 5 points, *minimum* = employee taking a drink of water in a hot kitchen
- 2 – 5 points = mail slot in front door (possible entry for vermin)
- 2 – 5 points = garbage can lid not closed even during food preparation
- 2 – 5 points = dented can on premise
- 2 – 5 points = waste receptacle in restroom not completely covered
- 2 – 5 points = low lighting or light bulb not covered
- 2 – 5 points = “better” ventilation needed (vague)
- 2 – 5 points = refrigerator thermometer not working or provided even though cooled at proper temperature
- 2 – 5 points = vague description for the placement and ability to move equipment
- 2 – 5 points = “small” preparation area in kitchen (vague)
- 2 – 5 points = any damage to a wall, ceiling or floor
- 2 points = “Employee Must Wash Hands” sign not posted at non-restroom sinks
- 1 point, *minimum* = “offensive or annoying condition” (what does this mean?)

**Testimony of Melissa Fleischut
New York State Restaurant Association
Department of Health and Mental Hygiene
February 5, 2010**



We serve you

I am Melissa Fleischut and I am the Director of Government Affairs for the New York State Restaurant Association (NYSRA).

Founded in 1935, the New York State Restaurant Association is the leading business association for the restaurant industry in New York State. NYSRA and its chapters work to represent, educate and promote the restaurant industry in every segment from quick service to fine dining.

The New York State Restaurant Association disagrees with two of the primary assumptions behind this proposal that posting of grades is associated with improved compliance by restaurants and will lead to a decline in foodborne illness.

First of all, the New York City Department of Health & Hygiene does not track foodborne illness and has no statistics on the number of foodborne illnesses attributed to restaurants. In the proposal the Department cites an estimate of national foodborne illness cases and then extrapolates the number to come up with a percentage that is likely attributable to restaurant dining in NYC. So, let's apply this mathematical logic to the restaurant industry. The National Restaurant Association estimates that the industry nationwide will provide 70 billion snacks or meals in 2009 at its 945,000 locations. So, on average that is 74,000 meals or snacks served per restaurant per year and the Department estimates there are more than 20,000 restaurants in New York City. Therefore New York City restaurants serve 1.4 billion meals or snacks a year and there might be 10,000 emergency room visits attributable to restaurant dining in New York City. That amounts to an illness rate of .00067% (six ten thousandths of 1%). Such a ridiculously low illness rate does not require any regulatory change by the industry, but in fact speaks volumes about the excellent job most restaurants are doing.

Since the Department does not track foodborne illness it will never be able to study the effectiveness of this program. There also isn't any any real and actual, data, not assumptions, that a restaurant that would receive a B or C score is responsible for any of that fraction of the 1%. Given that a B or C score means that the Department of Health has concluded that the establishment is safe for consumers to eat the food; we must assume that those restaurants are safe, otherwise they would have been closed by the Department. Surely you are not allowing consumers to eat at unsafe establishments.

So where then is this tiny illness rate coming from? Isn't it logical to assume that the illness rate comes from those establishments that fail inspections, which the letter grading proposal does not address. Or perhaps that number comes from those establishments that are not part of this proposal such as mobile food vendors, those well known bastions of clean and safe food. By all means, deal swiftly with unsafe establishments, but let us not pretend, as your proposal does, that this justification for letter grading has anything to do with the restaurants that are passing inspections.

Secondly, there is no proven track record that a letter grading proposal will reduce foodborne illness. If this were true, it would be a widely used method by health departments across the country and that is not the case. There is no national movement to adopt letter grades. In fact, it is quite the opposite. In 1993, the Food and Drug Administration removed scoring from the model food code citing problems with the system. As recently as 2008, FDA was asking for research to evaluate and assess scoring methodologies. The national trend among the majority of public health professionals generally has been to avoid the use of scores or grades, which are considered to be misleading and inaccurate. In a 2004 study published by the Center for Disease Control, it was concluded after studying over 167,000 restaurant inspection reports, that there was no difference in average letter grades given to restaurants experiencing outbreaks compared to those that were not. Moreover, the study found that where letter grades are used, none of the most commonly cited violations were actual 'risk factors' for foodborne illness. (The most commonly cited item was 'improper storage of cleaning items stored next to packaged foods.) **In other words, the CDC report concluded that there is no evidence that letter grading increases the identification of risk factors for foodborne illnesses, as your proposal implies it does.**

So what about the example of Los Angeles? In the 12 years since it was started in Los Angeles, you can count on your hands the number of local or state jurisdictions that have joined in. Wichita, Kansas tried letter grading but dropped it in 2003 calling letter grading "misleading". Orange and Sacramento counties considered it but said no. Richard Sanchez, Orange County's Director of Environmental Health, said "another reason the county's board of supervisors decided on the pass/fail system as opposed to letter grades was because "there is no proven correlation between health and posting placards." Tennessee does not have letter grading as you claim they do, leaving only 3 states in the nation that see this as a good idea. Not to mention that it was considered and rejected by our own City Council in 1998 as well as in Westchester County in 2001, where a County legislator was quoted as saying "Concerns were raised that the grading plan could leave the system open to corruption, with inspectors demanding payments for dolling out good grades." The county legislator went on to cite the scandal which rocked your agency in the 1980's "when inspectors were accused of extorting bribes so restaurant violations would not appear in a weekly department list published in newspapers." (Journal News May 5, 2001)

It is also worth noting that mandatory foodhandler certification was also adopted in Los Angeles at the same time as letter grading. This fact coupled with an emphasis on education by the County Health Department must have had some effect on increasing the cleanliness of restaurants in LA. And since New York City has had mandatory foodhandler certification for years, we are already dealing with a better educated restaurateur.

But if the point of letter grades is to inform the public about the level of food safety at restaurants, then how can you possibly justify including non food safety related items in the score? A leaky faucet, a sign, a light bulb not covered, an uncovered waste receptacle in a bathroom, and dozens of other non-critical items included in the inspection report cannot be part of a letter grade system. By including these non critical items, your current proposal will mislead the public when it sees a B or C in the window into thinking that the food here is not safe, when the difference between an A or B grade may have nothing to do with food safety. That is simply unacceptable.

