

Annual Report on Activities of the Food Service Establishment Ombuds Office

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, 2022 through June 30, 2023, 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***

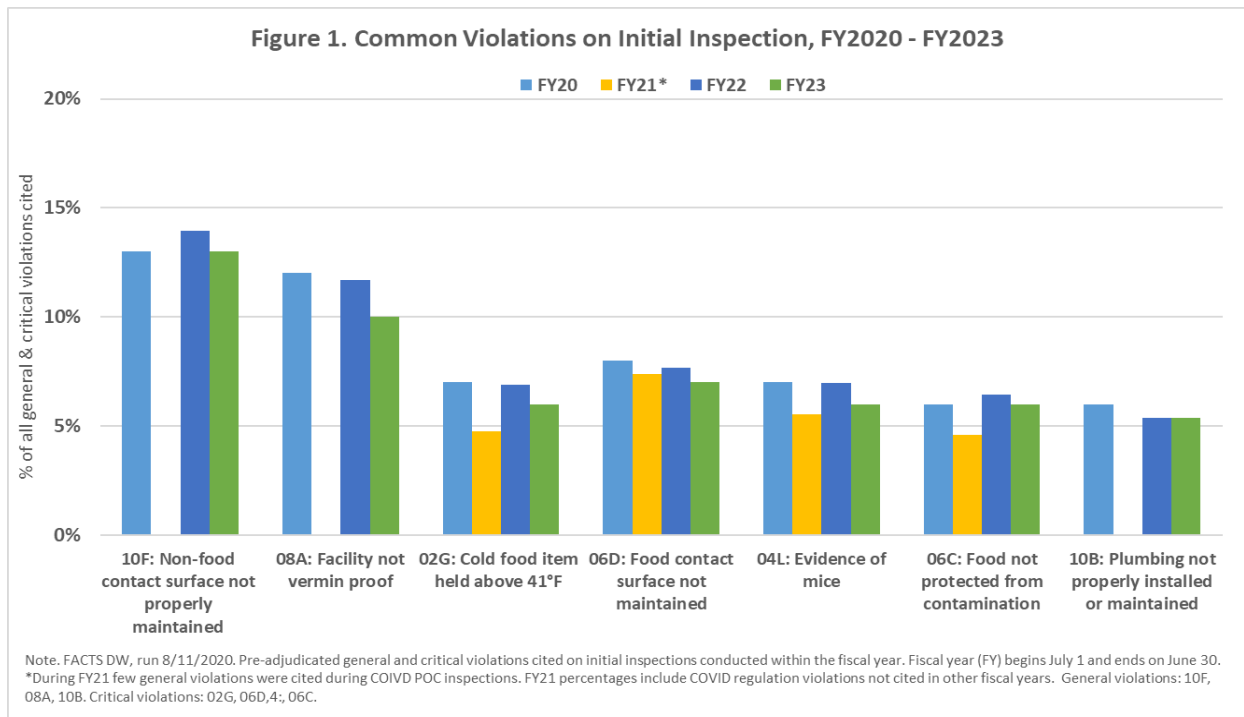
The Health Department received 10,857 complaints via 311 directed at food service establishments (FSEs) regulated by the Department. Complaints fell into the following categories:

Descriptor	# of Service Requests
Rodents/Insects/Garbage	4,380
Food Spoiled	787
Letter Grading	671
Food Contaminated	641
Bare Hands in Contact w/ Food	601
Pet/Animal	567
No Permit or License	437
Toilet Facility	418
Food Worker Hygiene	337
Food Contains Foreign Object	332
Kitchen/Food Prep Area	332
Odor	274
Food Temperature	251
Food Protection	151
Food Preparation Location	88
Permit/License/Certificate	79

Descriptor	# of Service Requests
Handwashing	75
Dishwashing/Utensils	73
Facility Construction	59
Food Worker Activity	57
Allergy Information	34
Ventilation	34
Food Worker Illness	32
Sewage	29
Pesticide	28
Plumbing	25
Toxic Chemical/Material	23
Water	13
Sodium Warning	12
Lighting	11
Sign	6
Milk Not Pasteurized	0

General and critical violations most frequently cited on initial inspections over the past four years have remained consistent, and generally reflect the category of complaints submitted by the public (Figure 1).

