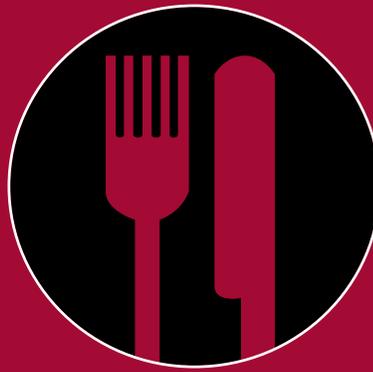




# M A T T E R S



No. 14

NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE • WINTER 2011

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## RESTAURANTS THAT ACHIEVE "A" GRADES AT THE TIME OF INSPECTION ARE NO LONGER SUBJECT TO FINES FOR SANITARY VIOLATIONS

As of January 19, 2011, restaurants that achieve A grades during their sanitary inspections will be exempt from any fines for sanitary violations. The new policy, announced by Mayor Bloomberg in his State of the City address, gives restaurants an additional incentive to maintain the highest standards of food safety. To learn more about this new policy visit [nyc.gov/health/foodservice](http://nyc.gov/health/foodservice).

### Improved Operator Website

The Health Department has updated its website to make it easier for you to find the information you need to open and safely operate your food service establishment. Go to [nyc.gov/health/foodservice](http://nyc.gov/health/foodservice).

## WHAT IS A POTENTIALLY HAZARDOUS FOOD (PHF)?

Potentially hazardous food (PHF) is food that can support rapid and progressive growth of harmful microorganisms.

### Which foods are considered potentially hazardous foods?

A recent change in Article 81 of the New York City Health Code has expanded the list of foods considered to be PHF.

These now include:

Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, crustaceans and other aquatic animals—raw or cooked.

Foods of plant origin (vegetables, fruits, grains etc.) that have been heat treated; examples include cooked potato, cooked rice, cooked pasta, cooked beans, tofu.

Garlic in oil mixtures that support the growth of *Clostridium botulinum* or toxin formation.

Cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes.

Raw bean or seed sprouts.

Supervisors of food operations should take note of these changes and apply them to standard operating procedures and employee training programs.

## HEALTH DEPARTMENT LAUNCHES RESTAURANT INSPECTION GRADING SYSTEM

**A**s of July 2010, the Health Department began issuing restaurants, coffee shops, bars, nightclubs and most cafeterias and fixed-site food stands letter grades that correspond to their scores on certain sanitary inspections. A score of 0–13 results in a grade of A, 14–27 points a B, and 28 or more points, a C. Grade cards must be posted where they can easily be seen by people passing by.

Letter grades are not issued to mobile food vending units, temporary food service establishments, establishments operated by primary or secondary schools, hospital-operated cafeterias, correctional facilities, charitable organizations or establishments operated by not-for-profit membership organizations serving food only to members.

### Only Certain Inspections Result in a Grade

Every restaurant is scheduled for at least one inspection each year. A restaurant that scores 0 to 13 on its first inspection will receive an A grade card that must be posted immediately. An establishment that scores more than 13 on its initial inspection will not be graded until it has the opportunity to improve its sanitary conditions and be re-inspected,

If the establishment receives a B or C grade on re-inspection, it receives two cards: one with the grade and one that says Grade Pending. The establishment must post one card immediately, but may

choose which sign to post. The final grade is determined at the Administrative Tribunal and must be posted immediately.

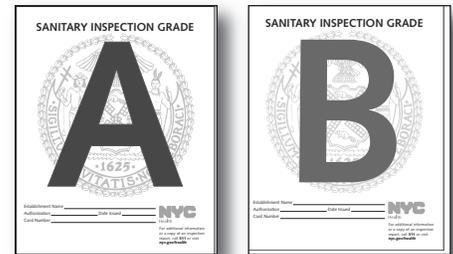
### The Better the Inspection Result, the Less Often the Restaurant Is Inspected

How often an establishment will be inspected for a new grade depends on its score. Establishments with initial A grades are inspected about once a year. Establishments that have higher scores or lower grades are inspected more often, enabling the Health Department to monitor them more closely and provide more chances to improve their grades.

### Posting the Grade Card

Grade cards must be posted on a front window, door or outside wall, within five feet of the entrance and from four to six feet off the ground or floor. The Health Department may issue a Notice of Violation if a grade card is not posted in the required location.

The Department tracks each grade card with a serial number traceable to the



restaurant and the inspector who issued it. Posting an incorrect grade card—whether the wrong grade or a card assigned to another restaurant—is a serious violation that may result in fines and suspension of a restaurant’s permit.

Restaurant operators must immediately report a lost, stolen or damaged card. They should call **311** and ask to be connected to the Health Department’s Bureau of Food Safety and Community Sanitation.

### Learn More about Restaurant Grading

Read more about grading at [nyc.gov/health/foodservice](http://nyc.gov/health/foodservice).

