

# food MATTERS



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## FOOD SAFETY HEALTH CODE CHANGES

The Health Department has updated the New York City Health Code to make it easier for food service establishments to maintain the highest sanitary standards. These changes reflect recent developments in food safety science and are in line with the United States Food and Drug Administration 2009 *Food Code*.

The more significant changes are highlighted below. For the entire Health Code section, Article 81 (Food Preparation and Food Establishments), go to [home2.nyc.gov/html/doh/html/rii/foodservice.shtml](http://home2.nyc.gov/html/doh/html/rii/foodservice.shtml).

### Dedicated Food-Washing Sinks

Cross-contamination happens when bacteria from one food spread to another. This is a common cause of foodborne illnesses. One way to prevent this is to keep cooked and ready-to-eat foods away from potentially hazardous raw foods, such as meat, poultry and fish. To reduce the risk of cross-contamination, the Health Code now requires washing food in:

- ◆ A single-compartment culinary sink used for this purpose only.
- ◆ A dedicated compartment of a multi-compartment sink.
- ◆ A food-grade container or colander (if neither of the above is available).

Food-washing sinks must be cleaned and sanitized prior to use and after the washing of raw meat. A sink in which food is washed may not be used as a slop or utility sink or for hand-washing.

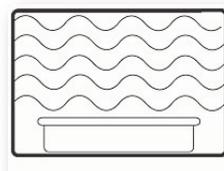
### Hand-washing Requirements

Proper hand washing and good personal hygiene can prevent the spread of foodborne diseases. To protect the public from foodborne bacteria and viruses:

- ◆ Hand-washing sinks must be located within 25 feet of each food preparation, food service and ware-washing area, and in or adjacent to employee and patron bathrooms.
- ◆ Doors, equipment and other material cannot block hand-washing sinks.
- ◆ Workers must wash the exposed parts of their arms in addition to their hands.
- ◆ Food workers must wash their hands before putting on gloves. Also, they must change gloves when they become dirty or contaminated and after handling raw food or garbage.

### Plastic Microwavable Containers Allowed

Microwave-safe containers prevent harmful substances from leaching into foods. To protect diners, food establishments must use containers that display the words "microwave safe" or one of these symbols:



Microwave safe symbols

(Continued on Page 2)

## FOOD SAFETY HEALTH CODE CHANGES (CONTINUED)

(Continued from Page 1)

### Outdoor Cooking Requirements

Cooking outdoors is now allowed provided the establishment protects food and equipment. To cook outdoors, the establishment must:

- ◆ Have permission to cook outdoors from the Buildings and Fire Departments and any other agency as required by law.
- ◆ Maintain complete control of the outdoor cooking space.
- ◆ Provide a hand-wash sink if food is prepared outdoors.
- ◆ Protect food, utensils and cooking equipment from contamination using awnings, tents, screens or vermin-resistant containers.
- ◆ Store food, utensils and equipment indoors when the outdoor area is not in operation.
- ◆ Prevent nuisances, such as from smoke, garbage, noise or pests.
- ◆ Construct the floor using smooth, durable, non-absorbent and easily cleanable material that is free of gaps.
- ◆ Have sufficient lighting to allow safe operations and cleaning. The Health Code requires 540 Lux (50 foot candles) of lighting at surfaces where food workers are preparing and processing food or using utensils or equipment such as knives, slicers, grinders or saws.

*Note:* Cooking is not allowed on a street or sidewalk, except during street fairs or other events where city permission has been granted.

### Safe and Effective Pest Control Required

The presence of insects and rodents, or conditions that allow them to flourish, are among the most common violations cited during food service establishment inspections. Pests can contaminate food, making customers sick. The use of chemicals to control pests creates other problems: pesticides can cling to surfaces and many are dangerous. To keep

restaurants insect and rodent-free, the Health Code now requires establishments to:

- ◆ Clean up refuse and other material in or on which pests hide or nest.
- ◆ Seal cracks, gaps or holes that permit easy movement of pests.
- ◆ Eliminate water leaks, drips and standing water as these allow pests to thrive.
- ◆ Install door sweeps or other barriers on doors leading to the outside. Any gap must be less than an eighth of an inch to prevent entry.

- ◆ Throw out food garbage, clean food scraps and grease stains, and store food in containers that close tightly.
- ◆ Inspect the premises and incoming packages each day for signs of pests.
- ◆ Hire a pest management professional licensed by the New York State Department of Environmental Conservation (DEC) to examine the premises at least monthly. Keep records showing the professional's name, address, DEC license number, the services provided and the effective date of the contract.

