

# FOOD MATTERS



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## INSIDE THIS ISSUE

**Consultative Inspections:  
Improving Food Safety Practices  
in Your Establishment**  
Page 1

**What You Need to Know About  
the New Paid Sick Leave Law**  
Page 2

**Health Department Investigates  
Salmonella Outbreak at Brooklyn  
Seafood Restaurant**  
Pages 2-3

**Health Department Launches  
MenuStat, an Easy Way to  
Assess Nutritional Content at  
National Chain Restaurants**  
Page 3

**How to Properly Store In-Use  
Utensils**  
Page 3

**Expansion of Health Tribunal to  
All Five Boroughs**  
Page 4

**Permit Required for Alligator and  
Crocodile Meat**  
Page 4

**Is Your Establishment  
Wheelchair Friendly?**  
Page 4

**Online Permit Services are  
Available**  
Page 4

## CONSULTATIVE INSPECTIONS: IMPROVING FOOD SAFETY PRACTICES IN YOUR ESTABLISHMENT

The Health Department is now offering consultative inspections to restaurateurs seeking to improve their food safety practices. During a consultative inspection, the health inspector will identify conditions and practices at the restaurant that do not meet Health Code requirements and suggest ways to improve them. Unlike regular inspections, consultative inspections do not result in fines or letter grades. Instead, every restaurant receives a report of the inspector's findings and recommendations. If your restaurant has had at least one graded inspection, the inspector will also review your restaurant's recent inspection history, point out

recurring violations, assess why they happen and give advice on avoiding them in the future.

The fee for the consultative inspection is \$400 for restaurants that have had at least one graded inspection. Inspections are prioritized for restaurants with a history of frequent violations. A consultative inspection occurs after a grading cycle has been completed, but before the next initial inspection. The fee for restaurants that have not yet had their first graded inspection is \$100. To apply, email [infobfscs@health.nyc.gov](mailto:infobfscs@health.nyc.gov) or call the Department's Bureau of Food Safety and Community Sanitation's Office of Food Safety at 646-632-6001.

To view the newsletter in Spanish, please visit [nyc.gov/health/foodservice](http://nyc.gov/health/foodservice)

BILL DE BLASIO, MAYOR • MARY T. BASSETT, MD, MPH, HEALTH COMMISSIONER

**WHAT YOU NEED TO KNOW ABOUT THE NEW  
PAID SICK LEAVE LAW**

**F**ood service establishments must now provide paid sick leave to their employees, including part-time, per-diem and undocumented employees, who work more than 80 hours a year. Employees can use sick leave to care for themselves or a family member, including a child, grandchild, spouse or domestic partner, parent, grandparent or sibling. Sick leave can be used for an illness, injury, routine medical care or if a school, child care facility or work location is closed due to a public health

emergency. Employers with five or more employees must pay no less than minimum wage for sick leave used. Employees begin earning sick leave on the first day of employment (or April 1, 2014, if already employed) and can use up to 40 hours of earned sick leave in an employer's calendar year after the first 120 days of employment (or July 30, 2014, if already employed). To learn more about the Paid Sick Leave Law and for helpful tips and tools, call 311 or go to [nyc.gov/PaidSickLeave](http://nyc.gov/PaidSickLeave).

**HEALTH DEPARTMENT INVESTIGATES SALMONELLA OUTBREAK AT BROOKLYN  
SEAFOOD RESTAURANT**

**I**n December 2013, the Health Department was contacted by patrons of a Brooklyn restaurant who complained of stomach problems. The Health Department immediately dispatched its multidisciplinary team of physicians, communicable disease specialists and restaurant inspectors to investigate this potential foodborne illness outbreak. The team interviewed over 50 diners and restaurant staff and found that forty-four people had become sick, including one person who was hospitalized. Reported symptoms included diarrhea, cramps, fever and chills, lasting two to 10 days. Lab tests (of food from the restaurant and of diner stool samples) confirmed that the illness was caused by the bacteria *Salmonella*.

The Department's inspection uncovered numerous critical violations, including:

- ◆ Cold food items held above 41°F
- ◆ Shellfish from an unapproved source
- ◆ Shellfish tags kept for less than the required 90 days

- ◆ Bare hand contact with foods that were not cooked afterwards
- ◆ Evidence of mice

The Department ordered the restaurant to close and required the owners to make the following changes:

- ◆ Creating logs to track refrigerator temperature, cooking temperature and hot and cold holding temperature
- ◆ Developing Standard Operating Procedures for shellfish tags, Time as a Public Health Control, hand washing, personal hygiene, food handling and thawing
- ◆ Establishing a policy on sick food workers
- ◆ Cleaning all contaminated areas and equipment
- ◆ Providing proper hand washing stations
- ◆ Using integrated pest management procedures
- ◆ Requiring owners and chefs to successfully complete the Department's Food Protection Course

*(Continued on Page 3)*

(Continued from Page 2)

After reopening, the restaurant is required to maintain a heightened food protection awareness management approach: (1) all food operations managers and supervisors must have food protection certificates (FPC); (2) there must be at least two FPC-holders on site at all times of operation (beyond the standard protocol of one FPC-holder).