If there are to be letter grades, and we hope there will not be, then we must have a frank discussion about the elephant in the room. Due to this agency's public position for many years now that higher and higher record setting fines is the way to regulate our industry, you have lost the confidence of the industry as a neutral party in the inspection process. You have a vested monetary interest in low grades being assigned in that low grades equal higher fines. It has been widely reported that this new program will cost the Department \$5 million over two years. We have no doubts that the Department is expecting to make up this cost in increased fines. How long will an inspector last if he or she consistently comes back to the office with A grades? If there are to be letter grades, there needs to be a truly independent party conducting these inspections, one whose budget is not based on bringing in fines.

We are also surprised with the broad list of food establishments you regulate that you have chosen to exempt from this proposal. As already mentioned, you have exempted all food vendors, food vending commissaries, school cafeterias, hospitals, soup kitchens, correctional facilities, non for profit membership organizations, and others. We must ask "why"? Aren't parents entitled to this information? Don't we care about the food poor people receive or prisoners? Or is it that you do not want to apply the same standards to your sister government agencies that you want to apply to restaurants?

We urge you to continue to talk with us and not adopt this proposal at this time and in its current form.

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February 4, 2010

Re: Letter Grades Proposal; New York City Department of Health and Mental Hygiene

Thank you for taking into consideration our comments on this proposal. Given the continuing state of our economy, this particular initiative seems contrary to the city's efforts to lessen the burdens on business, particularly small business.

We agree with many of our colleagues representing the restaurant industry as well as restaurant owners, who believe that the mandatory posting of a letter grade, against the wishes of the business owner, and adopted as a rule by the Board of Health and not a statute by the City Council, raises significant and serious constitutional issues, especially in light of the recent Supreme Court decision upholding corporate free speech rights under the First Amendment to the US Constitution.

Should letter grading go forward, grades must be limited to serious and critical food safety related violations only. The difference between an A or a B should not be based on the subjective determination of an inspector, a leaky faucet, an uncovered light bulb, a small work area in the kitchen or a design concern addressed for the first time well after a restaurant has opened and has passed its preopening design inspection. After 10 years of inspections, if an inspector decides that an additional sink is needed, that cannot be part of your grade. There is a long list of non food safety items currently included in your scoring system that if remains part of a letter grade, would simply be misleading to the consumer and would inevitably lead to competing window signs...yours and ours.

If an establishment gets a B and elects not to post the grade pending the re-inspection, that re-inspection must be limited, for grade purposes, to the items cited in the original inspection. If all of the cited items are corrected, then it should be an A grade for that original inspection. If the second inspection finds new violations, then that should wait for a re-inspection as well. After all, the purpose here is not to play a game of gotcha, but to have restaurants correct any violations. And all too often, what is a violation to one inspector is not to another.

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Even when an operator upon re-inspection gets a grade it is not happy with, the operator must be able to request an additional inspection as soon as it is ready to prove improvement and should not have to wait until the next scheduled inspection...even if the cost of the inspection is borne by the operator. An inspection is a snapshot it time. As such, it is unfair to leave an outdated grade on a window when it may not reflect current conditions.

The proposal itself is silent as to what scores equal what grades, even though your press release provides numbers. A press release is not a rule and the industry needs to be able to comment on this critical issue before a system is adopted.

All food service establishments must be included if this is enacted. There is no satisfactory public policy to explain the exclusion of street food vendors, school cafeterias, soup kitchens and the like. However, if you persist in making exemptions, then one obvious group that should be exempted are bars and nightclubs that serve no food or do not prepare any food on the premises. In those cases the letter grade will have very little meaning as it relates to your concern about food safety.

Our business owners and restaurant industry colleagues believe that the most effective method for ensuring compliance with food safety codes is through education and cooperation. As business owners dependent upon customers, the restaurant owner is extremely concerned with their patrons health and safety and reputation. But the inspection process is long, complicated and subject to human error and differences of opinion not only between restaurant and inspector, but as noted, between different inspectors viewing the same kitchen differently.

This agency has tried fining the industry into compliance, which clearly has not worked in that the amount of fines has increased each year into the many millions of dollars, rather than decreasing as it should if compliance was up. This theory therefore, gets a big F. Now you are attempting to embarrass us into compliance. Given that the inspection process is not a computerized checklist, but subject to many individual vagaries, and includes many minor items not directly related to food safety, this will not work either. You will simply hurt the reputation of perhaps thousands of excellent restaurants in NYC and damage our standing as a world class tourist attraction. Therefore, we urge that this proposal have a two year sunset provision and that prior to the sunset date, an independent examination is conducted to determine its effectiveness. By that time we hope you will finally follow our recommended

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theory of compliance, one used successfully in hundreds of localities throughout the nation, that of education and cooperation. There are so many obstacles to doing business in New York City and while we agree that restaurants must be held to a uniform standard of cleanliness and food safety, we just cannot keep putting initiatives in place that will drive business out of the city. Our economy and our local businesses have been hurt enough; let's help them, not punish them.

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Testimony of
 Staten Island Chamber of Commerce President & CEO – Linda Baran
 Department of Health and Mental Hygiene – Restaurant Letter Grades
 February 5, 2010, 10:00 a.m.

Good morning, my name is Linda Baran, President of the Staten Island Chamber of Commerce. On behalf of the Staten Island Chamber of Commerce and our 900 small business members who employ over 20,000 people, I would like to thank you for the opportunity to address the New York City Department of Health and Mental Hygiene regarding the issue of restaurant letter grading.

The first point I would like to make this morning is that the vast majority of restaurants are in compliance with current regulations and take pride in maintaining a clean and healthy environment for their customers. As any restaurant owner will tell you, even the slightest rumor, or hint of unsanitary conditions, will cause a severe drop in patronage. This is enough of an incentive to ensure a clean premises. Currently, the Health Department also attempts to shame restaurant owners into compliance by posting inspection results on the Internet. Forcing restaurant owners to display inspection-related letter grades is a similar tactic. As one restaurant owner told me, "the proposed letter grades are nothing more than a 'Scarlet Letter'" that will discourage people from eating out.