## REGISTER FOR HEALTH ACADEMY CLASSES ONLINE

You may now register and pay online for courses offered at the Department of Health and Mental Hygiene's Health Academy, including the Food Protection Course for restaurants. This new service allows you to avoid going to the Citywide Licensing Center to register for a course. You may also use the online service to pay for and request an appointment to replace your Food Protection Certificate.

### How does it work?

Go to the registration web page, [nyc.gov/healthacademy](http://nyc.gov/healthacademy), select a course and date, pay the appropriate fee and receive confirmation. You will be asked to provide some personal information before registering. In most cases, you will be able to select from a list of course dates. If you don't see a date that is convenient, check back as new course dates are added frequently.

The online service accepts the following forms of payment:

- MasterCard
- American Express
- Discover Card
- Debit Cards with the STAR, NYCE or PULSE logo on the back
- eCheck (ACH)

*Note: We cannot accept Visa credit or debit cards. Registration for the Mobile Vendor Food Protection Course is not available online.*



In July 2010, the Health Department launched its restaurant letter grading program to deliver accessible information to consumers about restaurants' sanitary inspection results, motivate restaurants to maintain high food safety standards and reduce, over time, illnesses associated with dining out.

**New York City Initiated Letter Grading to Improve Restaurants' Sanitary Practices**

Research has demonstrated that most foodborne illnesses occur because of poor hygiene, improper storage and handling, and inadequate cooling and heating of food. The Health Department requires restaurants to follow food safety regulations that are grounded in science and based on federal and state guidelines and laws. When restaurants fail to follow these regulations, patrons are more likely to become sick. New Yorkers eat out nearly a billion times each year. While most do not get sick, each year there are millions of cases of foodborne illness, with 6,000 of these resulting in hospitalization and another 20,000 in emergency room visits.

Before letter grading, restaurants were motivated to practice food safety by their desire to maintain healthful conditions and by the threat of fines for violations found at inspections. These incentives were inadequate: more than a quarter of restaurants had sufficiently poor initial inspection results to require a follow-up inspection, and over 1,500 presented a public health risk and were ordered closed. The percentage of restaurants maintaining unsanitary conditions had consistently remained high. The Department initiated letter grading in 2010 to introduce a third and potentially greater incentive: public recognition with an A grade for excellent food safety practices.

**The Grading Program Encourages Restaurants to Meet High Standards**

- The restaurant grading program incorporates:
- ◆ Multiple opportunities for rapid improvement. Restaurants have two chances to earn an A in each inspection cycle. B and C grade restaurants are re-graded frequently.
  - ◆ Due process. Restaurant owners may dispute inspection findings before posting grades.
  - ◆ Fine relief to encourage best practices. Restaurants earning A's at inspection pay no fines.
  - ◆ Sophisticated technologies to engage consumers. A re-designed [nyc.gov/health/restaurants](http://nyc.gov/health/restaurants) website lets consumers find restaurants by name, neighborhood, cuisine and grade. As a result of this change, website visits increased 20-fold in the first year. A free mobile app, ABCEats lets users find restaurants by

grade near their current location, or by name or neighborhood. Daily updates provide current grades and inspection details.

**Grading Has Led to Significant Improvements in Restaurants' Sanitary Practices**

Restaurants have made significant improvements since the program's launch. For instance, from the year before grading to January 2012, citations for restaurants without a food protection supervisor decreased from 13% to 7%. Those with signs of rodents fell by one-third and those with inadequate hand-washing facilities dropped from 11% to 5%. Restaurants were also more likely to hold food at safe temperatures. As of January 2012, 72% of restaurants were posting A grades, up from 69% in July 2011 and 65% in January 2011.

Early signs suggest grading may be leading to a reduction in foodborne illnesses. In 2011, the first full year of grading, reported cases of Salmonella infections declined 14% from the previous year, to the city's lowest level in at least 20 years. No decrease approached this magnitude in the rest of the state, Connecticut or New Jersey.

**Restaurant Grading Addresses Concerns about Foodborne Illness**

Grading aims to reduce foodborne illness, a matter of widespread public concern. An independent survey conducted in early 2012 found that 70% of New Yorkers were concerned about getting sick from eating out; 38% were very concerned. More than three quarters (76%) reported feeling more confident in a restaurant's food safety if it had an A grade. The program has a 91% approval rating; 81% of survey respondents reported seeing grades, and 88% considered them when making dining decisions.

