



## 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, 2023 through June 30, 2024, as required by LL89/2013 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***

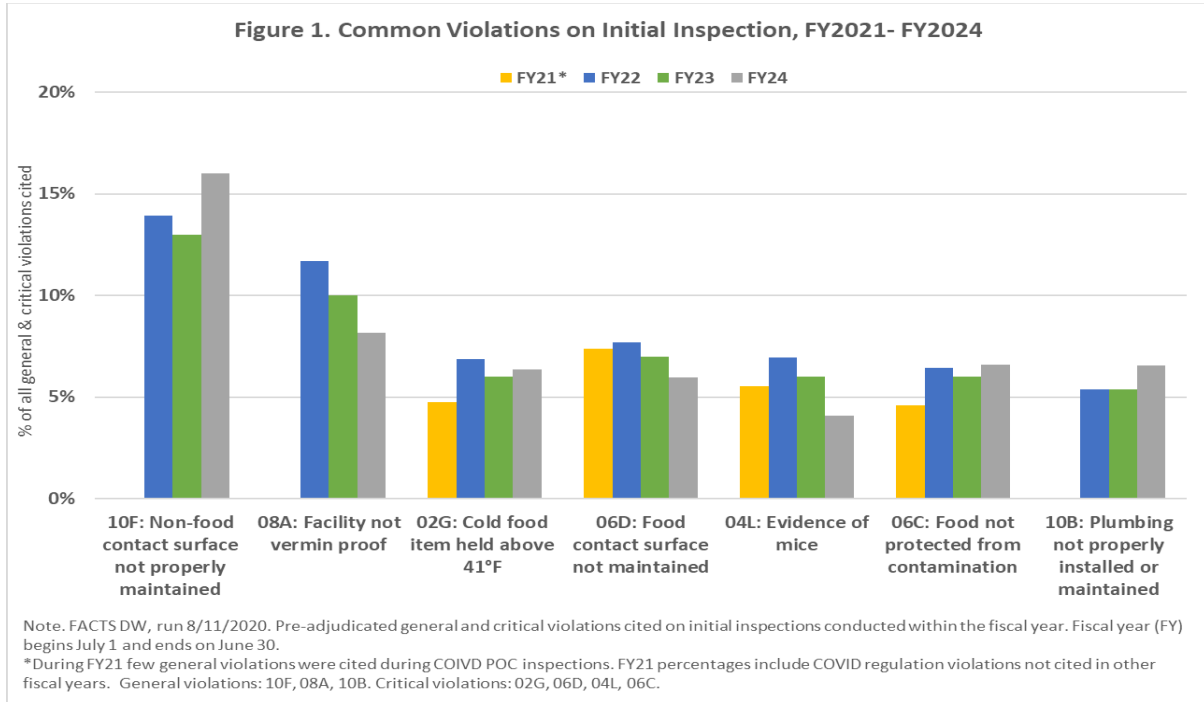
The Health Department received 11,940 complaints via 311 directed at food service establishments (FSEs) regulated by the Department. Complaints fell into the following categories:

Descriptor	# of Service Requests
Rodents/Insects/Garbage	4,175
Food Spoiled	873
Letter Grading	841
Pet/Animal	822
Bare Hands in Contact w/ Food	694
No Permit or License	676
Food Contaminated	529
Toilet Facility	445
Food Contains Foreign Object	428
Odor	411
Kitchen/Food Prep Area	393
Food Worker Hygiene	387
Food Temperature	304
Food Protection	236
Food Preparation Location	111
Permit/License/Certificate	103

Descriptor	# of Service Requests
Food Worker Activity	83
Dishwashing/Utensils	79
Handwashing	69
Facility Construction	57
Allergy Information	43
Sewage	31
Pesticide	29
Toxic Chemical/Material	24
Water	23
Food Worker Illness	22
Plumbing	18
Ventilation	18
Sign	6
Sodium Warning	5
Milk Not Pasteurized	3
Lighting	2

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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 375 comments submitted by email and telephone about inspectors and/or inspections:

- 7 were compliments about inspectors,
- 339 were food safety-related questions or comments, many of which were inquiries about the new Dining Out program.
- 16 were complaints about the professionalism and conduct of the inspectors and
- 13 complaints asserted that violations were incorrectly cited. The Office thoroughly investigated the disputed violations. Of the 13 disputed violations, two were withdrawn.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:

