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Madera County

Food Safety/ Food Inspections

**Madera County Grand Jury
Final 1920-04
December 21, 2020**

SUMMARY

1 The US Federal Food and Drug Administration’s (FDA) Food Code and the California Retail
2 Food Code provide scientific standards and guidelines that states and localities may adopt for
3 food safety in restaurants and institutional food settings. The code includes temperature
4 standards for cooking, cooling, refrigerating, reheating, and holding food. It also recommends
5 that inspectors visit restaurants every six months. Each state or locality may choose to adopt any
6 or all of the code in its laws or regulations. There are variations among jurisdictions in standards
7 currently being applied to restaurants and other food establishment inspections. Madera County
8 has no food safety reporting requirements. The Environmental Health Department does not
9 report food safety reports to any State or Federal agencies. All inspection programs performed by
10 the Environmental Health Department, except food inspections, are regulated by the State of
11 California. Madera County Grand Jury (MCGJ) focused on retail food facility inspection,
12 compliance with standards, and recording the results by the Food Inspection Program.

13

14 **GLOSSARY**

15 CED - Community Economic Development, Madera County

16 EHS – Environmental Health Specialist (non-registered)

17 EHD – Environmental Health Department

18 FDA – Federal Food and Drug Administration

19 FSP - Food Safety Program, Madera County

20 MCGJ – Madera County Grand Jury

21 PHD - Public Health Department, Madera County

22 REHS – Registered Environmental Health Specialist

23

24 **BACKGROUND**

25 All food services requiring a food inspection in Madera County are required to be inspected by
26 the Food Safety Program (FSP) under the jurisdiction of Madera County’s Environmental Health
27 Division (EHD). In the past 20 years, MCGJ has reviewed this entity in 2007/2008 and in
28 2012/2013. Both inquiries discovered the program was under-funded and under-staffed causing
29 inspections to be delayed or not performed at all. Insufficient time for available personnel limited
30 meeting inspection goals. The FSP is not required to report food inspections to any State or
31 Federal agency or any public entity.

32 Because of these past reports, the MCGJ was prompted to reexamine the Food Safety Program to
33 see what changes were made in the past seven years to rectify the inspection backlog.

34

35 **METHODOLOGY**

36

37 Researched reporting processes used for Food Safety Inspections.

38 Reviewed Madera County’s Food Safety Inspection Program documents:

- 39 • Environmental Health Department organizational chart
- 40 • Policies and Procedures for Food Safety
- 41 • Reviewed operating budget for Food Safety and Consumer protection.
- 42 • Examined onsite inspection report forms used when conducting inspections.
- 43 • Reviewed records of complaints.

- 1 • Surveyed policy for handling complaints.
- 2 Interviewed County personnel.
- 3 Reviewed California Retail Food Code Handbook.
- 4 Reviewed field and recording Inspection Forms used in Madera County.
- 5 Observed Food Safety inspection of Madera County retail facilities.
- 6

7 **DISCUSSION**

8 The County of Madera Environmental Health Division (EHD) oversees the Food Safety Program
9 (FSP) for the residents of Madera County. The EHD is under the direction of Madera
10 Community Economic Development (CED), not the Madera County Public Health Department
11 (PHD). Annually, all food establishments within Madera County including restaurants, fast
12 food, convenience stores/gas stations, food trucks/mobile food, schools, pools and spas, camps,
13 detention facilities, and swap meets are to be inspected.

14
15 In the County of Madera, there are 739 food facilities that require inspections. In addition, there
16 are 94 mobile food facilities, 202 schools, 121 pools/spas, 12 organized camps, and six detention
17 facilities that require at least an annual inspection, with some requiring two per year. Facility re-
18 models or new construction of facilities require plan reviews and inspections. Change-of-
19 ownership inspections are also required. Annual inspections of food vendors at swap meets and
20 special events are conducted. To ensure health and food safety, the FSP issues permits for
21 temporary or mobile facilities offering food, such as fairs, concerts, and special events.

22
23 The time required to complete inspections does not consider travel time, vehicle availability, and
24 available personnel to complete the task.

25
26 With over 1,100 sites requiring inspections, the Environmental Health Department has 14
27 inspectors. Four inspectors are classified as extra help, and three are identified as hourly staff
28 working in the FSP. Staff includes one senior Registered Environmental Health (REHS)
29 permanent staff member, and three extra help staff, -one REHS, and two Environmental Health
30 Specialists (EHS). Environmental Health inspectors will be moved to the FSP as required.