This brings me to my second point; a little bit of knowledge can be a dangerous thing. What information do these letter grades actually convey? For one thing, the letter grades fail to communicate the most vital information; namely that the restaurant actually *passed inspection* and was found not to be a threat to public health. Another concern is that a technical violation, such as a few particles of broken glass around glass recycling containers (away from any food preparation) could be the difference between an "A" grade and a "B" grade. Does the Board of Health really want to discourage restaurant patrons from eating at a restaurant for this reason?

Third, contradictory statements on the Board of Health website (both from documents created in December 2009) claim that "the inspection process itself would not change under the new system" of grading, but also claim that "administrative and technical violations that don't directly affect food safety will not count toward the grade and have already been removed from scoring." This begs two questions: why are "administrative and technical violations" currently part of the inspection process; and will they, in fact, be used to calculate a grade?

Finally, I would like to share with you today some of the anecdotes I heard when I asked our Chamber members to comment on this proposal. The first is the story of a restaurant owner who received a \$200 fine when the people responsible for replacing his CO2 containers failed to chain the canisters to the wall. The same restaurant owner was constantly paying \$200 fines

because patrons kept tearing down the "No Smoking" signs in his restrooms. While during another inspection, the inspector gave the restaurant a demerit for "standing water" that resulted when a frozen drink line had defrosted.

Another restaurant owner expressed similar frustrations. She noted that different inspectors often contradict one another. For example, during one inspection she was told that she needed to hang cloth towels behind the bar. After purchasing cloth towels, at the next inspection she was told that the towels needed to be paper, not cloth. And the bar wasn't even open! Similarly, this particular owner faced inconsistencies in the amount of a fine for the same violation. She cited the example of having to pay between \$200 and \$800 for the same violation - a 400% difference!

The Staten Island Chamber of Commerce is fully committed to opposing letter grading. We believe that the best way to ensure that restaurants comply with the health code is for the Department of Health and Mental Hygiene to work *with* owners instead of against them. Cooperation and education is the appropriate path to achieve the Department's ultimate goal of ensuring public health. However, if this letter grading proposal goes into effect, it is of paramount importance that demerits be awarded only for food safety-related violations and not technical or administrative details. To do otherwise would mislead the public and irreparably harm a restaurant industry already struggling to survive in this difficult economic climate.

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I want to preface my comments by stating that I am speaking on behalf of myself only.

And, I want to begin by also stating that my area of expertise in nutrition does not include food safety in the traditional sense of its meaning. But I am very passionate about it – so much so that apparently I was the first to sign-up to present before you today.

One area of food safety that I have tremendous concern regards food temperatures and that not only includes that cooked foods reach their proper internal temperature such as roast chicken but that all foods are held at an appropriate temperature. For about eight years one of my clinical assignments included the care of out-patients undergoing hemodialysis and twice during that time I cared for pediatric patients stricken with hemolytic uremic syndrome due to improperly cooked meat. One died and the other to the best of my knowledge eventually recovered.

But more frequently has been my experience with adult patients who without a doubt had food-borne illness due to custard-based pastries such as chocolate éclairs because such pastries had not been held at the correct temperature. In fact, although I am aware that there are ingredients used in bakery production that are heat-stabilized, this is not always a guarantee. And so when I'm traveling with my mother and she sees a known food

service establishment (hereafter referred to as FSE) and asks me to buy her something – I always try to accommodate her except when she requests a Boston Cream donut. Those are out of the question as they often sit there with other donuts under lights in an unrefrigerated display – and it is unclear to me whether or not they are prepared with a heat-stabilized custard. Given my mother's age, she is at greater risk for an adverse GI event due to bacterial growth than you or I. In preparation for today I attempted to obtain such information without much success. Also, I did a temperature testing of such donuts over the course of one week earlier last month. I tested the internal temperature of such donuts within one minute of purchase and that temperature always registered greater than 70° F. It was generally at the end of the day and clearly the few remaining Boston Cream donuts had been sitting in the display for a relatively long period of time. A review of the FSE inspection scoring parameters thoroughly addresses food temperature. The proposed grading system may indeed provide a marked incentive to FSEs to improve their current practices and that includes the preparation and holding of foods at appropriate temperatures to prevent food-borne illness.

However, when it comes to food safety, the responsibility is not only that of the FSE but also that of the consumer and this is what I want to focus on today. I can promise you that if you are a student of mine in one of my public health nutrition or general nutrition courses, there is going to be an essay question addressing the temperature of a food that requires refrigeration and that is purchased from an FSE for someone who is immunocompromised. So while I am very much in support of the proposed amendment, when you market this to New Yorkers, you need to include their responsibility in assuring that

the food that they purchase from an FSE receiving an "A" and that is consumed outside of that FSE is properly handled to assure that it continues to be safe to eat. As part of our efforts to address obesity, do we not encourage consuming only part of a served portion and taking the other half "to go"? Or maybe it's an elderly person who can't eat such a served portion and wants to take the leftovers home? If the time from leaving the FSE to where that food can be safely refrigerated is longer than 1 – 2 hours, then it's not unreasonable to expect that bacteria may multiply and that person could develop food-borne GI symptoms upon consumption of that food.

And speaking of the responsibility of the consumer, here's where I want to take the concept of food safety outside of the traditional sense of its meaning. About 20 years ago I met someone, who by the way worked in an FSE, to address some personal business matters and he asked me to accompany him to a corner diner in my neighborhood. This man, who probably had a BMI in the Class 1 obesity range, proceeded to order, either a corned beef or pastrami sandwich – I don't recollect with complete confidence which it was but it was definitely one of those two. He also ordered a side of potato salad. For dessert, I remember him saying that since he was treating himself to such favorites that day, why not order cheesecake? About five weeks later in a very brief follow-up call he remarked at the end of our conversation that he had been very ill on the evening of that day that we met and that he attributed it to a food-borne illness due to either the potato salad or the cheesecake. He reported profuse sweating accompanied by significant nausea, some vomiting and dizziness. By the next day he had recovered. I must tell you, as I told this person, that I would stake my professional reputation on the fact that his adverse

symptoms were probably related to his fat laden consumption rather than to the potato salad or cheesecake that "had gone bad". I have no doubt that the symptoms described were due to some degree of GI upset as well as a cardiovascular response to such a high fat meal and that probably included some impairment of endothelial function.