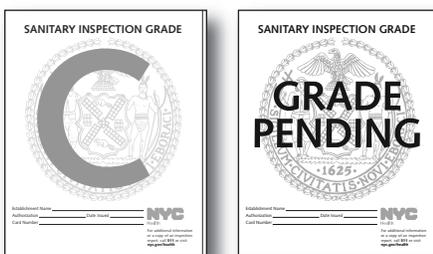
## CONTEST A NOTICE OF VIOLATION BY MAIL

**Y**ou can contest a Notice of Violation without going to the Administrative Tribunal. Send a letter to the Tribunal requesting “adjudication by mail.” Include a copy of the Notice of Violation and list your objections to the violations you are contesting.

A hearing examiner will read your letter. Unless he/she thinks in-person testimony is needed, the examiner will rule on your case. Any violation that you do not contest will be found admitted.

A copy of the decision and information about paying any fine that is ordered will be mailed to you. If you received a grade card with the Notice of Violation and your grade has changed after the examiner’s ruling, a new grade card will be enclosed with the decision. The new grade card – or the one given to you by the inspector if your grade has not changed – must be posted immediately after you receive the decision.

For more information, visit [nyc.gov/health](http://nyc.gov/health) and search “administrative tribunal.”



## EVERY RESTAURANT CAN ACHIEVE AN "A"

**F**ollow the steps below to practice A-grade food safety and keep your customers safe from food-borne illness. Avoid the most commonly cited violations and improve your chances of achieving an "A."

### Be Sure Employees Are Trained in Basic Food Safety and Are Supervised by Someone Who Has a Food Protection Certificate

- Arrange work schedules so that a supervisor with a food protection certificate is on duty whenever your restaurant is receiving or preparing food, or is open to the public.
- Train supervisors to use the Self-Inspection Worksheet to regularly evaluate and improve the restaurant's condition and employees' food safety habits.
- Provide food safety training for all employees who handle food.

### Hold Food at the Proper Temperature

- Review Health Department rules for temperature-holding requirements.
- Be sure equipment used to hold hot and cold food is working properly.
- Use thermometers to monitor the temperature of foods in hot or cold storage.
- Track food taken from hot or cold storage, and record how long it is out.

### Control Conditions That Promote Pests

- Seal all cracks, crevices and holes in walls, cabinets and doors to prevent rodents, cockroaches and flies from entering.
- Install rodent-proof door sweeps on outside doors.
- Store food and garbage in pest-proof containers.
- Clean grease, oil and food particles from all surfaces and equipment, including the floor underneath.
- Keep range hoods clean and grease-free.
- Contract a pest-control professional licensed to work in restaurants.

### Protect Food from Contamination during Storage, Preparation, Transportation and Display

- Keep food covered until served.
- Keep food separated by temperature and type.
- Avoid cross-contamination by separating potentially hazardous foods (like raw poultry) from ready-to-eat items (like salad mix).

### Maintain All Food Surfaces

- Clean and sanitize all food-preparation surfaces after each use; remove caked-on food.
- Repair or replace deeply-grooved cutting boards and chipped or broken surfaces so they can be properly sanitized.

### Maintain All Non-Food Surfaces

- Review Health Department rules on acceptable materials; surfaces should be smooth and cleanable.
- Keep all surfaces clean.

### Maintain All Plumbing and Check it Frequently

- Monitor all plumbing fixtures and make needed repairs *immediately*.
- Be sure plumbing is fitted with approved devices (valves, anti-siphonage pieces, vacuum breakers) to prevent backflow.
- Clean and maintain grease traps.

## NEW REQUIRED SIGNS

**T**here are two new signs that have been issued by the Health Department that **must** be posted:

- ♦ A new allergy safety poster, which restaurants must post in an area where it will be seen by all employees who handle food. The poster is for restaurant staff, not the public, and is available in English, Spanish, French, Chinese, Russian, Bengali, Thai and Korean.
- ♦ A new poster on how to help someone who is choking is available in English, Spanish and Chinese.

Both posters are available for free by calling **311**.

**Food allergies can be serious**  
Even a tiny amount of the allergy-causing food can be harmful

The 8 most common allergy-causing foods:

- Peanuts
- Eggs
- Tree Nuts
- Milk
- Fish
- Wheat
- Shellfish
- Soy

When a customer informs a server of a food allergy, the server should:

- Ask the chef or manager if the allergy-causing food is in, or came into contact with, the dish ordered
- Tell the customer what the chef or manager said
- **Never guess! Ask questions!**

How kitchen staff and servers can prevent cross-contamination:

- Check all ingredients on packaged food
- Wash hands
- Change gloves
- Clean work surfaces
- **Never use any utensils that were used for other foods**
- **Never use oils to prepare other foods**
- Prevent splashes
- **Keep the finished food separate from other dishes**

Call 911 if the customer has an allergic reaction.