31
32 Any complaints received by the department are assessed and a determination is made for
33 resolution. Any food-borne illness complaints must be reported to the Madera County Public
34 Health Department.

35
36 The Food Safety Program (FSP) follows Madera County’s independent guideline for Food
37 Safety and Consumer Protection Program and the California Retail Food Code Handbook.
38 Federal Food and Drug Administration (FDA) Guidelines are available for reference. The
39 county’s program consists of some elements to protect the health and welfare of the community.
40 The program does not comply with all the recommendations contained in the FDA guidelines;
41 however, the FSP adheres to the State of California Retail Food Code. Madera County has no
42 food safety reporting requirements to any State, Federal agency or the public. As of 2019
43 California has not adopted the provisions of the Federal Food and Drug Administration.

1 **Food Grading Program**

2 In February 2015, a pilot Food Facility Grade Program was implemented. The pilot rating system
3 included seven food facilities county-wide, including three foothill-area restaurants. With
4 approval from the County Board of Supervisors, the EHD promoted the program on a trial basis
5 and intended to include food facilities in each area of the county.

6 The results of this trial were to go back to the Madera County Board of Supervisors to determine
7 whether the placard project should continue and expand to include all of the food facilities that
8 exist in Madera County.

9 At the June 4, 2019 meeting, the Madera County Board of Supervisors (BOS) approved a plan to
10 set up and manage an online food inspection reporting system. The online system will allow for
11 public access to food inspection reports. Under the present system, an individual wishing to see a
12 recent food inspection report must file a request via the county website and then wait up to 10
13 days for a response. The rollout of the online food inspection reporting program was paired with
14 State Senate Bill 252. SB252 required counties, receiving applications for a well permit “in a
15 critically over drafted basin”, make the application readily available online to both the public and
16 to groundwater sustainability agencies by January 2020. This paired rollout provides access to
17 both food inspection reports and well permit application processing.

18
19 The County Information Technology (IT) Division will manage the online food
20 inspection website and the Geographic Information System (GIS) will track the online inspection
21 reports. The Environmental Health Division has received numerous requests from the public for
22 online food inspection reports. The new system will help the County make food inspection
23 reports more readily accessible to the public.

24
25 **Food Inspections**

26
27 Food facility inspections require more than the time at the site. Although the site inspection is
28 conducted without prior notice at the given site, the inspector must ensure that a vehicle is
29 available, travel time to the site is adequate, and the site is in operation at the time.

30
31 The EHD Food Inspectors complete between 15 and 18 inspections per week. Staffing issues and
32 the availability of a regular operating schedule present challenges. Some food facilities are only
33 open on weekends or during the summer tourist season which makes it difficult to inspect on a
34 regular schedule. Travel time to and from the inspection location is not calculated into total time
35 needed to complete an inspection. School cafeterias require two inspections per year; in October
36 and February. Youth camps are checked in the spring prior to students attending camp. The EHD
37 Inspector is required to inspect the camp rooms, pools, rock climbing walls, and eating areas.
38 The EHD is also responsible for conducting a light fire inspection of fire extinguishers and fire
39 alarms in food facilities outside the city limits to assist the fire department.

40
41 Vehicle availability is an issue. There are seven vehicles available for 14 EHD inspectors. There
42 is no pre-registration on obtaining a vehicle or scheduled vehicle pre-assignments for

1 inspections. This makes it difficult on many days to perform any inspections. Priority is given to
2 those inspectors generating greater fee income for the county.
3