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- **Requirements for Outdoor dining setup (emailed 2.13.2024)** notice provides the Department requirements for outdoor dining setups for food service establishments and a link to apply for the NYC DOT's Dining Out program.
- **Food Safety workshops (emailed 5.20.2024, 5.31.2024, 6.24.2024)** food safety workshop announcement including registration link.
- **Notice of Opportunity to Comment on Proposed Rules (emailed 2.26.2024)** notice inviting comments on the Department's proposal to update its rules to match the NYC Council's recent change to the Smoke Free Air Act that prohibits the smoking and vaping of any substance in outdoor dining areas of restaurants.
- **Rules Finalized Smoking and Vaping Prohibited in Outdoor dining area (emailed 4.16.2024)** notice announcing the Department updated its rules to match the NYC Council's change to the Smoke Free Air Act for outdoor dining including the effective date of enforcement.
- **Notice of Opportunity to Comment on Proposed rules (emailed 5.7.2024)** notice inviting comments on the Department's proposal to add a new Chapter 39 (Added Sugar Warning) to Title 24 of the Rules of the City of New York, requiring food service establishments (restaurants) that are part of a chain with 15 or more locations in the United States to warn consumers about menu items containing high amounts of added sugar.
- **"Dining with Dogs" Rule: What Restaurants Need To Know (updated)** – an FAQ updated with fine changes. The FAQ provides information on rules for dining with dogs.
- **HACCP checklist** lists the documents and information required to submit a Hazard Analysis Critical Control Point plan. This checklist is emailed to food service operators interested in submitting a HACCP plan request.
- **Food Vending at Temporary Events** redesigned the webpage to provide more information on Temporary Food Service Establishment (TFSE) permits including the link to apply for a TFSE permit which is used to serve food at temporary events.

### **Analysis of the existing language access tools and policies**

Ensuring language access for restaurant operators continues to be a necessary priority of 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. Furthermore, the Department provided simultaneous translation in four languages, including Bengali, Cantonese, Mandarin, and Spanish, for the in-person food safety workshops. 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 30,000 inspections the Department conducted in food service establishments in fiscal year 2024, the Office received 16 complaints about

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professionalism of inspectors, a drop from 22 complaints the prior reporting year, and 13 complaints that violations were incorrectly cited, an increase from 5 the prior year.

### **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, and conflict resolution. 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 Office also provided “Food Service Operators: Real Chefs and their Inspection Experiences” learning sessions to the health inspector’s training program. These sessions provided the inspector trainees an opportunity to gain a better understanding of the food service industry’s inspection experience from the perspective of the operators. The sessions seem to benefit both the restaurateurs and the inspectors. Health Inspectors are also reminded to hand out the FSE Operator Business Owner’s Bill of Rights “Inspection Code of Conduct” at the beginning of each inspection. There were no complaints about operators not receiving the “Inspection Code of Conduct.”

### **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 three NYC Small Business Services’ virtual NYC Business Express Service Team (BEST) Boot Camp sessions and an SBS Korean Business Owner Roundtable and presented information on the permit process, overview of the inspection process, and available support services. The Office also participated in the SBS Small Business Month Expo as a workshop panelist and exhibitor, provided attendees with information on the Health Code requirements and inspection process, and answered food safety-related questions. Participants included small business owners, staff from city and state agencies, and representatives from business organizations. The Office met with SBS’ Small Business Advisory Commission to present on the Bureau of Food

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Safety & Community Sanitation's Health Inspector's training and Ombuds program.

- ***Food Safety Workshops***

The Office organized and conducted a series of free food safety workshops in June with the goal of providing FSE operators with assistance and incentive to achieve and maintain better standards in food safety. Workshops were held in the boroughs of Staten Island and Manhattan and were co-sponsored by the Borough Presidents. Language interpretation services were available in Spanish, Mandarin, Cantonese, and Bengali. Seventy-six people attended the workshops: 58 attended in Manhattan; and 18 in Staten Island.

Workshop participants received information from the Department regarding adulterated foods, food safety updates, and policy updates designed to reduce the burden of chronic disease. Other presentations addressed equal access, delivered by the NYC Commission on Human Rights, and the NYC Department of Sanitation reviewed rules on organics collections. Participants will receive an individualized Inspection History Report that highlights the restaurant's cited violations and explains the steps necessary to correct conditions; the Department will be mailing these. All participants had the opportunity to ask questions and obtain immediate guidance from Health Department staff on improving food safety practices.

The Office also organized a tabling portion of the Workshop, featuring other city agencies. Participants were given the opportunity to interact with representatives from the NYC Departments of Buildings, Consumer and Worker Protection, Small Business Services, Transportation, Environmental Protection, Fire Department, Office of Administrative Trials & Hearings, Sanitation, Commission on Human Rights, and NYS Liquor Authority.

The Office marketed the workshops by sending an email blast to food service establishments with information in English, Spanish, Traditional Chinese, Simplified Chinese, and Bengali. The email provided a direct link to the registration page. The Manhattan and Staten Island Borough President offices also helped promote the workshops.

- ***Inspection History Report***

The Inspection History Report (IHR) is an individualized report that shows 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 is currently updating the IHR report to reflect regulatory updates and recommendations for corrections. Restaurant operators can request the IHR on the Department's [website](#).