

# How to Avoid Fines & Poor Restaurant Grades in a New York City Health Inspection

A Food Safety Guide for Restaurants



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## About EHA Consulting Group Inc.

EHA Consulting Group, Inc. (EHA) offers comprehensive public health consulting, epidemiology and food safety services before, during and after a crisis. We provide these services to Retail Food, Food Service, Food Processing, and Contract Food Service Management companies.

Need our Services? Call us today at 800-969-1441.

Visit us at [www.ehagroup.com](http://www.ehagroup.com). Follow us on Twitter @EHAConsultingGp.

# Introduction

*“88% of New Yorkers consider restaurant inspection grades in their dining decisions\*.”*



This food safety guide will help New York City restaurants identify and prevent the common causes of lower grades and increased fines in the annual New York City Health Inspections.

Millions of dollars of fines are issued by the city each year and fines are only trending upward. Restaurants lose millions more in customer revenue resulting from bad restaurant grades; 88% of New Yorkers consider restaurant inspection grades in their dining decisions\*.

The best assurance of an “A” grade from the New York City Health Department is to use EHA Consulting Group, 30-year veterans of food safety, public health and epidemiology services, who will guarantee the top rating, provided their recommendations are implemented.

At the very least, reading this white paper on the common pitfalls and following the advice on how to avoid them will help your restaurant be further prepared when the New York Health Inspector unexpectedly knocks on your door.

\* <http://www.quinnipiac.edu/institutes-and-centers/pollinginstitute/new-york-city/release-detail?ReleaseID=1717>

## Solving Food Safety Issues with Consulting

If you operate a restaurant in New York City, you will be inspected at least annually by the New York City Department of Health and Mental Hygiene to ensure you are meeting minimum food code requirements as contained in Article 81 of the New York City Health Code.

Retail food establishments are inspected during business hours - day and night, and even on weekends. Do you find your restaurant struggling to earn an “A” on the health inspection?

Preparing for a New York City Health inspection is not a simple task, and restaurants often underestimate the severity of the stringent inspections. A professional consultation by one of the experts at EHA Consulting Group, Inc. can greatly assist in your facility obtaining an “A” rating and also reduce the probability of receiving stiff fines that are often imposed.

EHA’s deep industry-specific experience and track record supporting restaurants in food safety and all aspects of public health set them apart from other consultants.



*“Preparing for a New York City Health inspection is not a simple task, and a professional consultation by an EHA expert can greatly assist.”*

# Restaurant Table Stakes: Food Safety Training

*“Every single employee can mean the difference between an “A” and “B” and the resulting painful and expensive fines and embarrassing publicity.”*



Article 81, also known as the New York City Food Code, is the “rule book” to operating a restaurant but it doesn’t provide specific guidance on food safety.

It is incumbent upon you to train to master food safety. A certified and licensed operator must be present during hours of operation and although the training from the city is good for life, you should periodically update yourself and your staff to encompass any changes. See the “Food Protection Academy” for details on the course and consider also taking ServSafe as the training is helpful.

Train your staff internally on a regular basis and reinforce positive practices and procedures. Be vigilant to observe and correct any areas of non-compliance or lack of best practices. Highlighting best practices and collaborating to solve areas of non-compliance will help your staff feel aligned with the objectives of the business.

Continual training and alignment clarifies job roles for individual employees and demonstrates the ongoing value of your employees to the organization. Whether working in the dish room or the deli, every single employee can mean the difference between an “A” and “B” and the resulting painful and expensive fines and embarrassing publicity.

# Common Pitfalls to Fines and Degradations

## a. Loss of Temperature Control

Temperature control remains critical during a New York City health inspection. All unit team members must understand how to use a thermometer. Thermometers should be calibrated regularly in an ice slurry for accuracy (32°F) and discarded if not plus or minus two degrees Fahrenheit.

See Section 81.09 of the New York City Health Code for details on cooking temperatures for selected foods, such as poultry and ground beef. These temperatures supersede any Federal Regulation and/or recommendation.

The City of New York requires potentially hazardous foods (PHF) to be greater than or equal to 140°F or less than or equal to 41°F while on display. Important exceptions exist, such as keeping smoked fish at 38°F or less. Check your PHF and check it often!

Additionally, cooling of PHF is critical as well. If not placed in a shallow pan in the refrigerator, soups and large portions of meat will retain warm spots promoting the growth of harmful bacteria.

Management should routinely inspect refrigerated spaces for this practice to ensure foods are reaching 70°F within two hours and cooled down to 41°F within an additional four hours. Monitor and log foods for a total of six hours from the time it was removed from the cooking or hot hold unit.



*“If not placed in a shallow pan in the refrigerator, soups and large portions of meat will retain warm spots promoting the growth of harmful bacteria.”*

# Common Pitfalls to Fines and Degradations

## b. Lack of Pest Control

*“Do not jump to use pesticides right away, as only a certified pest control operator can administer pesticides.”*



Pest control must be a priority! The most common stereotype of an unsanitary restaurant is the presence of rodents or insects of any kind. Once pests are in the building it is very difficult to totally eliminate them.

