



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, 2018 through June 30, 2019, 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***

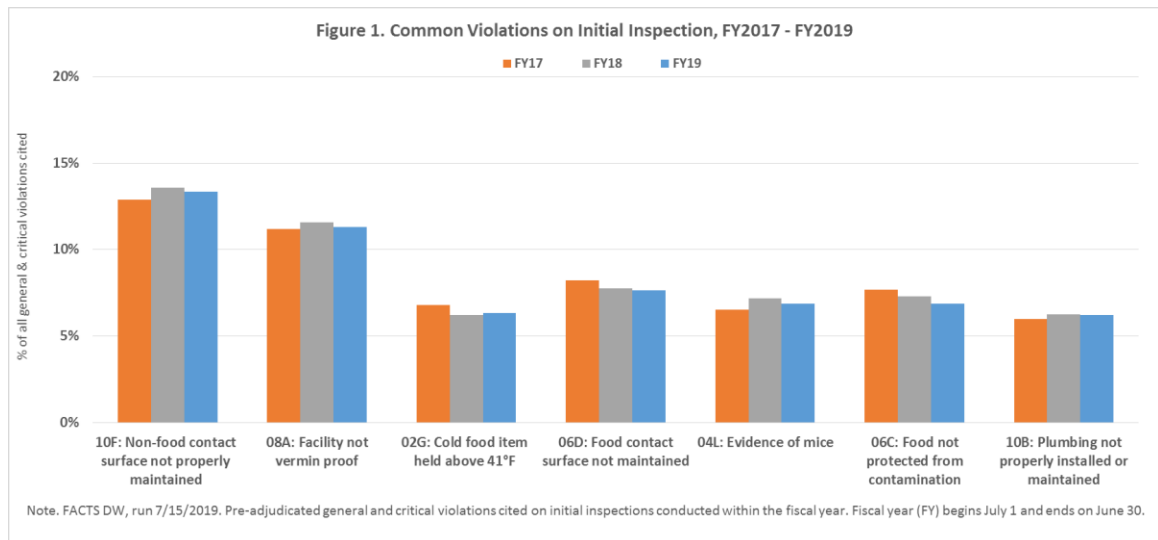
The Health Department received 10,831 complaints via 311 directed at food service establishments (FSEs) regulated by the Department. Complaints fell into the following categories:

Descriptor	# of Service Requests
Rodents/Insects/Garbage	2,780
Food Spoiled	1,045
Food Contaminated	834
Letter Grading	784
Bare Hands in Contact w/ Food	690
Kitchen/Food Prep Area	638
Food Contains Foreign Object	521
Pet/Animal	460
Food Worker Hygiene	445
Food Temperature	374
Toilet Facility	308
No Permit or License	286
Odor	231
Food Protection	203
Permit/License/Certificate	183
Food Preparation Location	158

Descriptor	# of Service Requests
Handwashing	131
Food Worker Activity	121
Dishwashing/Utensils	118
Facility Construction	110
Sewage	76
Ventilation	67
Plumbing	48
Toxic Chemical/Material	46
Food Worker Illness	42
Pesticide	42
Water	31
Allergy Information	27
Sign	16
Lighting	9
Sodium Warning	6
Milk Not Pasteurized	1

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



- **Comments about Inspections and Inspectors**

The Office received 122 comments, submitted by email, telephone or in person about inspectors and/or inspections. Thirty-six were compliments about inspectors, 25 were comments about inspections and letter grading, 59 were food safety-related questions, 25 were complaints about the professionalism and conduct of the inspectors and 10 complaints asserted that violations were incorrectly cited. The Health Department thoroughly investigated the disputed violations. Of the disputed violations, there were two violations withdrawn. See page 3 of this report for information about how complaints about 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 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:

- **Quick Food Safety Guide for Food Service Workers** describes food safety best practices for food service workers and provides simple-to-follow guidelines ensuring that food is stored, prepared and served safely.
- **Rules for Outdoor Dining with Dogs Sign** provides requirements that patrons should follow when engaging in outdoor dining with their dog(s).
- **Is It Done? Magnet** lists the proper internal cooking temperature requirements for various hot foods in the meat, fish and poultry categories.

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- ***Time and Temperature Control for Safety (TCS) Magnet*** defines and lists TCS foods internal cooking and optimal holding temperatures.
- **Food Matters** e-newsletter highlights updated food safety regulations and provides strategies and recommendations for better compliance with the Health Code.
- **Inspection Report Form *Hot Topics*** is distributed at every completed inspection and provides updates on changes that affects how inspections are conducted.

The Department received requests for guidance regarding adding Cannabidiol (CBD) to food and drinks. In response the Department sent an email blast and mailed letters to all FSEs providing information about the prohibition and the Department's enforcement plan.

Analysis of Trends and Inconsistencies Across Inspection Results

The Office received 35 complaints about professionalism of inspectors and violations incorrectly cited, compared to 97 complaints in the previous reporting period. This decrease may be the result of ongoing trainings for inspectors in customer service, communication skills, conflict resolution and mental health first aid.

Of the 35 complaints received, only five (14 percent) alluded to inconsistencies in inspector findings. The Department closely monitors inspection trends for inconsistencies. Supervisors conduct follow-up inspections (accompanied and unaccompanied) to verify and confirm inspector findings and provide inspection reports. The Department is continuously working with inspectors to identify and address inconsistencies.

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 meets and discusses the concern with the inspector, asking generally about that inspection and then about the specific complaint. The supervisor counsels the inspector about ways to handle similar situations in the future. The supervisor closely monitors inspector performance and schedules periodic follow-up meetings and trainings. The meetings and trainings focus on coaching and 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.

Reports of negative interactions are also used as a guide for annual customer service training provided for all inspectors.

To continue to support the inspection process, the Office recommends that the Department introduce a new training session for inspectors that will help inspectors anticipate barriers and conflict and identify ways to overcome them. The Office also advises that the Department continue to offer training sessions for inspectors, at which they hear from current FSE operators. These sessions provide the inspector trainees an

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opportunity to gain a better understanding of the food service industry from the perspective of the operators.

Community Outreach Initiatives

This year's outreach activities continued to focus on community meetings, food safety workshops, and providing the Inspection History Report.

- **Community Meetings**

The Office participated in 24 community meetings, which were held in every borough and throughout the year. The information provided at the meetings focused on Health Code requirements, new local laws, promotion of consultative inspections, discussions of the grading and inspection processes, and technical matters related to food safety. Over 2,338 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 and conducted a series of free food safety workshops, "Practicing 'A' Grade Food Safety," in April, May and 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 all boroughs, with two events offered in Manhattan and were co-sponsored by Borough Presidents. Language interpretation services were available in Spanish, Mandarin, Cantonese and Bengali.

Workshop participants received information about requirements related to facility design; strategies to protect food; and approved food sources. Participants who registered in advance received an individualized Inspection History Report that highlighted their particular restaurant's repeat violations and explained the steps necessary to correct conditions. The Department generated and distributed 310 reports. All participants had the opportunity to ask questions and obtain immediate guidance from Health Department staff on improving food safety practices.

The Office organized a tabling portion featuring other city agencies. Participants were given the opportunity to interact with representatives from the NYC Departments of Buildings, Consumer Affairs, Small Business Services, Environmental Protection, Fire Department, Office of Administrative Trials & Hearings, Sanitation 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 Borough President offices also helped promote the workshops.

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Five hundred people attended the workshops, with strong turnouts from every borough: 100 attended in Brooklyn; 85 in the Bronx; 195 in Manhattan; 83 in Queens; and 37 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 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 58 requests.