To protect your customers from *Salmonella* and other foodborne illness, use the Self-Inspection Worksheet every day to check sanitary conditions in your establishment:

[nyc.gov/html/doh/downloads/pdf/rii/self-inspection-worksheet.pdf](http://nyc.gov/html/doh/downloads/pdf/rii/self-inspection-worksheet.pdf).

To learn more about food safety, visit [nyc.gov/health](http://nyc.gov/health).

#### HEALTH DEPARTMENT LAUNCHES MENUSTAT, AN EASY WAY TO ASSESS NUTRITIONAL CONTENT AT NATIONAL CHAIN RESTAURANTS

In November 2013, the Health Department launched MenuStat, a free online resource that offers comprehensive nutrition data at the nation's largest restaurant chains. MenuStat contains data from 66 national restaurant chains. The site also provides historical, date-stamped information in a format that allows for comparison across restaurants, food categories and over time.

MenuStat is designed to be used by researchers, food industry professionals, advocates and individuals interested in tracking and analyzing nutrition trends. Users can search items by selecting specific criteria such as calories in beverages on kids' menus, view summary calculations such as the average grams of trans fat in fried potatoes and monitor changes in nutrition content over time. For more information, visit <http://www.menustat.org/>

#### HOW TO PROPERLY STORE IN-USE UTENSILS

Many restaurants are cited for violations related to improper use and storage of food utensils. Food workers must properly store in-use utensils such as serving spoons, ladles, tongs, spatulas and scoops during breaks in food preparation or in between serving food. Once a utensil is used to prepare or serve food, it is considered in-use. In-use utensils must be stored safely and cleaned regularly to stop the growth of bacteria. Follow these guidelines with in-use utensils:

- ◆ Use long-handled utensils that have been cleaned and sanitized to serve food
- ◆ Place serving utensils in food containers with the handles extended above the rim of the container
- ◆ Ensure that the handles of utensils used for non-potentially hazardous food (such as flour and sugar) are stored on top of food within the closeable container
- ◆ Store utensils used for non-potentially hazardous foods, such as ice scoops, in a clean and protected location
- ◆ Before storing utensils used with moist foods, such as ice cream, remove food particles using a dipper-well (small sink) with water running at adequate velocity to flush food particles
- ◆ Store other utensils in a container of clean potable (drinking) water where the water temperature is maintained at 140° F or higher; clean the container frequently

**EXPANSION OF HEALTH TRIBUNAL TO ALL FIVE BOROUGHS**

The Office of Administrative Trials and Hearings (OATH) is New York City's independent administrative court. OATH manages the Health Tribunal, where restaurant owners can contest notices of violation. Recently, OATH made it easier for restaurant owners to contest a Notice of Violation in person by expanding the Health Tribunal to all five boroughs. In 2011, OATH launched Hearings-by-Telephone, and in 2012 it created One-Click (online) Hearings at the Health Tribunal. Both options are alternatives to in-person hearings. Visit the Health Tribunal's website [nyc.gov/oath](http://nyc.gov/oath) to learn more about these updates.

**PERMIT REQUIRED FOR ALLIGATOR AND CROCODILE MEAT**

New York City food service establishments must hold a Crocodylian Permit issued by the New York State Department of Environmental Conservation in order to sell and/or serve alligator, caiman or crocodile meat. Food service establishments must obtain the meat from a licensed source and keep the purchasing records.

**Contact the Special Licenses Unit with questions about this permit.**

New York State Department of Environmental Conservation, Special Licenses Unit

625 Broadway, Albany, NY 12233-4752

Telephone: 518-402-8985

Website: <http://www.dec.ny.gov/permits/25007.html>

**IS YOUR ESTABLISHMENT WHEELCHAIR FRIENDLY?**

You can get a "wheelchair friendly" window decal from the Health Department and the Mayor's Office of People with Disabilities Restaurant Access Program (RAP) if your restaurant qualifies as wheelchair friendly. Call 311 or email [rap@cityhall.nyc.gov](mailto:rap@cityhall.nyc.gov) for more information about applying for this designation.

**ONLINE PERMIT SERVICES ARE AVAILABLE**

Save time by going online to renew your existing permit, apply for a new permit, pay outstanding fines or change your contact information. Visit [nyc.gov/healthpermits](http://nyc.gov/healthpermits) for more information.



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  
New York, NY 10038  
☎ 212-361-1000

**BUREAU OF FOOD SAFETY & COMMUNITY SANITATION**  
125 Worth Street, 10th Floor  
Box CN59A  
New York, NY 10013  
☎ 212-676-1600

**CITYWIDE LICENSING CENTER**  
42 Broadway, 5th Floor  
New York, NY 10004  
☎ 212-487-4436

**INSPECTOR GENERAL**  
80 Maiden Lane  
New York, NY 10005  
☎ 212-825-2141

**HEALTH ACADEMY**  
The Riverside Health Center  
160 West 100th Street, 2nd Floor  
New York, NY 10025  
☎ 646-364-0770

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