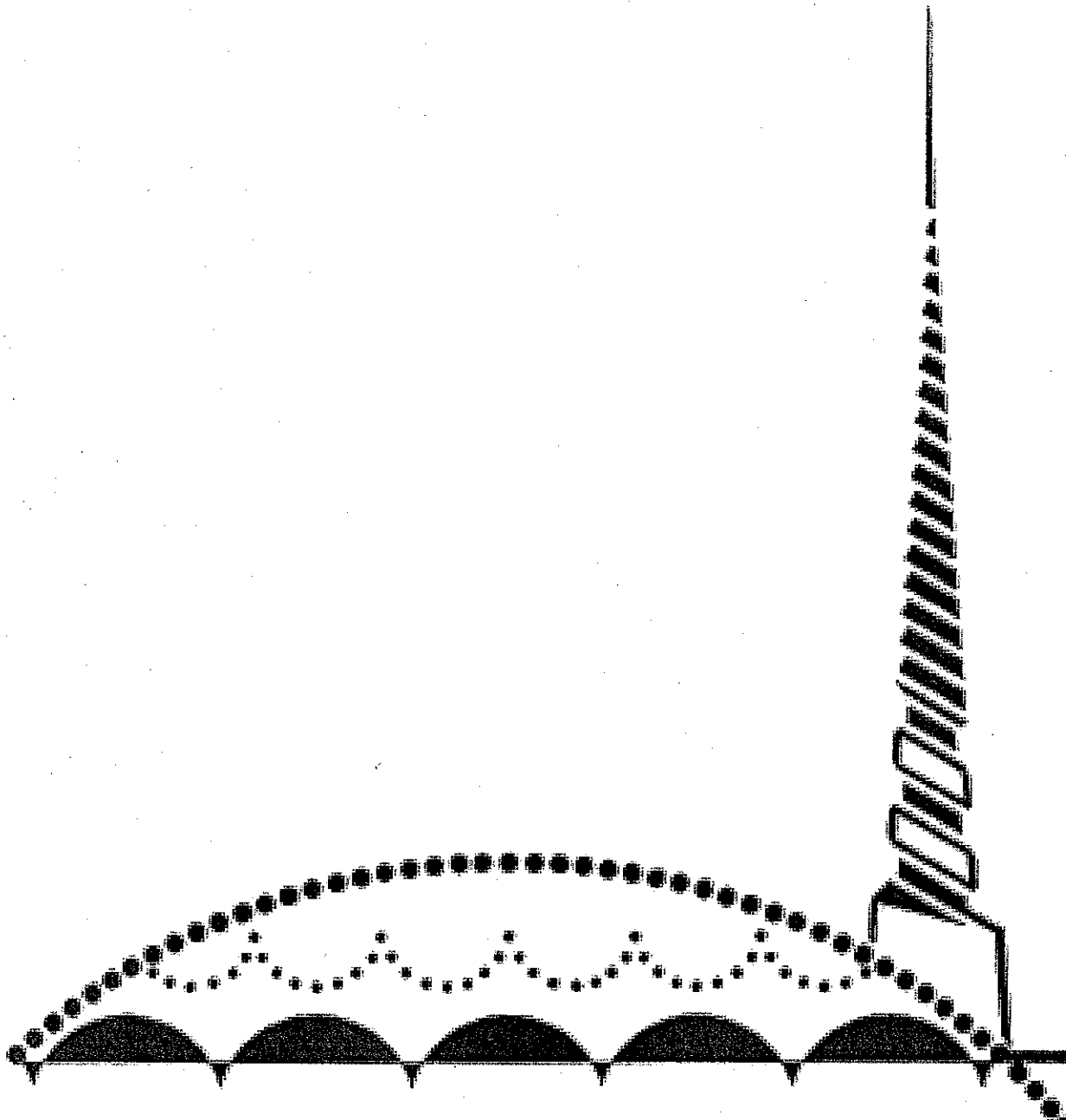
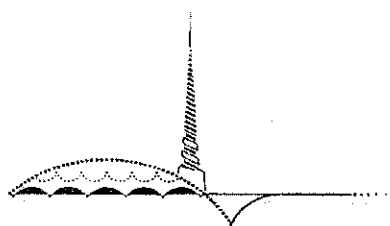


2007-2008 MARIN COUNTY CIVIL GRAND JURY

**Restaurant Inspection Information System:
Food for Thought**

June 16, 2008





Restaurant Inspection Information System: Food for Thought

SUMMARY

Finally, after years of delay, county officials are making it a priority for Marin consumers to get a convenient website to view the results of restaurant health inspections. All of the nearby counties have websites that post important information for consumer education and protection.

Yet, as significant as the Marin website will be, a whole system of supporting technology still awaits county action. Implementing that system would upgrade and improve food-inspection procedures for consumer health and safety.