So in endorsing the proposed recodification of §81.51 of Article 81 of the New York City Health Code, found in Title 24 of the Rules of the City of New York on this day known as "Go Red for Women[®]" during American Heart Month, I hereby recommend that why not "go all the way" and include in the marketing of this recodification the consumers responsibility as it relates to food-borne illness as well as to also include the consumers responsibility in making food choices that they know will not adversely affect their health. By doing this you will have a more comprehensive food safety plan and that will also incorporate many of the pace-setting preventive health nutrition measures that the Department of Health and Mental Hygiene has initiated.

Thank you.

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Resolution Comments

From: Paul.Gammarano@kbcc.cuny.edu [Paul.Gammarano@kbcc.cuny.edu] **Sent:** Tue 12/29/2009 9:10 PM
To: Resolution Comments
Cc:
Subject: Posting of Restaurant Ratings - A suggestion for modifications
Attachments:

TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31,
NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, BY E-MAIL TO
RESOLUTIONCOMMENTS@HEALTH.NYC.GOV OR ONLINE (WITHOUT
ATTACHMENTS) AT <http://www.nyc.gov/html/doh/html/notice/notice.shtml>

Hi,

Please convey thanks to colleagues for the valued opportunity to convey input on such an important & proactive Public Health measure. This posting is quite important to inform potential patrons of restaurants AND other food establishments of the overall rating results of standardized & objective inspections.

As a Health Educator, and one who has performed such inspections (in New Jersey), these are key to assuring cleanliness (and thus human disease prevention) in our population.

May I suggest that the posted ratings be in the following form, with aggregate point ratings also posted as part of the defined end-point grade, along with a posted indication of how often inspections are made, with the next scheduled inspection. Quality points can be added to existing inspection criteria, to add up to 100, in the following categories:

e.g. non-food countertops & shelves 15, food storage outer areas 20, tabletops 10, food prep areas 25, bathrooms 10, refrigerators 20.

Grade	Required Quality Points
A	= 100 - 95 quality points
A -	= 94-90
B +	= 89 -85
B	= 84 -80
B-	= 79 - 75
C+	= 74 - 70
C	= 69 - 65
F	= 64 or lower

The above would arguably be more specific with regard to info conveyed. Please note that I would be happy to discuss any of the above with appropriate planning committee members.

On a different note - posted notices / invitations for comments also need the plain language description of the NYC Code Article to be Amended, and not merely the Article Number, for easier research.

Subject: HEALTH & FITNESS
Nominated for representation at the 2010 ALA
(American Librarian's Association) Annual Conference in DC !
Students love this book for self-examination (no pun intended !) and self-awareness in relationships.

=====

Teaching: Not for Dummies / Substance Abuse Awareness: A Guidebook

by P. J. Gammarano, M.A., J.D.
ISBN13: 978-1-4363-0968-4 (Paperback)
ISBN: 1-4363-0968-9 (Paperback)
Pages: 266
Subject: EDUCATION / Teaching Methods & Materials

In Part One, each topic addresses practical skills for the newer teacher in the classroom, to enable better facilitation practices. Part Two addresses subject matter specific to becoming more knowledgeable about substance abuse today, a factor for every teacher to be familiar with. Useful for newer teachers.

After three years or so it's too late; one has learned the hard way !!

=====



Timelines

By: P. J. Gammarano, M.A., J.D.

ISBN: 978-1-4415-6273-9

Pages: 180

The death of a really good friend of many years brings back many memories during the surviving friend's three days of journeys across New York City, to attend his wake and funeral.

=====

Rena Bryant
Secretary to the Board of Health
125 Worth Street CN-31
NY, NY 10013

RECEIVED
COMH/OFFICE OF THE SECY
RECORDS ACCESS DIVISION

2009 FEB -1 AM 11:53

Dear Rena

I am writing regarding letter grading for restaurants. I am strongly opposed to the letter grading system. I believe that whatever monies are available to change or better our system of inspection and regulation of restaurants should go to education of restaurant owners and their employees about the importance of and ways to protect and serve our customers.

However, if the Board of Health insists on going forth with letter grading, I respectfully ask that the following changes be made to the proposed legislation:

1. New violations not part of the original inspection not play a role in the grade on the re-inspection
2. an option to request a prompt re-inspection after a letter grade is issued be added
3. the exemptions for institutional food establishments be removed
4. all non food violations be exempted from the letter grade **THIS IS THE MOST CRITICAL CHANGE AND WOULD LEGITIMIZE THE CLAIM THAT THE LETTER GRADING IS FOR THE PUBLIC'S PROTECTION and EDUCATION!**
5. greater flexibility as to where a food establishment must post a letter grade

I sincerely hope that the thoughts and ideas of those in the industry will be taken into account.

Sincerely,
Samantha Solomine

Bruce Caulfield
2 Tudor City Place # 5AS
New York, NY 10017

February 3, 2010

RECEIVED
DOHMH/OFFICE OF THE SECRETARY
RECORDS ADMINISTRATION
2010 FEB - 3 PM 5:28

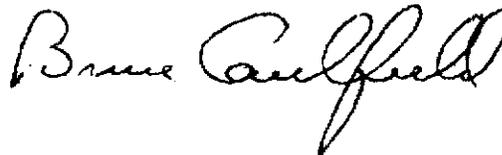
Ms. Rena Bryant
Secretary
NYC Department of Health
125 Worth Street
New York, NY 10013

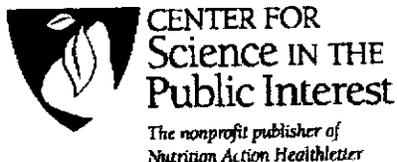
Dear Ms. Bryant,

I am greatly concerned about the proposed letter grade system being contemplated by the Department of Health. As it is drafted, non-critical items on an inspection can add up and cause a restaurant to receive a grade other than A. I strongly believe that any restaurant posing a health risk should be penalized and receive adverse publicity, but many very good operators run the risk of being lumped together with poor operators. The public perception of any grade other than an A is that the restaurant is "dirty". This perception can be catastrophic and lead to loss of business in this very tough economy. Many operators may be forced to shut their doors and this is not fair

I feel the intention of the NYC Department of Health is good, but bad consequences will arise with the current plan. Why not have a grading system in which critical points are weighted heavily? In this way the poor operators will be penalized and the good owners will be rewarded. It will ultimately lead to a more sanitary industry which is in the best interests of all.