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- **Comments about Inspections and Inspectors**

The Office received 210 comments submitted by email and telephone about inspectors and/or inspections:

- 8 were compliments about inspectors,
- 175 were food safety-related questions,
- 22 were complaints about the professionalism and conduct of the inspectors and
- 5 complaints asserted that violations were incorrectly cited. The Health Department thoroughly investigated the disputed violations. Of the 5 disputed violations, one was withdrawn.

See page 3 of this report for information about how complaints regarding inspectors are handled.

Guidance Documents

The Department publishes a variety of guidance documents on matters pertaining to food safety and Department inspections. Documents are distributed in multiple ways including at the Health Department's Customer Service Office and Health Academy, through industry partners, at community events, via 311, on the Health Department [website](#), by mail and email and on inspection reports. Recent documents include:

- **Pest Prevention Reminder (emailed 10.5.2022)** notice reminds food service operators that pests are attracted to their establishments and provides best practices to prevent and tackle pests.
- **Avoiding Civil Penalties for Certain Health Department Violations: A Guide for Businesses (posted 7.2023)** informs operators that certain first-time

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violations issued to businesses by the Department can be “cured,” defines first-time violations, lists eligible violations and the steps to cure a violation.

- **Adulterated Foods: What Food Service Operators Need to Know (emailed 5.22.2023)** The guidance was updated to information about cannabinoids as an adulterant and that it cannot be added to food.
- **Food Allergy Poster (mailed 6.2023)** the required poster was updated to include sesame as one of the nine most common allergy-causing foods.

Analysis of the existing language access tools and policies

Ensuring language access for restaurant operators is a key priority for the Department. The Department translates printed and online educational materials into at least the top 13 languages used in the city; provides inspectors and customer service representatives with Language Line for interpretation services; trains and requires inspectors to follow a language access protocol; and equips the customer service office with dual handset phones to assist non-English speakers. In sum, the Department provides sufficient tools and policies to serve the language needs of food service establishment operators.

Analysis of Trends Across Inspection Results

Of the more than 32,000 inspections the Department conducted in restaurants in fiscal year 2023, the Office received 27 complaints about professionalism of inspectors or violations incorrectly cited. This was a slight increase from the prior reporting period, when there were 16 complaints, perhaps because the Department conducted more inspections.

Recommendations for Improvements to the Inspection Process

The Office oversees the investigation process for inspector- and inspection-related complaints. Initially, the Office follows up with the complainant to inquire about the incident and discuss their concerns. For each complaint about an interaction with an inspector, a Health Department supervisor meets and discusses the concern with the inspector, asking generally about that inspection and then about the specific complaint and may reach out to the complainant to obtain additional information. The supervisor counsels the inspector about effective ways to handle similar situations in the future. The supervisor continues to closely monitor inspector performance and schedules periodic follow-up meetings to focus on professional development. When a complaint reflects a pattern of behavior by an inspector, the poor performance is documented, and the employee is referred for disciplinary action. The Department continues to conduct training in customer service, communication skills, conflict resolution and mental health first aid. The in-person customer service training was an opportunity to obtain feedback directly from inspectors regarding issues observed during inspections and needs to efficiently perform their duties. The Department also conducted small group sessions with inspectors to gain additional information on inspections and suggestions for strategies to support improved restaurant performance.

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Community Outreach Initiatives

This year's outreach activities focused on community meetings (virtual and in-person) and providing the Inspection History Report.

- ***Community Meetings***

The Office participated in the NYC Small Business Services' NYC Business Express Service Team (BEST) interagency tabling events, which was held in each borough. The information provided at the meetings focused on Health Code requirements, modifications to inspection process, and technical matters related to food safety. Participants included small business owners, staff from city and state agencies, and representatives from business organizations.

- ***International Restaurant and Food Service Show of New York***

The Office participated as an exhibitor by providing food safety and public health information in the largest food and beverage experience in the Northeast. The Office responded to many questions and concerns and provided FSE operators with assistance and incentive to achieve and maintain better standards in food safety. The Department also surveyed the food industry to learn how they prefer to receive guidance and updates from the Health Department. Almost nine-thousand attendees had the opportunity to see the newest food trends to the best in technology in the restaurant and foodservice trade industry.

- ***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 correcting the food safety conditions, enabling a restaurant to focus on areas in need of improvement. The Department continues to increase access to and promote the availability of the IHRs. FSE operators can request the IHR on the Department's [website](#). The Department received and fulfilled 60 requests.