A health-inspection rating scheme could be created that is easy for the public to understand. Though some other counties already do this, Marin officials remain undecided whether the advantages of such a system outweigh the disadvantages. Ratings could take the form of a tiered system (A, B, C, for example) or numerical scoring based on details from the health-inspection reports. Meanwhile, some officials lean toward a program whereby Marin restaurants that exceed standards would receive an award of excellence.

The Grand Jury noted *Marin Independent Journal* (IJ) pieces on a proposed health-record website and a possible rating system for restaurants. We considered the IJ's reports, along with findings and recommendations from our own investigation into these and other aspects of the inspection process in Marin.

The current antiquated county database doesn't furnish a useful statistical history of inspections. More than two years ago the county identified a system—Digital Health Department (DHD)—that could improve database management and help establish a consumer website.

Implementation of the promised website still leaves major contributions of DHD untapped. Among these are more sophisticated database management, the ability to enter inspection details electronically into the database on site, and daily scheduling of inspections from DHD "memory" that indicates which food establishments are due to be looked at again.

The Grand Jury recommends the county immediately complete the intended major revamp of the whole food-inspection information system that it has been promising to deliver for years.

Many consumers are unaware that they can now see the health-inspection status of a restaurant on site. State law dictates that each food establishment post a sign informing consumers they can see the latest inspection report. Many establishments and often the inspectors themselves simply ignore the mandate. The Grand Jury recommends that the county strictly enforce the law about posting the signs, with the further requirement that they be posted prominently at the entrances.

The Grand Jury finds that county officials are tentative in answering questions about future improvement to the food-inspection process. We recommend an immediate plan of action for the county's adaptation to DHD technology, from a consumer website to full inspection-program support. We further recommend that the Board of Supervisors expeditiously decide whether to have a health-inspection rating system and, if so, which to select.

BACKGROUND

No Grand Jury in recent years has investigated the topic of consumer protection in Marin County, a process that potentially could affect us all. As the current Grand Jury began gathering information last September, it learned that Marin consumers have no easy way to determine how restaurants and other food establishments have fared in matters of health inspections.

Consumers can visit the county's Environmental Health Services (EHS) office in the Civic Center and ask to see inspection records, but health-conscious citizens should not be put to such a task before dining out. Each establishment must by law, upon request, show a customer the latest health-inspection report and post a sign to advise customers of the report. But the county inspection group admits to letting other health aspects of restaurants distract them from strongly enforcing the legal requirement for the sign.

Marin consumers have become increasingly aware that websites in other counties display health-inspection reports. One County Supervisor told the Grand Jury of calls and emails from the public indicating a genuine health and safety concern because comprehensive information is not readily available.

A commercial blog in Marin has begun posting some county health-inspection reports online as an added feature to its restaurant-by-restaurant information and reviews. This provides a useful source about a limited number of inspections until the county implements a full website.

Marinites can consult plenty of guides that tell them in some detail—starters, entrees, desserts—what cuisines are offered where. The Grand Jury believes that they should just

as easily learn whether, at any given eatery, they might encounter conditions that could harbor salmonella or toxigenic E. coli.

The county has very recently repeated its promise of a consumer website, perhaps by this fall. The Grand Jury became aware, however, that a technological upgrade of the inspection process as a whole is urgently needed. We decided to find how the county might take full advantage of this new technology.

METHODOLOGY

The Grand Jury conducted interviews with county officials charged with keeping an eye on purveyors of food. We also consulted with the county's Information Systems and Technology unit, which coordinates and advises on systems, and obtained the health-inspection form and the guide that inspectors use to complete it. We reviewed a consultant's successful proposal to improve Marin's health-inspection process. We also examined a consumer website for food inspection that the consultant had helped install in the Denver area.

DISCUSSION

Restaurants and other Marin food businesses must comply with California health-inspection requirements that are enforced by the county. These requirements regulate kitchen conditions and practices, as well as plumbing backflow devices and cleanliness of floors, walls and ceilings. Seven inspectors are charged with examining Marin's nearly 600 restaurants. They also inspect about 1,100 other food purveyors, including farmers' markets, meat and delicatessen sections of supermarkets, even mobile vendors—bringing the total of food establishments inspected to around 1,700. Inspectors operate out of Consumer Protection, a section of Environmental Health Services (EHS), which is part of the county's Community Development Agency.

According to Consumer Protection, the county orders about 10 closures per year for severe health violations. Grease traps improperly maintained cause problems, as well as sewer conditions and such unwelcome customers as rodents and cockroaches.

Health-risk factors determine inspection frequencies. A full-service food operation, such as a restaurant, is inspected more often than a shop selling prepackaged foods. Last year 90 restaurants were inspected only once, 141 twice, and 321 three or more times.

