

# 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, 2021 through June 30, 2022, 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***

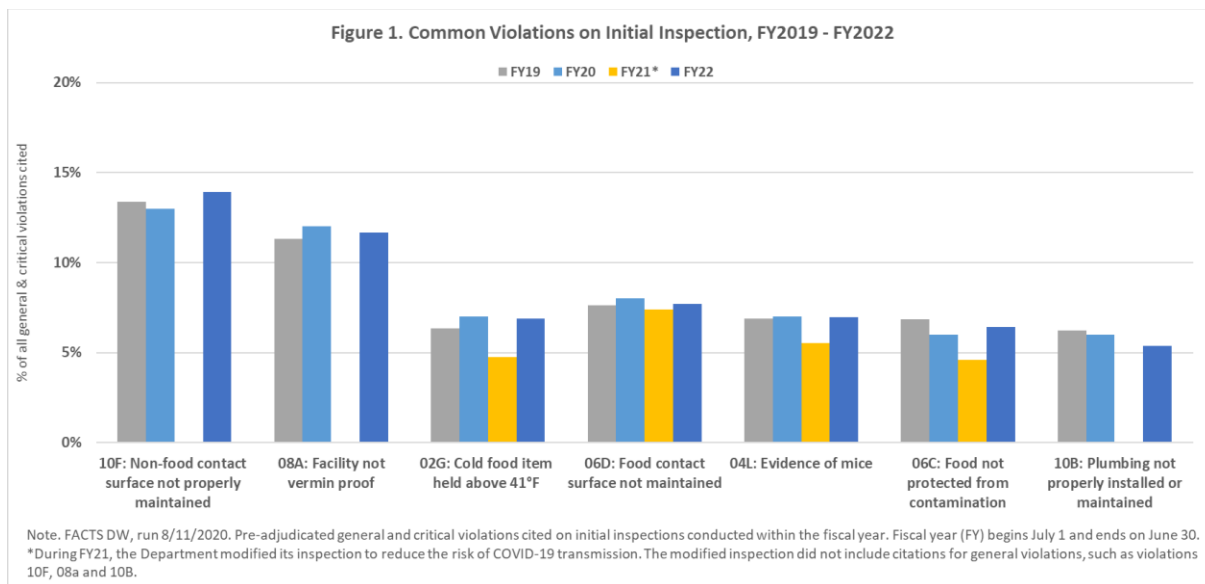
The Health Department received 9,806 complaints via 311 directed at food service establishments (FSEs) regulated by the Department. Complaints fell into the following categories:

Descriptor	# of Service Requests
Rodents/Insects/Garbage	3,614
Bare Hands in Contact w/ Food	763
Food Spoiled	758
Food Contaminated	636
Letter Grading	481
No Permit or License	465
Food Worker Hygiene	437
Food Contains Foreign Object	373
Kitchen/Food Prep Area	350
Pet/Animal	289
Odor	262
Toilet Facility	202
Food Temperature	191
Food Protection	146
Food Preparation Location	116
Facility Construction	90

Descriptor	# of Service Requests
Handwashing	90
Dishwashing/Utensils	82
Food Worker Illness	75
Permit/License/Certificate	70
Food Worker Activity	65
Ventilation	46
Allergy Information	36
Sewage	36
Pesticide	35
Plumbing	35
Toxic Chemical/Material	26
Water	21
Lighting	6
Milk Not Pasteurized	5
Sign	5
Sodium Warning	0

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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).



- **Comments about Inspections and Inspectors**

The Office received 1,012 comments submitted by email and telephone about inspectors and/or inspections. Four were compliments about inspectors, 990 were food safety-related questions, 11 were complaints about the professionalism and conduct of the inspectors and 9 complaints asserted that violations were incorrectly cited. The Health Department thoroughly investigated the disputed violations. Of the 9 disputed violations, four were withdrawn.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:

- **Full Inspections Resume July 19 (emailed 7.15.2021)** notice informs food service operators the Department's intention to resume full inspections including issuing letter grades and summonses subjected to fines.
- **Key to NYC: Requiring Proof of COVID-19 Vaccination (emailed 8.17.2021)** provides the date that indoor dining, fitness and entertainment would be required to start checking proof of COVID-19 vaccination for all staff and customers before allowing them to enter indoor areas.

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- **Reminders for Food Operators (emailed 3.22.2022 and mailed 4.2022):**
  - **Children’s Meals:** limits the beverage options that food service establishment can list on a menu or menu board as part of a children’s meal and includes the link to the FAQs.
  - **Adulterated Foods:** defines adulterants, lists prohibited adulterants and includes the link to the FAQs.
  - **Dog and Cat “Cafes”:** describes the indoor establishments that provide space for people and pets to interact, clarifies they do not prepare or serve food or drink for consumption by humans and includes the link to the FAQs.
- **Healthy Eating Information Poster and Poster FAQ (mailed 4.2022)** poster required under a new Local Law emphasizes the importance of healthy eating and includes healthy options. The FAQ provides information about the new requirement to display the poster.

### Analysis of Trends Across Inspection Results

The Office received 16 complaints about professionalism of inspectors and violations incorrectly cited, compared to four complaints in the previous reporting period. This increase may be the result of the recommencement of full inspections from the modified inspection procedures implemented during the COVID-19 pandemic and restaurants reopening.

### 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.

### 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 Department participated in multiple virtual meetings, webinars and town halls for restaurant operators about the NYS COVID-19 mandates and reopening and recovery post the COVID-19 pandemic. The Office also participated in the National Small Business Week hosted by SBS in-person community events,

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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.

- ***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 77 requests.