Yours Truly,





**Testimony of Sarah A. Klein, Staff Attorney
Center for Science in the Public Interest**

**Hearing on the Proposed Amendment to Article 81 of the New York City Health Code:
Posting of Sanitary Grades at Restaurants
Board of Health
February 5, 2010**

Good Afternoon, Members of the Board of the Health. I am Sarah Klein, Staff Attorney in the Food Safety Program at the Center for Science in the Public Interest (CSPI), a nonprofit health advocacy organization based in Washington, D.C. Since 1971, CSPI has worked to improve the safety and nutrition of the foods we eat and governmental policies that promote a healthy population. We accept no government or industry funding, and we publish the Nutrition Action Healthletter, the world's largest-circulation nutrition newsletter. 50,000 of our subscribers live in New York.

CSPI applauds the Board of Health for holding this hearing today to discuss restaurant food safety and the benefits of posting sanitary inspection grades at food facilities. We strongly support the use of posted sanitary grades, and look forward to their implementation in New York City.

Restaurant customers have a right to expect that the food they eat will not harm them. Yet customers have no way to control what goes on in restaurant kitchens. They depend on restaurants to follow safe standards of food handling, and on local inspection agencies to enforce those standards. The Center for Disease Control and Prevention (CDC) estimates that 76 million Americans get sick, 325,000 are hospitalized, and 5,000 die from foodborne hazards each year in the United States.¹ According to CSPI's database of more than 6,000 foodborne illness outbreaks spanning over 15 years, 43% of all illness outbreaks caused by food in New York State can be traced to restaurants.² New Yorkers have been sickened by *Salmonella*, Norovirus, and Scombrototoxin, among others. Restaurant food-borne illness outbreaks affect a larger number of people than those in private households because the volume of food prepared in restaurants and the number of people involved in food preparation are greater. The impact of cross-contamination, improper handling, and poor hygiene in restaurants are thus increased.

The proposal being discussed here today seeks to provide consumers with critical information that can help them protect their health. Consumers want to dine out with their families, and

the restaurant and retail industries certainly want them to do so. But outbreaks and sanitation violations linked to popular restaurants make consumers understandably wary. These incidents clearly can adversely affect consumer confidence. Today's proposal takes an important step to reverse this, by assuring consumers that they have the information they need to make safer restaurant choices for their families.

The sanitary grade system being considered here has been successfully implemented elsewhere. Consumers in Los Angeles County, CA have been selecting restaurants based on posted grades for over ten years, and over 90% of consumers surveyed say that they like the program. Consumer approval of the grade card system has provided a benefit for restaurateurs as well. A 2003 study found that Los Angeles restaurants with an "A" grade saw an average increase in revenue of 5.7% following the inception of the program.³ "B" grade restaurants saw increased revenue of 0.7%.⁴ Further, the restaurant grading system implemented in LA County has corresponded with a 20% decrease in the number of people admitted to hospitals with food-related illnesses, showing that is an effective public health program.⁵

Not only do consumers deserve access to the important inspection information, they have expressed a strong desire to have it. In a 2007 national survey conducted by CSPI, 85 percent of respondents said that knowing the results of a restaurant's most recent health inspection would affect their decision of whether to dine at that establishment.⁶ In addition, 84 percent supported a city or state law that would require restaurants to post their most recent inspection grade in the front window of the establishment.⁷

Unfortunately, consumer access to inspection results varies widely. Right now, consumers in New York City can access 3 years of inspection histories online. But online systems are insufficient, because they require consumers to select and research a dining destination in advance. This is simply impractical for the thousands of New Yorkers who are making their dining decisions on foot during lunch hours or while walking through the city's popular neighborhoods for dining. Further, even a cursory search of online records requires consumers to analyze complex inspection data, and, if necessary, continue searching record after record until finding a satisfactory restaurant. By this time, a consumer is probably frustrated—and famished.

Unless restaurants are content to offer all the information consumers use to make a dining decision—including Zagat ratings, framed restaurant reviews, and other window advertising—online only, we see no reason why important public health information should be relegated to the Internet. Notably, only 1 in four consumers surveyed in 2007 said that an online inspection report is the most useful way of providing inspection results to the public.⁸

Inspection information therefore needs to be available in its most convenient and recognizable format—A, B, or C—in the window of each establishment. Sanitary inspection grading gives consumers this important health information at the moment they choose a place to dine, with proven public health benefits.

Thank you for your consideration.

¹ Report from the Center for Disease Control: *Food Related Illness and Death in the United States*, published in *Emerging Infectious Diseases*, Vol.5, no.5, Sept-Oct 1999, pp 607-625.

² Center for Science in the Public Interest, *Outbreak Alert!* (Revised and updated – 2006). This database of foodborne illness outbreaks is maintained by CSPI. It contains 15 years of data, from 1990–2004. Outbreaks are classified by both food vehicle and disease-causing agent. Food is classified by which agency regulates the product. During the years 1990 – 2004, there were 3,323 foodborne illness outbreaks from FDA-regulated foods (e.g. seafood, produce, eggs, milk); USDA regulated-foods (e.g. beef, poultry, pork) caused 1,344 outbreaks.

³ Jin, Ginger Zhe and Leslie, Phillip. The Case in Support of Restaurant Hygiene Grade Cards. *Choices* 2005 (20)2: 97-102.

⁴ Id. "C" restaurants saw a 1 percent decrease in revenue.

⁵ Jin, Ginger Zhe and Leslie, Phillip. The Case in Support of Restaurant Hygiene Grade Cards. *Choices* 2005 (20)2: 97-102.

⁶ Caravan Opinion Research Corporation study, *Restaurant Ratings*, commissioned by Center for Science in the Public Interest. Conducted July 27, 2007.

⁷ Id.

⁸ Id.

