



NEW YORK CITY DEPARTMENT OF  
HEALTH AND MENTAL HYGIENE

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*Commissioner*

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August 16, 2017

The Honorable Melissa Mark-Viverito  
Speaker of the City Council  
City Hall  
New York, NY 10007

Dear Speaker Mark-Viverito:

Attached, please find a copy of the annual report, Activities of the Food Service Establishment Ombuds Office, prepared by the Department of Health and Mental Hygiene. This report summarizes activities by the Department's Food Service Establishment Ombuds Office from July 1, 2016 through June 30, 2017, as required by Local Law 2013/089 of the New York City Council. We apologize for the delay.

If you have any questions, please contact Sam Miller, Associate Commissioner of the Office of External Affairs at (347) 396-4078.

Sincerely,

A handwritten signature in black ink that reads "Mary T. Bassett".

Mary T. Bassett, MD, MPH  
Commissioner



## Annual Report of Activities of the Food Service Establishment Inspection Ombuds Office

This report summarizes activities by the New York City Health Department’s Food Service Establishment Inspection Ombuds Office (the Office) from July 1, 2016, through June 30, 2017, as required by LL2013/089 of the New York City Council.

### Number, Nature and Resolution of Questions, Comments, Complaints and Compliments received by the Ombuds Office

The feedback received is summarized below:

- ***Complaints about Food Service Establishments Regulated by the Health Department***

The Health Department received 10,274 complaints via 311 directed at food service establishments (FSEs) regulated by the Department. Complaints fell into the following categories:

Descriptor	# of Service Requests
Rodents/Insects/Garbage	2,691
Food Spoiled	1,014
Bare Hands in Contact w/ Food	717
Letter Grading	702
Food Contains Foreign Object	643
Food Contaminated	612
Kitchen/Food Prep Area	524
Pet/Animal	394
Food Worker Hygiene	377
Food Temperature	318
Toilet Facility	317
Odor	304
No Permit or License	265
Food Protection	222
Food Preparation Location	176
Permit/License/Certificate	153

Descriptor	# of Service Requests
Dishwashing/Utensils	135
Handwashing	115
Facility Construction	104
Food Worker Activity	98
Ventilation	84
Sewage	76
Food Worker Illness	45
Pesticide	37
Plumbing	33
Water	29
Allergy Information	25
Toxic Chemical/Material	22
Sign	15
Sodium Warning	14
Milk Not Pasteurized	9
Lighting	4

## Annual Report on Activities of the Food Service Establishment Ombuds Office

- **Comments about Inspections and Inspectors**

The Office received 112 comments, submitted by email, telephone or in person, about inspectors and/or inspections. Seven were compliments about inspectors, five were comments about inspections and letter grading, 46 were food safety–related questions, 27 were complaints about the professionalism of the inspectors and 27 asserted that violations were incorrectly cited. The Health Department investigated the disputed violations. Of the disputed violations, there were no violations withdrawn. See page 3 of this report for information about how complaints about inspectors are handled.

### Guidance Documents

The Department publishes guidance documents on matters pertaining to FSE inspections. These are distributed through a variety of ways: Health Academy, industry partners, community events, 311, DOHMH [website](#) and mass e-blasts.

- **Article 81 of the NYC Health Code: Food Preparation and Food Establishments** contain the updated Article 81, which is the primary section of the New York City Health Code governing food safety. The booklet updated the following fact sheet:
  - **Updated Written Consumer Advisory Rule** explains the updated rule that FSEs must use a written advisory to inform customers that eating raw or undercooked foods may increase the risk of foodborne illness.
- **Updated Sodium Warning Labels for Chain Restaurant Compliance Guide** provides answers to frequently asked questions so FSEs can better comply with the new rule. This guide was updated in response to questions from the industry.
- **Updated Calorie Labeling Rule for Chain Restaurant Compliance Guide** provides answers to frequently asked questions so FSEs can better comply with the updated rule.
- **Food Matters** newsletter distributed electronically to highlight updated food safety regulations, provide strategies and recommendations for better compliance and a food safety quiz to reiterate specific topics.

The Department received no requests for guidance documents.

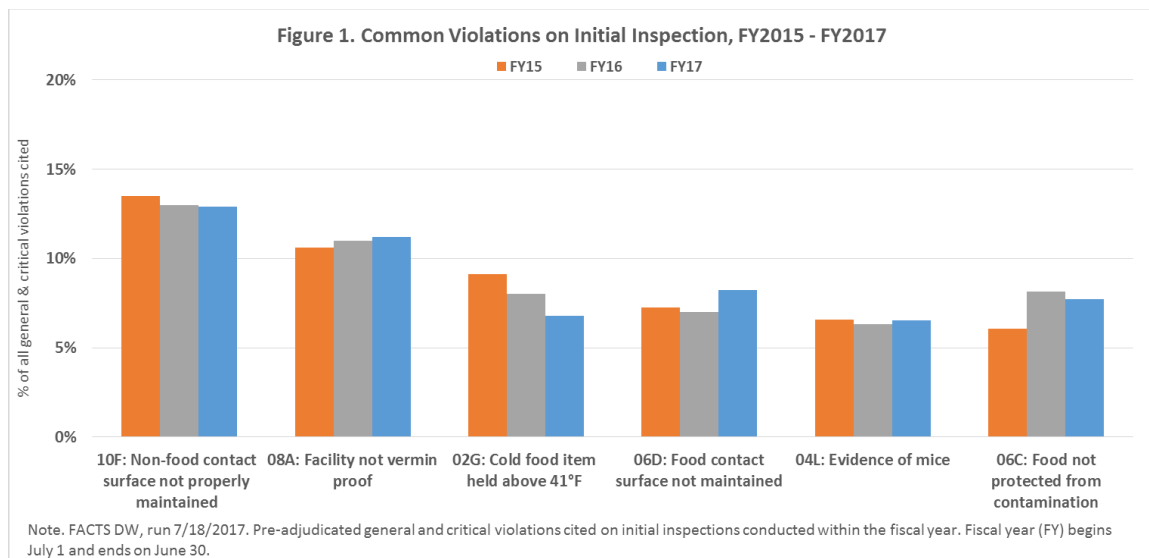
### Analysis of Trends and Inconsistencies Across Inspection Results

