

2017 Annual Report Of The Food Service Establishment Advisory Board

This Report was compiled by the Food Service Establishment Advisory Board, a body created by Local Law 91 of 2013. The report is hereby submitted to City Council by the NYC Department of Health and Mental Hygiene on behalf of the Advisory Board.

Overview

Local Law 91 of 2013 required the creation of the Food Service Establishment Advisory Board (the “Board”) and mandated that it advise “the commissioner concerning matters related to the Food Service Establishment Sanitary Inspection Program and its effects on the restaurant industry, food safety and public health.”¹ The members of the Board hereby provide their third annual report to the Mayor of the City of New York, the Commissioner of the Department of Health and Mental Hygiene, and the speaker of the New York City Council.

The Board would like to thank the staff of the Department of Health and Mental Hygiene (“DOHMH”) for their efforts in coordinating, supporting, and facilitating the meetings of The Board held in 2017. The professionalism of the DOHMH’s staff, and their positive reception to the inquiries made by the Board at meetings and subcommittee meetings should be commended.

Food Safety and Training Review Sub-Committees

In 2017, the Board continued the use of two subcommittees to review issues relating to Article 81 (the “NYC Food Code”). The Violations Subcommittee was created in 2016 to review citations levied against food service operators (“FSEs”) in the NYC Food Code and the impact those citations have on restaurant operations and food safety. The Training Subcommittee focused on reviewing food safety training provided to DOHMH sanitarians. The Training Subcommittee’s initial 2016 recommendations were provided to the DOHMH; the DOHMH has not enacted any of the proposals as of the date of this annual update but it has indicated, in writing at the March 2017 meeting, which proposals it was willing to enact.

Additional Matters Reviewed by the Board

Top Violations and Training: Each meeting of the Board included a review of the top violations cited against FSEs. The top violations have remained largely consistent over the last three years of the Board’s existence and the Board has discussed at its 2017 meetings the basis for that trend and what can be done to further minimize the citation of those violations. The DOHMH has indicated it continues to review existing, and develops new, initiatives for food safety training that it hopes would address these violations, and others. The DOHMH has offered to meet with FSE board members to review new training initiatives before they are shared with the restaurant community and that has been a welcome process from the Board’s perspective. The Board does note that the level of “A” letter grades awarded to FSEs is at an all- time high and that is indicative of the high food safety standards maintained by the vast majority of FSEs in New York City.

Legislation: In 2017, the Board became aware of numerous bills introduced in the New

² <http://www1.nyc.gov/site/mopd/initiatives/restaurant-access-program.page>

York City Council, including several that would impact the restaurant industry. The Board was notified about the introduction of these bills by DOHMH, and several members of the Board testified at a hearing in May on the legislation. Following the hearing, the Board discussed the process and a gap in communications on these pieces of legislation was identified. The Board members expressed a desire to have a role in the review of such legislation in the future, as the ability to fulfill the Board's role in food safety and the interaction between the DOHMH and the food service industry would be enhanced by such interaction. The Board respectfully requests that the Speaker's office and the Mayor's office determine what heightened role this Board may have in discussions about any future legislation that directly impacts food safety in the restaurant industry or the training of sanitarians who work at DOHMH.

Other Initiatives: During 2017, the DOHMH continued to bring new programs offered by the City or DOHMH to the attention of the Board, including the Restaurant Access Program (RAP)², revisions and updates on the City's Organics Law, and the new Annual Reporting Summary program offered to FSEs by DOHMH. These programs are largely supported by the members of the Board but the Board believes many of the programs are not reaching the average FSE and the ability to effectively expand access to such programs is of great interest to the Board.

Conclusion

The Board appreciates the confidence the City has placed in it to assist in the protection and growth of the vital restaurant industry, the maintenance of food safety in the restaurant industry, and the continued development of a positive working relationship between the industry and the DOHMH.

However, the Board would like to note that the continued feasibility and effectiveness of this Board will only be ensured if members who are willing to participate and attend Board meetings are selected by the Mayor's Office and the Council. Some of the initial members of the Board have never attended a meeting and a many Board seats, especially FSE positions, remain unfilled. The Board would be willing to assist in making recommendations for such positions, if requested.

Respectfully submitted,

Members of the Food Service
Establishment Advisory Board

² <http://www1.nyc.gov/site/mopd/initiatives/restaurant-access-program.page>

APPENDIX [DOHMH]:**Top ten most commonly cited violations**

Violations Cited on Restaurant Initial Inspections, 2016-2017			
Type of Violation	Violation Code	Violation Summary	% of Violations Cited
General	10F	Improper non-food surface	12.9%
General	08A	Facility not vermin proof	11.5%
Critical	06D	Improper food contact surface	7.9%
Critical	06C	Inadequate food protection	7.7%
Critical	04L	Evidence of mice	6.6%
Critical*	02G	Improper cold holding of food	6.5%
General	10B	Plumbing not properly installed or maintained	6.4%
Critical*	02B	Improper hot holding of food	5.9%
Critical	04N	Flies in facility	5.1%
Critical	04A	Food protection certificate not held by supervisor	2.4%
*Public Health Hazard			
For more information on violations please visit: https://www1.nyc.gov/site/doh/business/food-operators/the-inspection-process.page			

² <http://www1.nyc.gov/site/mopd/initiatives/restaurant-access-program.page>

Food Service Advisory Board Member list

Representative Type	Appointee	Organization	Mayor/Council
Food Service Industry Associations (4)	James Versocki	NYS Restaurant Association, NYC Chapter	Mayor
	Jose Maldonado	Unite Here 100	Mayor
	Melissa Fleischut	NYS Restaurant Association	Council
	Robert Bookman	NYC Hospitality Alliance	Council
Advanced Specialized Training in Food Safety (4)	Rosemary Ikhihibhojere	Port Authority of NY & NJ	Mayor
	Elizabeth O'Malley	US FDA Northeast Region	Mayor
	Christine Testa	Sodexo	Council
	Elizabeth Meltz	Batali & Bastianich Hospitality Group	Council
Advanced Specialized Training in Nutrition	VACANT POSITION		Council
	Ashley Lederer	Thoughtful Food Nutrition	Mayor
	VACANT POSITION		Council
	Jennifer Pomeranz	New York University	Mayor
FSE Representative	VACANT POSITION		Council
	Farid Ali	Mil Gustos Hospitality Group	Council
	Victor Gonzalez		Council
	Alan Rosen	Junior's	Mayor
	Craig Samuel	B+C Restaurant Group (Peaches)	Mayor
	Peter Sclafani	Bevacco/Bar Toto/el al	Mayor
	Tren'ness Woods-Black	Sylvia's Restaurant	Mayor

² <http://www1.nyc.gov/site/mopd/initiatives/restaurant-access-program.page>