RECEIVED
DOHMH/OFFICE OF THE SECRETARY
RECORDS MANAGEMENT
2010 FEB -4 PM 4:18

Jan. 29, 2010

Attn: Rena Bryant
Secretary to The Board of Health
Regarding: Letter Grading of Restaurants

I strongly oppose the idea of letter grading restaurants based on their Health Department Inspections. As the owner of a small restaurant in Brooklyn, I have observed first hand how **arbitrary** the inspectors can be. I know that the inspectors are in general an honest hard working group of people but they are inconsistent and can be vindictive if they feel like it. We actually had one inspector put her head down on a table and fall asleep. We never reported the incident for fear of retribution.

It is extremely difficult to abide by the numerous Health Dept Rules to be quite honest although we try our best. To put a letter grad of a C in our window for the public to see would most likely be the end of our restaurant.

It is already extraordinarily difficult to survive in this economic climate, please don't let this new policy cause restaurants to go under.

With Respect
Lori Raymer

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-1209.shtml>

First_Name: Aki

Last_Name: tochaei

Email: itsaki@aol.com

Comments: Not a good idea, I do not agree with it

inCaptchaChars: RZVF

REMOTE_HOST: 74.73.149.94
HTTP_USER_AGENT: Mozilla/5.0 (Windows; U; Windows NT 5.1; en-US; rv:1.9.1.7) Gecko/20091221
Firefox/3.5.7 (.NET CLR 3.5.30729)

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-1209.shtml>

First_Name: Aki

Last_Name: Tochaei

Email: agholizadeh@hotmail.com

Street Address: 129 mulberry st apt 4c

City: ny

State: ny

Zip Code: 10013

Comments: I find grading disturbing to all the businesses.

inCaptchaChars: mcccc

REMOTE_HOST: 74.73.149.94

HTTP_USER_AGENT: Mozilla/5.0 (Windows; U; Windows NT 5.1; en-US; rv:1.9.1.7) Gecko/20091221
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This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art11-1209.shtml>

X 81

First_Name: Rosalyne

Last_Name: Jacobowitz

Email: oomamaroach@aol.com

Comments: I live in Brooklyn and recently checked this site to see which restaurants have violations that include vermin and mice on premises. There were cafes that I frequently go to and leave feeling a bit nauseous and now that I saw this I will definitely not be going again. I think all restaurants should be required by law to either show a certificate of the most recent inspection or a grade. We are all entitled to know what the city finds, especially if it relates to our health. I think this will get owners to be on top of their staff and keep a clean kitchens if it means keeping customers.

inCaptchaChars: WFLVRW

REMOTE_HOST: 70.107.130.235

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The New York City Department of Health & Mental Hygiene is now offering information important for the health of all New Yorkers. To sign up for these new and valuable updates, log-on to our website at <http://www.nyc.gov/health/email> and select the NYC DOHMH updates you'd like to receive.
IMPORTANT NOTICE: This email is meant only for the use of the intended recipient. It may contain confidential information that is legally privileged or otherwise protected by law. If you have received this communication in error, please notify me immediately by replying to this message and please delete it from your computer. Thank you for your cooperation.

This form resides at
http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-1209.shtml

First_Name: Lillian

Last_Name: Wilkinson

Email: lillianwilkinson@yahoo.com

Comments: I absolutely support the letter system. It will make it easier for the average person to understand the system and to eat out more often. The consumer wants the information. It is the restaurant lobbist who dont. If it does not pass it is because of the lobbist.

inCaptchaChars: YROMYI

REMOTE_HOST: 207.38.220.185
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This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-1209.shtml>

First_Name: Joshua

Last_Name: Rubin

Email: joshua@joshuarubin.net

Zip Code: 10012

Comments: I think its a wonderful plan that has worked smoothly in California and is long overdue we had it here.

inCaptchaChars: wbvijr

REMOTE_HOST: 72.225.228.177

HTTP_USER_AGENT: Mozilla/5.0 (Macintosh; U; Intel Mac OS X 10_6_2; en-us) AppleWebKit/531.21.8 (KHTML, like Gecko) Version/4.0.4 Safari/531.21.10

The New York City Department of Health & Mental Hygiene is now offering information important for the health of all New Yorkers. To sign up for these new and valuable updates, log-on to our website at <http://www.nyc.gov/health/email> and select the NYC DOHMH updates you'd like to receive.

IMPORTANT NOTICE: This email is meant only for the use of the intended recipient. It may contain confidential information that is legally privileged or otherwise protected by law. If you have received this communication in error, please notify me immediately by replying to this message and please delete it from your computer. Thank you for your cooperation.

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-1209.shtml>

First_Name: Ted

Last_Name: Diskind

Email: hssted@aol.com

Phone Number: 732 572 - 1486

Title: President

Organization: Health and Sanitation Systems Inc

Street Address: PO Box 1356

City: Highland Park

State: NJ

Zip Code: 08904

Comments: The institution of due process into the inspection and grading system is, in my opinion, the most significant step ever taken in promoting and developing the respect that the department and its inspectors deserve.

My only concern is based on what might be a misreading on my part of the very end of the last sentence in 81.51(e)(1). I interpret that as saying that the results of the inspection that has not yet been adjudicated can be obtained. If I did not misinterpret that clause, I think it contravenes the due process issue that the changes had been designed to address. Believe me when I say that experience has taught me that a blogger who uses the departments web site or resources to tarnish the reputation of an establishment will not subsequently write Whoops...sorry, I got that wrong.

Regardless, I believe on balance that the proposed changes are a great step forward. Commissioner Marcus and his staff should be lauded for the time and effort put into designing a more equitable system.

inCaptchaChars: ngogpi

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The New York City Department of Health & Mental Hygiene is now offering information important for the health of all New Yorkers. To sign up for these new and valuable updates, log-on to our website at <http://www.nyc.gov/health/email> and select the NYC DOHMH updates you'd like to receive.



Health & Sanitation Systems Inc.

P. O. Box 1356, Highland Park, NJ 08904 (732) 572-1486

HSS Newsletter

The New York City Board of Health will be transitioning to a system of letter grades that must be prominently displayed in the retail food establishment.

The letter grades and the frequency of inspections will be determined by the current scoring system:

- 0 to -13: A; one inspection a year
- 13 to -27: B; two inspections a year
- 28 & below: C; three inspections a year

Administrative violations will no longer count toward the score; only food safety and sanitation violations will be counted.