The Office received 54 complaints about professionalism of inspectors and violations incorrectly cited, which is a decrease over the previous reporting period. The Department believes the decrease is primarily attributable to improvements in food safety practices and inspector relations with FSE operators. Letter grading has improved food safety in New York City as more restaurants are earning an “A” grade at the beginning of their inspection cycle. Currently, 93 percent of the city’s restaurants are posting an “A” grade. Since 2015, the Department also increased training for inspectors in customer service, communication skills and mental health first aid. There is a better collaboration between supervisors and inspectors creating a more holistic approach to anticipate and prevent conflicts during inspections.

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Of the 54 complaints received, six (11 percent) alluded to inconsistencies in inspector findings. The Department closely monitors inspection trends for inconsistencies. Supervisory inspections are conducted as follow-ups on at least 5 percent of all inspections completed. The Department is working with inspectors in small groups to identify and address inconsistencies.

General and critical violations most frequently cited on initial inspections over the past three years have remained fairly consistent, and correlate with the complaints submitted by the public (Figure 1).



### Recommendations for Improvements to the Inspection Process

The Office oversees the investigation process for inspector- and inspection-related complaints. For each complaint about an interaction with an inspector, a Health Department supervisor met and discussed the concern with the inspector, asking generally about that inspection and then about the specific complaint. The supervisor counseled the inspector about ways to handle a similar situation in the future. The supervisor closely monitors inspectors for improvement and schedules periodic follow-up meetings and trainings. The meetings and training topics focus on areas that need improvement including coaching and professional development. When a complaint reflects a pattern of behavior by an inspector, the poor performance is documented and the employee may be referred for disciplinary action.

Reports of negative interactions are also used to guide annual customer service training provided for all inspectors. Improvements to the current training modules to prevent or deescalate negative interactions included:

- How to help FSE operators better understand the public health significance of the violations
- How to make the inspection more educational rather than a punitive measure
- How to better listen to operators to develop a better working relationship

## Annual Report on Activities of the Food Service Establishment Ombuds Office

The following recommendations for improvements to the inspection process have been made to the Commissioner of Health:

- Create additional educational and train-the-trainer materials to help FSE operators better comply with the food safety regulations
- Further expand the inspector training sessions with FSE operators, so inspectors will gain a better understanding of the food service industry from the operators' perspective

### Community Outreach Initiatives

This year's outreach activities focused on community meetings, food safety workshops, and a pilot of the Inspection History Report.

- ***Community Meetings***

The Office participated in 15 community meetings, which were held in every borough and throughout the year. The meetings focused on Health Code changes, promotion of consultative inspections, discussions of the grading and inspection processes, and technical matters related to food safety. Over 460 individuals – including small business owners, staff from city, and state agencies, and representatives from business organizations – attended the events.

- ***Food Safety Workshops***

The Office organized a new initiative and conducted a series of free food safety workshops, "Practicing 'A' Grade Food Safety," in May and June with the goal of providing FSE operators with assistance and incentive to achieve and maintain better standards in food safety. The workshop was held in each borough, with two events offered in Manhattan—one in Lower Manhattan and the other in Upper Manhattan—and was co-sponsored by Borough Presidents Adams, Brewer, Diaz Jr., Katz and Oddo. Translation services were available in Spanish, Mandarin, Cantonese and Bengali.

Workshop participants received information about "active managerial control," avoiding the most common violations and implementing a quality improvement plan, all of which are important strategies for achieving and maintaining an "A" grade. Participants who registered in advance received an individualized Inspection History Report that described their particular restaurant's repeat violations and explained the steps necessary to correct the condition. All participants had the opportunity to ask questions and obtain immediate guidance from Health Department staff on improving food safety practices.

The Office marketed the workshops by sending an email blast to food service establishments—a new approach that allowed the Office to reach 19,500 restaurants with information in English, Spanish, Traditional Chinese, Simplified Chinese and Bengali, and provide a direct link to the registration page. The Office also hand-delivered flyers advertising the workshop to restaurants in Brooklyn and Queens that received C-range scores on their last two inspections, as well as to community stakeholders; this hand delivery was discontinued when

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survey results showed that emails were more effective in reaching restaurants. The Borough President offices also helped promote the workshops.

Over 700 people attended a workshop, with strong turnouts from every borough: 130 attended in Brooklyn; 62 in the Bronx; 316 in Manhattan; 150 in Queens; and 45 in Staten Island.

- ***Inspection History Report***

The Inspection History Report (IHR) is an individualized report that shows repeat violations from a restaurant's last three years of inspections and provides detailed instructions on fixing the food safety condition, enabling a restaurant to focus on areas in need of improvement. The Department initiated a pilot project in September 2016 to determine if restaurant operators understood the report and found it useful through an evaluation survey. Among survey respondents, 73 percent stated they understood the recommendations in the report and 81 percent reported they will use the recommendations in the report. The Department will deliver the IHR to restaurants upon request, and will conduct in-person meetings with restaurants recently closed. The Department will promote the availability of the IHR, explore other mechanisms to create and deliver the IHR, and continue to improve the report to ensure improved understanding and use.