FROM THE OATH HEALTH TRIBUNAL:  
YOU CAN NOW DISPUTE THE  
NOTICE OF VIOLATION ONLINE

The Office of Administrative Trials and Hearings (OATH) now offers online hearings at the Health Tribunal. One Click Hearings lets you contest your Notice of Violation without having to go to the OATH Health Tribunal in person. To electronically submit your defense to an OATH Health Tribunal judge, visit the One Click Hearings page on the Health Tribunal website at [nyc.gov/oath](http://nyc.gov/oath). The electronic form allows you to submit a written defense and attach up to three electronic files (JPEG, PDF, DOC) to support your claims. The OATH Health Tribunal must receive your defense on or before the hearing date.

## LESSONS FROM HEALTH DEPARTMENT INVESTIGATIONS



When a restaurant follows the Health Code's food safety rules, it not only earns an A grade but it protects its customers from foodborne illness. Each year, Health Department teams made up of inspectors and doctors specially trained to investigate foodborne illness outbreaks respond to complaints by diners who believe they became sick after eating in a restaurant. These investigations—which include an inspection of the restaurant and interviews with staff and customers—often uncover poor food safety practices by restaurants and determine that the poor practices made the customers sick.

A recent investigation of a New York City restaurant shows why following Health Department food safety rules is critical to keeping restaurant customers healthy. Nearly a quarter of this restaurant's customers became sick over a three-day period in the winter of 2011. Most of the ill patrons developed vomiting or diarrhea and some experienced headaches, cramps and fever. The

restaurant inspection found potentially hazardous cold food not held at or below 41° Fahrenheit, food stored uncovered and a food worker sick with norovirus, an illness often associated with restaurant-related foodborne illness.

This restaurant violated three Health Code rules:

- ◆ A restaurant must either hold food below 41° or above 140° Fahrenheit or follow Time as a Public Health Control (see below). These measures prevent the rapid growth of bacteria or other pathogens that can make people sick.
- ◆ Food must be covered when stored to prevent contamination.
- ◆ Workers sick with illnesses that can be transmitted by food cannot handle food or utensils.

Follow these and other food safety rules and keep your customers safe. The Health Department recommends that restaurants use the Self-Inspection Worksheet each week to practice A Grade food safety. You can find the worksheet at [nyc.gov/health/foodservice](http://nyc.gov/health/foodservice).

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

### General Information ☎ 311

#### OATH HEALTH TRIBUNAL

66 John Street, 11th floor  
NY, NY 10038

☎ (212) 361-1000

#### BUREAU OF FOOD SAFETY & COMMUNITY SANITATION

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

☎ (212) 676-1600

#### CITYWIDE LICENSING CENTER

42 Broadway, 5th floor  
NY, NY 10004

☎ (212) 487-4436

#### HEALTH ACADEMY

413 East 120 Street  
2nd Floor  
NY, NY 10035

☎ (917) 492-6990

#### INSPECTOR GENERAL

80 Maiden Lane  
NY, NY 10005

☎ (212) 825-2141

## HOW TO SAFELY HOLD FOODS AT ROOM TEMPERATURE

A Health Code change allows food establishments to hold potentially hazardous foods without temperature control if certain time limits and other guidelines are met. Using time only to monitor food, instead of time and temperature, is called Time as a Public Health Control.

Using time as a public health control is a concept that recognizes that significant bacterial growth or toxin production are not possible within a limited time period. The Health Code allows food service establishments to use Time as a Public Health Control to hold hot or cold foods for a limited time without the use of heat or refrigeration. This cannot be done haphazardly.

Food establishments can now hold potentially hazardous foods without temperature control for four to six hours if they meet certain time limits and other guidelines. Before this Health Code change, potentially hazardous hot foods had to be maintained at a minimum hot temperature, and cold foods at a maximum cold temperature, at all times.

To use Time as a Public Health Control, take the food from temperature control and:

- ◆ Measure the food's temperature. Cold food must be 41° or colder and hot food 140° or hotter when removed from temperature control.
- ◆ Place a label on the food and write the time the food was removed from temperature control, the food's starting temperature and the time it will be four hours later. For cold food, write down the time it will be six hours later.
- ◆ Serve hot food within four hours or discard it.
- ◆ For cold food, take the food's temperature after four hours and write that temperature on the label. If the temperature is more than 70° at four hours, immediately discard the food. If the temperature is less than 70°, you can hold the food for an additional two hours. You must throw away any food not served within six hours.

For more information on these items, visit [nyc.gov/health/foodservice](http://nyc.gov/health/foodservice).

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