An establishment that receives less than an A will be reinspected within 2 weeks. The letter grade will not have to be posted until after the Tribunal hearing that will cover both inspections. An improved grade on the second inspection will not alter the frequency of inspections for the remainder of the year.

As noted, the Tribunal and fines will remain. While administrative violations will not count to the score or the grade, critical administrative violations such as an expired license will still be subject to a hearing and a fine, regardless of the score and the grade.

Posting of grades will commence in July of 2010. Starting with July of this year, inspectors will educate establishments and inform them what their grade would be under the new system.

Ted Diskind, R.S., M.S.
President

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-1209.shtml>

First_Name: Mariangela

Last_Name: DeSantis

Email: mariangeladesantis@ymail.com

Phone Number: 9178543105

Title: restarurant owner

Comments: I find this grading system very suspicious and I am opposed to it.

First of all, I have owned a restaurant for 10 years in New York City. With each year since 2000, my establishment has become more clean, sanitary. I consider it immaculate. Yet fines have systematically and consistently gone up significantly. Frivolous violations--like LEAKY SINK, NO END CAPS ON A FLUORESCENT BULB, A CLEAN KNIFE IN THE HAND WISH SINK FOR A MINUTE, MY FRESH HOME-MADE MOZZARELLA CHEESE STILL WARM, NO NUTRITION INFO ON THE POPPY BAGEL Why? Inspections have a dual purpose. 1. they exist for the sincere purpose of public safety and 2. They are a huge revenue maker for the city. This conflict cannot exist in order for a fair system to be.

By increasing the number of inspections, The DOH is increasing their revenue. Each time they visit, each violation they find will hold a minimum of 200. Bloomberg will increase his soldiers as he has with the parking meters mafia and make the city countless millions on the backs of small mom and pop operations.

He operates in the guise of public safety, but it is not true. Due to his last crusade, we were re-inspected due to one item we did not have nutrition facts on. As always, that resulted in a finding of 4 other frivolous violations, costing us another 1200.

Every inspection weve ha has been dramatically different from the previous. DOH inspectors are not unbiased, and quite franky not qualified to administer such a grading system

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This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-1209.shtml>

First_Name: German

Last_Name: Valencia

Email: gv7arch@gmail.com

Phone Number: 973-668-0829

Title: Architect

Organization: GV Design Studio

Street Address: 86-55 Palalto Street

City: Holliswood

State: NY

Zip Code: 11423

Comments: I could not agree more on this proposal, Dirty kitchens and rotten food abounds the restaurants of New York; I owned a restaurant and was a chef for many years before becoming an architect and I cannot remember even one minute working in an environment like the ones I see here, There is certainly a need to control and penalize those restaurant that keep their places dirty and dont produce quality food. By adding those grades and making them public, the community will have a better understanding of what they are eating; and will also encourage business owners to keep better control of their assets. However, for those restaurants getting a grade c, a most frequent inspection should be made not only to control and monitor their standard process, but to allow them to gain credibility faster; for when a restaurant looses its credibility from the community, it becomes a very hard path to gain it back.

inCaptchaChars: oRzQ

REMOTE_HOST: 24.199.101.209

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Firefox/3.5.7

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-1209.shtml>

First_Name: Marcus

Last_Name: Arm

Email: roadtripcc@gmail.com

Comments: All I can say is that it is about time!!!

inCaptchaChars: rciet

REMOTE_HOST: 68.175.15.138

HTTP_USER_AGENT: Mozilla/5.0 (Macintosh; U; Intel Mac OS X 10_6_2; en-us) AppleWebKit/531.21.8
(KHTML, like Gecko) Version/4.0.4 Safari/531.21.10

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-1209.shtml>

First_Name: Herbert

Last_Name: Teitelbaum

Email: herbt@optonline.net

Comments: Sounds likr a great idea.
I would hope that you would inspect each restaurant, even the clean ones, at least once per a year, so that we would have confidence that the good rating is a current condition.

inCaptchaChars: mazcw

REMOTE_HOST: 24.190.35.81
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Resolution Comments

From: John J Russo [jrus5@yahoo.com]**Sent:** Thu 1/28/2010 2:31 PM**To:** Resolution Comments**Cc:****Subject:** Proposed Letter Grading System**Attachments:**

As the owner of a food establishment, I am opposed to the letter grading system. In these difficult economic times the last thing we need is a scarlet letter to drive away potential customers. What is wrong with the current system? Why do you want to make it even more difficult to survive? I fully understand the need for oversight from the DOH, however I think the current system already requires the food establishment to comply with DOH standards. Please reconsider.

Concerned Food Establishment Operator

This form resides at
http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-1209.shtml

First_Name: Concerned

Last_Name: Citizen

Email: fox_jejr@rcpt.at

Zip Code: 10128

Comments: This is a great idea, and I strongly support it.

Inspectors should take photos of problem areas, and the photos should be available online, and perhaps posted prominently for persistent violators. Sting operations should be setup to catch crooked or ineffective inspectors.

inCaptchaChars: TZWG

REMOTE_HOST: 74.64.125.156

HTTP_USER_AGENT: Mozilla/5.0 (Macintosh; U; Intel Mac OS X 10.6; en-US; rv:1.9.2) Gecko/20100115
Firefox/3.6 GTB6

Resolution Comments

From: Tara McShane [tara.mcshane@gmail.com]
To: Resolution Comments
Cc:
Subject: Consumer Support for Displaying Letter Grades
Attachments:

Sent: Thu 1/28/2010 4:38 PM

Dear Members of the Board of Health:

I am writing to support the proposal to display sanitary grades after restaurant inspection. As a consumer, I am appalled that this information is not readily available to me. I want the restaurant industry to be held accountable for their sanitation by consumers, rather than the Department of Health alone. Since these inspections are already happening, the information is already out there, so the cost to implement this would not be massive. I see no reason for the City to not accept this proposal other than industry push-back. For the sake of those of us who eat in NYC restaurants nearly every day, I strongly encourage you to support this proposal.