It's a stretch to think filth flies (i.e., house flies, fruit flies and/or sewer and drain flies) can spread disease, but they are counted during an inspection. Just like rat and mice droppings, filth flies are critical discrepancies and can increase violation points and fines.

If you see a fly or rodent in your restaurant you have a problem. Do not jump to use pesticides right away as only a certified pest control operator can administer pesticides. Your first course of action should be to inspect the structure of your building to ensure they can't get in and keep everything clean in order to starve them out.

Check your facility for these common pitfalls:

- Openings to the outside such as wall holes or doors that don't close;
- Food debris and materials in which pests may shelter, hide, or nest;
- Holes in walls or ceilings, even small cracks. If maintenance does work on your ceiling tiles, have them replaced as soon as possible. Leaving an unsecured ceiling tile overnight is an invitation for unwanted guests.

Prevent pests by ensuring door sweeps are not damaged, using light traps to mitigate flying bugs, and keeping shelves clean and ovens grease free. Nothing takes patrons' confidence away faster than a mouse in the dining room!



# Common Pitfalls to Fines and Degradations

## c. Food Contamination

In addition to controlling food temperatures and pests, preventing food contamination is imperative. Preventing food contamination is extremely difficult that will only become easier with proper training, corrective action, and best practice implementation and reinforcement.

During an inspection, the inspector will walk through the premises and cite violations based on what they see at the present moment. For example, if uncooked food is stored over ready-to-eat food, even for a moment, you could be cited.

One best practice is to organize your walk-in coolers. Whether it's separating dairy products that absorb odors or organizing and labeling food according to cook temperature (e.g., raw poultry, ground beef), find a system that is easy to maintain.

Another best practice is to keep food six-inches off the ground to help with the cooling process, which also aids in cleaning the floors. Everything must be securely covered when stored (unless cooling) and otherwise protected from dust and filth.

The kitchen can be chaotic during meal rush, but do not let the fast tempo of work distract you from the principles of mitigating cross-contamination and compliance to food safety regulations



*“If uncooked food is stored over ready-to-eat food, even for a moment, you could be cited.”*



# Common Pitfalls to Fines and Degradations

## d. Surface and Equipment Sanitation

*“Place a sanitizer bucket at each workstation and check the concentration often.”*



Keeping surfaces that both contact and don't contact food cleanly maintained is important. Place a sanitizer bucket at each workstation and check the concentration often. Generally, chlorine and quat are the sanitizers most widely used. You must have test strips for each of the sanitizers that you are using and they must be within the range as set forth in the health code.

In addition to surface sanitation, pay close attention to the condition of your equipment. Check cutting boards for gouges or scarring. Look at spatulas for crumbling edges. Check plastic containers for chipping. When in doubt, throw it out.

If inspectors find poor equipment conditions, best-case scenario, you are cited for a chipped product. Worse-case scenario, a customer chips his or her tooth on the plastic from your food processor's cracked container. Neither scenario is desirable, so cleaning and maintaining equipment is imperative to attaining an "A" and minimizing fines.

# The EHA Advantage

Before letter grades were implemented in 2010, average annual fine revenue totaled around \$30 million. Annual fines rose to \$52 million after the grades were introduced, according to the Wall Street Journal\*.

At EHA, we are passionate about food safety as well as maniacally focused on helping your restaurant achieve and maintain an “A” rating. We live this business every day and have for more than 30 years. EHA’s food safety experts have inspected food facilities for decades and, with our breadth of education, training and experience, we are best equipped to help you.

We are available to assist you BEFORE the inspection, DURING the inspection and AFTER the inspection with both corrective action before your reinspection and, if necessary, at the OATH tribunal hearing where the costly fines are imposed.

Call us today at 800-969-1441 for more information.



*“We live this business every day and have for more than 30 years.”*

\* <http://online.wsj.com/news/articles/SB10001424127887323608504579021243113362848>

## Conclusions

*“You should be self-inspecting and consider having an outside consultant like EHA to be your advocate.”*



This white paper showed several areas where even the cleanest of restaurants can fail a New York City health inspection with only a couple of violations. New York City inspects every restaurant annually. Fines generate millions of dollars for the city. Every restaurant is vulnerable to fines, so it is critical to pay attention to food safety principles and procedures.

Train your staff - it is your best defense. Upholding the principles of temperature control, cross contamination and pest management will serve as an important asset. We have given several of the important parameters of food safety and regulatory compliance, but there are more, ranging from employee health, plumbing, non-food contact surfaces of equipment, structural integrity and cleanliness.

New York City Health Department covers all food safety components of Article 81. While self-inspections are necessary, an outside consultant like EHA can be your advocate both internally in your facility and, as necessary, externally with the New York City Department of Health and Mental Hygiene and/or the Office of Administrative Tribunal Hearings.



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