4 The MCGJ accompanied Food Service Program Inspectors and observed the following
5 inspections

- 6 • On January 30, 2020 two members of the MCGJ accompanied the EHD Food Inspector,
7 to inspect two establishments in the City of Madera. The inspector is working on 900
8 hours of training experience to become a Registered Environmental Health Specialist
9 certification.
- 10 • The inspector checked food temperatures, cold storage temperatures, hot storage, hot
11 water temperatures in hand wash stations, cooking and prep areas, hood ventilation over
12 the grill, fire extinguisher expiration dates, overhead lighting, floor drains in the
13 dishwashing and soda fountain area, sanitation of dish wash water, soda fountain catch
14 drains, the garbage area inside, and bathrooms. The Inspector asked to view food handler
15 cards and the manager's food safety card.
- 16 • The Inspection Report, a 49-point checklist, was completed on a paper notepad and
17 information transferred to a tablet while on site. The inspector reviewed the results with
18 the facility manager or person working at the site and had them sign it electronically. The
19 results of the inspection at the facility were given to a person working onsite. The results
20 for the inspection at the second facility were given to the manager. If corrections are
21 required, the inspector sends an email to the person contacted onsite with a request for a
22 response within two weeks.
- 23 • Establishments that have infractions require the EHD Inspector to return for re-
24 inspection, and the facility is charged \$114.00/hour. Re-inspections are handwritten and
25 no priority of re-inspection is performed. There are no risk categories assigned to
26 infractions or establishments that may be at a higher risk.
- 27 • There were minor infractions noted at each facility and the contact person at each facility
28 was advised to send photo evidence of corrections to the inspector via email. There were
29 no major issues that required the inspector to return to the site this year.
- 30 • On February 6, 2020 two members of the MCGJ accompanied an EHD Registered
31 Environmental Health Specialist to inspect additional retail food establishments in
32 Madera. The inspector checked food temperatures, cold storage temperatures, hand wash
33 station, cooking and prep areas, hood ventilation over the grill, floor drains in the
34 dishwashing area, safe food handling certificates of employees at work that day, garbage
35 area outside, and bathrooms. The Inspection Report was then completed on site and
36 reviewed the results with facility manager who then signed electronically.
37

38 **Funding for staffing**

39 The Environmental Health Division is self-funded by permit and inspection fees. The collected
40 fees generate the operating fund for personnel to conduct inspections of retail food service, solid
41 and liquid waste management, hazardous material control, hazardous waste, medical waste, body
42 art/tattoo, rental housing, public swimming pools/spas, organized camps, water supply, vector
43 control, and nuisance abatement. Well permit fees generate the highest income for EHD while
44 FSP fees have the lowest priority and pose the highest risks to the public for food borne illnesses.

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FINDINGS

- F1.** The MCGJ finds that current staffing levels, determined by permit fee income, leave inspection requirement goals unattainable.
- F2.** The MCGJ finds that the lack of available vehicles hinders timely inspections.
- F3.** The MCGJ finds that the FSP does not assign “risk” categories for establishments with repeated infractions.
- F4.** The MCGJ finds that the online food inspection program scheduled for January 2020 has not been implemented.

RECOMMENDATIONS

- R1.** The MCGJ recommends that, beginning fiscal year 21-22, the EHD study the fee structure and elements of inspection (# Inspections*Inspection and Travel time + fee =Budgetary Allotment). The calculation will provide the number of staff and time required to complete all inspections. Further, if funding is inadequate, request funding from the general fund or raise fees to complete all required FSP inspections on a timely basis.
- R2.** The MCGJ recommends that, beginning fiscal year 21-22, the EHD work within the department to set up a schedule for vehicle usage assignments.
- R3.** The MCGJ recommends that, beginning fiscal year 21-22, EHD assign risk categories to establishments with inspection failures and impose fines.
- R4.** The MCGJ recommends that, beginning fiscal year 21-22, EHD post online food inspection report results on the EHD website.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:
From the following county officials within 60 days:

Madera County Board of Supervisors
200 West Fourth Street
Madera, CA 93637

INVITED RESPONSES

- From the following governing bodies within 90 days:
- Matthew Treber
Director, Madera County Community and Economic Development Department
200 West Fourth Street
Madera, CA 93637
 - Dexter Marr
Deputy Director, Madera County Environmental Health Division
200 West Fourth Street
Madera, CA 93637

1 Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section
2 929 requires that reports of the Grand Jury not contain the name of any person or facts leading
3 to the identity of any person who provides information to the Grand Jury.

4 **APPENDIX**

5 <https://sierranewsonline.com/county-grades-for-restaurants-program/>

6 Madera County Permit Fee Schedule

7 [https://library.municode.com/ca/madera_county/codes/code_of_ordinances?nodeId=TIT7HESA
8 _CH7.01ENHEFE_7.01.140FEADREGEPOTH](https://library.municode.com/ca/madera_county/codes/code_of_ordinances?nodeId=TIT7HESA_CH7.01ENHEFE_7.01.140FEADREGEPOTH)

9 <https://www.maderacounty.com/Home/ShowDocument?id=21447>

10 [https://blog.smartsense.co/restaurant-letter-
11 grading#:~:text=All%20state%20and%20local%20letter,identifies%2056%20different%20inspe
12 ction%20items.&text=GRADE%20A%3A%20The%20restaurant%20is,and%20on%20verge%2
13 0of%20closure.](https://blog.smartsense.co/restaurant-letter-grading#:~:text=All%20state%20and%20local%20letter,identifies%2056%20different%20inspection%20items.&text=GRADE%20A%3A%20The%20restaurant%20is,and%20on%20verge%20of%20closure.)

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