Thank you,
Tara McShane

--
Tara McShane, MSW
414 E. 89th St, 4F
New York, NY 10128

Resolution Comments

From: Mike Flatow [mikeflatow@gmail.com] **Sent:** Fri 12/18/2009 1:58 PM
To: Resolution Comments
Cc:
Subject: Letter Grades for restaurants - NOTICE OF INTENTION TO AMEND ARTICLE 81 OF THE NEW YORK CITY HEALTH CODE

Attachments:

Dear Rena Bryant-

I am strongly in favor of having a letter grade system for restaurants. I lived in LA when they instituted their system and saw noticeable improvements to cleanliness.

I am not in favor of allowing a one month grace period in which the restaurant does not have to post a bad grade, and I am not in favor of having no grade posted while they are arbitrating over their second inspection. My experience in LA was that when restaurants had to post their "C" grade, they quickly made adjustments. Giving restaurants a grace period, or the option to only post a notice that their grade is waiting for a tribunal, would not create the urgency for them to fix their violations.

Thank you
-Mike Flatow
917-207-1997

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-1209.shtml>

First_Name: John

Last_Name: Joseph

Email: publicmediainc@aol.com

Street Address: 216 w 100th st

City: New York

State: NY

Zip Code: 10025

Comments: This is a great idea. I support it!

inCaptchaChars: PICO

REMOTE_HOST: 69.203.13.129

HTTP_USER_AGENT: Mozilla/5.0 (Macintosh; U; Intel Mac OS X 10_5_6; en-us) AppleWebKit/525.27.1
(KHTML, like Gecko) Version/3.2.1 Safari/525.27.1

This form resides at
http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-1209.shtml

First_Name: P

Last_Name: Hartt

Email: p_hartt@verizon.net

Comments: ITS ABOUT TIME!!! I am so happy that NYC is proposing to publicly display health inspection status in public view, therefore, customers may decide whether to eat at that particular establishment. I have been asking why this city is not doing this, while it works great in Georgia. Good Job if passed!

inCaptchaChars: nvoifj

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Firefox/3.5.7 (.NET CLR 3.5.30729)

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-1209.shtml>

First_Name: mark

Last_Name: harris

Email: mjz1962@aol.com

Comments: This proposal is a terrible idea, I feel the health department has gone way to far, the impact although a good idea could ruin a business if an inspector makes a mistake. How would the inspectors like to have their grades for job test displayed around their necks...Lets not forget you are there to help businesses become better, not destroy them in the process

inCaptchaChars: zhauhc

REMOTE_HOST: 205.188.116.210
HTTP_USER_AGENT: Mozilla/4.0 (compatible; MSIE 7.0; AOL 9.0; Windows NT 5.1; FunWebProducts; .NET CLR 1.1.4322; .NET CLR 2.0.50727; .NET CLR 3.0.4506.2152; .NET CLR 3.5.30729)

This form resides at
http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-1209.shtml

First_Name: earl
Last_Name: geer
Email: hilliferestaurant@verizon.net
Phone Number: 2126285433
Title: president
Organization: Hi-Life Restaurants
Street Address: 1503 Second Ave
City: NY
State: NY
Zip Code: 10075
Comments: RE: Article 81

To whom it may concern,

My concern with the new grading system that is being proposed, is that while inspectors are well-trained, based on my 20 years of experience the restaurants Health Dept Testing scores are varied based on many factors - a lot of which are not controlled by the restaurant: outside temperature and time of inspection being two very critical variables. Should inspector come on a super hot day when compressors are working overtime, and particularly during the height of a dinner rush the scores will be much worse than an inspection at off hours and with lower ambient temperatures.

These kind of variables (not to mention the human factor variable inherent in any test like this) makes A,B,C etc. grading dangerously subjective. And in these tough times, to force a good clean operator to show his grade (whether its a B or C) to the public that is based on an even slightly subjective measure will put even more, I think, undue hardship on the business operators and their staff. I prefer the old system of pass fail, with grades available on-line for those who are interested (and of course, a clearly visible How Are We Doing sign posted in the window. The old system certainly keeps the operator on his toes and in compliance, without the potentially very negative impact the grading system will, by definition, have on some good and clean operators.g

Sincerely, Earl Geer

inCaptchaChars: zynce

REMOTE_HOST: 96.232.29.225
HTTP_USER_AGENT: Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 6.0; GTB6.3; SLCC1; .NET CLR

This form resides at
http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-1209.shtml

First_Name: Anne

Last_Name: Schutzberger

Email: aschutzb@aol.com

Comments: Details of violations (whether vermin, improper handling or any other hazard) should still be listed on the website -- and also at the restaurant if possible. The public should have as much information as it needs to decide whether to avoid a restaurant. And with this new policy, the Department should not provide less information than it now provides on the website.

inCaptchaChars: VZDU

REMOTE_HOST: 207.38.208.209
HTTP_USER_AGENT: Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 5.1)

This form resides at
http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-1209.shtml

First_Name: Candy

Last_Name: Murray

Email: originalkandi@aol.com

Phone Number: 718-951-8673

Street Address: 1783 New York Avenue apt 1A

City: Brooklyn

State: NY

Zip Code: 11210

Comments: It has taken far too long for you to come up with an idea that will keep us from getting ptomaine poisoning. Now figure out how to keep the inspectors as honest as this will keep the owners.
Thank you for thinking of us!
Candy

inCaptchaChars: DyXR

REMOTE_HOST: 96.56.153.250
HTTP_USER_AGENT: Mozilla/4.0 (compatible; MSIE 8.0; Windows NT 5.1; Trident/4.0; .NET CLR 1.1.4322; .NET CLR 2.0.50727; .NET CLR 3.0.04506.30; MDDR; .NET CLR 3.0.4506.2152; .NET CLR 3.5.30729)

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-1209.shtml>

First_Name: robert

Last_Name: brown

Email: anthony_ky2003@yahoo.com

City: bronx

State: ny

Zip Code: 10451

Comments: love the idea. no reason from a consumer standpoint that we shouldnt do this. though all the restaurant will try to fight it, please institute so that we can have better access to understanding the cleanliness of where we eat.

inCaptchaChars: wqriin

REMOTE_HOST: 68.199.251.72

HTTP_USER_AGENT: Mozilla/5.0 (Windows; U; Windows NT 6.1; en-US) AppleWebKit/532.0 (KHTML, like Gecko) Chrome/3.0.195.38 Safari/532.0