**CHOKING**  
Ask "Are you choking?"  
Call 911 if person can't speak or breathe.

Person is awake  
Make a fist.  
Place it above the person's belly button, well below the rib cage.  
Pull sharply inward and upward.

Person stops responding  
Open the mouth. If food is there, take it out. If food is not visible, tilt the person's head back.  
Pinch the person's nose. Place your mouth over the person's mouth and give two breaths.  
Push hard repeatedly in chest center for 20 seconds. Check breathing. Repeat from start.

## REDUCED OXYGEN PACKAGING (ROP)



**R**educed oxygen packaging (ROP) is a procedure that reduces oxygen in sealed packages. The air we breathe is made up of approximately 21% oxygen; therefore, any packaging option that results in less oxygen is classified as ROP. The use of ROP in food service establishments in New York City requires approval by the Health Department.

### Types of ROP

ROP processes include cook-chill, sous-vide and vacuum packaging.

♦ *Cook-chill* is a process in which cooked food is hot-filled into impermeable bags. The oxygen is expelled and the bag is sealed or crimped closed.

♦ *Sous-vide* is French for “under vacuum.” In this method raw or partially cooked food is placed in a hermetically sealed, impermeable bag and heated for an extended period of time at relatively low temperatures.



♦ *Vacuum packaging* reduces the amount of air from a package and hermetically seals it.

### Safety and ROP

ROP does not allow spoilage micro-organisms to grow, thereby extending the shelf life of the product. As a result of the reduction in oxygen, however, a suitable

environment may exist for certain pathogenic bacteria such as *Clostridium botulinum* and *Listeria monocytogenes* that thrive in the absence of oxygen. This can lead to serious, even fatal, food-borne illnesses.

### Safety Guidelines

To ensure the safety of ROP foods, multiple barriers against the growth of pathogenic microorganisms are needed. Acceptable barriers include:

- ♦ pH of 4.6 or below
- ♦ Water activity (aw) below .91
- ♦ Presence of high levels of non-pathogenic competing microorganisms (raw meats, poultry, fermented cheeses with live cultures, etc.)
- ♦ Freezing

### Enforcement and Regulation

Food establishments

interested in obtaining approval for reduced oxygen packaging must follow Health Department regulations. These include instructions that regulate how the food is packaged, what equipment is used to package and cook it, what internal temperatures the food must reach, and how it must be rapidly chilled and stored.

A Hazard Analysis Critical Control Point (HACCP) plan for each food item must be submitted and approved by the Health Department before ROP that food will be permitted for sale at a retail food establishment.

For further information on Reduced oxygen packaging and submission of HACCP plans, please contact the Bureau of Food Safety and Community Sanitation at (212) 676-1600/01 or at the following link:

[nyc.gov/html/doh/downloads/pdf/rii/rii-red-oxygen-packaging.pdf](http://nyc.gov/html/doh/downloads/pdf/rii/rii-red-oxygen-packaging.pdf)

## SETTLE YOUR NOTICE OF VIOLATION, PAY LESS THAN THE RECOMMENDED PENALTY

**A**n offer of settlement, with a fine amount, is now available via the Internet ([nyc.gov/businessexpress](http://nyc.gov/businessexpress)). The offer is also mailed to you within 10 days of the inspection. To settle, you admit to the violations cited and pay the fine. There is no hearing or appeal. If you received a letter grade with your Notice of Violation, you must post it immediately after settling.

There are three ways to settle a Notice of Violation:

- ♦ Online: visit [nyc.gov/businessexpress](http://nyc.gov/businessexpress).
- ♦ By Mail: Follow the instructions mailed to you.
- ♦ In Person: Go to the Administrative Tribunal.

To learn more, visit [nyc.gov/html/doh/downloads/pdf/adtri/adtri-settlement-faq.pdf](http://nyc.gov/html/doh/downloads/pdf/adtri/adtri-settlement-faq.pdf)

If you have questions or comments regarding this newsletter, please call the Health Academy. Important telephone numbers are listed below.

### General Information ☎ 311

#### ADMINISTRATIVE TRIBUNAL

66 John Street, 11th floor  
New York, NY 10038

☎ (212) 361-1000

#### BUREAU OF FOOD SAFETY & COMMUNITY SANITATION

253 Broadway, 12th floor  
Box CN59A,  
New York, NY 10007

☎ (212) 676-1600

#### CITYWIDE LICENSING CENTER

42 Broadway, 5th floor  
New York, NY 10004

☎ (212) 487-4436

#### HEALTH ACADEMY

413 East 120 Street  
2nd Floor  
New York, NY 10035

☎ (917) 492-6990

#### INSPECTOR GENERAL

80 Maiden Lane  
New York, NY 10005

☎ (212) 825-2141

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