The antiquated database that stores health-inspection statistics is described by EHS as "clunky" and not much better than a card index. This means, for example, you can't find out how many restaurants were *not* inspected at all in 2007.

Marin needs a consumer website

Unlike other nearby counties, Marin has yet to install a website for potential customers to review how Consumer Protection has evaluated a restaurant. At last there's a county contract to get the consulting firm Garrison Enterprises Inc. and its system Digital Health Department (DHD) to assist in website design and implementation. With a temporary employee entering data, the county expects to have a consumer website up and running by this fall. Though inspection reports of only a few food purveyors will appear at that time, EHS told the Grand Jury that by early 2009 consumers should have the complete 2008 inspection history online. Meanwhile new health-inspection results will be entered onto the website for display as they occur.

The county's Community Development Agency recently presented to the Board of Supervisors the features from a preliminary website design:

- An interactive map so that the consumer can click on any town in Marin and bring up each local restaurant and its latest health-inspection report.
- Partial-name recognition for someone not sure of the exact name.
- Definitions of health-inspection terms.
- Access to an online form for consumer complaints.
- A way to sign up for email about future inspections.

EHS is aware of how popular health-inspection websites are in other counties. The Grand Jury was told that EHS will push to get Marin's website user-friendly by a consumer navigating the county's main website home page.

Technology to the rescue

It has been more than two years since the county selected its consultant to improve the inspection process for food establishments. Once implemented, Garrison's DHD system would help the county:

- Design and implement the health-inspection website.
- Establish a comprehensive database of past inspections.
- Furnish more accurate reporting methods and statistics about prior inspections of eating establishments and when they are due again.
- Introduce a system whereby inspectors can enter their findings directly into the database with laptops or hand-held devices without filling out paper forms. If an inspector finds violations in the refrigeration or heating of food, poorly

maintained grease traps, or rat droppings in the pantry—zap!—these get recorded immediately in the database.

The need to establish a health-inspection website for Marin has been much in the news (see **Bibliography**), so it's worth considering what DHD has accomplished elsewhere. In the Denver area, the Tri-County Health Department has provided a DHD website showing the health-inspection records for numerous food establishments. The website rapidly provides significant inspection details and can be viewed at:

<http://www.tchd.org/environmentalhealth.htm>

Public demand for a rating system

Equal in intensity to the public demand for a consumer website has been the cry that places that serve food in Marin should be rated—A, B or C, for example. Los Angeles has such a system, and Sacramento County recently started rating food establishments with a “traffic light” approach: green indicates fully acceptable, yellow signifies a conditional status and red means the joint's been closed down. One kind of rating system Marin County is considering would give an establishment a numerical score derived from a whole range of health-inspection details.

County staff who would be responsible to initiate a rating system have reservations about the approach. They point out, for one thing, that there is no uniform rating system established in the state and rating methods vary from county to county. Here's how officials have explained to the Grand Jury their wariness about ratings:

- *Pro:* A rating system may be good in getting some restaurants to clean up their act to receive the highest rating, an “A” or a green.
- *Con:* Restaurants upset at having only a “B” or a yellow would keep pestering Consumer Protection to return again and again for reinspections to get the “A” or green. Harried inspectors would be tempted finally to bend a bit in marginal cases, defeating the purpose of the rating system.
- *Con:* The restaurants' insistence on getting the top rating would likely require hiring more inspectors. EHS estimates that a rating system would increase county inspection costs by about 25 percent. Since nearly all EHS funding comes from fees, a rating system raises the specter of boosting what restaurants and other food establishments will have to pay the county.

Several County Supervisors show interest in the rating system. But one who likes the idea pointed out to the Grand Jury that it took five years for Sacramento County to develop its rating system. The supervisor contrasted this with Marin having set next year as a goal for assembling the necessary data so that ratings, if decided upon, could begin in 2010.

The Community Development Agency, which includes Environmental Health Services, favors an award of excellence for establishments that, for example, haven't had a health violation for some time. This approach has been adopted by Monterey County. Such an award—a certificate or a medallion that a proud owner could put out front—would be based on sustained healthy practices.

Total food-inspection overhaul: Why the delay?

The Grand Jury believes that the consumer website will be a valuable tool in the health and safety of people in Marin and recommends the Board of Supervisors decide whether to implement a rating system. Both tools require the county to take advantage of what the Digital Health Department has to offer.

DHD promises to make the whole process of food inspection better in Marin, including sophisticated management of the database for all of the county's eating places. When fully operating, DHD can indicate which establishments need to be inspected according to what kind of food they provide and how they've measured up to health standards in the past. Inspectors with laptops or handheld devices can instantly enter into the database what they find on site without the need to fill out a paper form and later input the details.

The website itself is only a small part of the DHD picture. The Grand Jury has been told that the county has the money for DHD to help do the whole inspection-process upgrade—approximately \$150,000 (plus about \$30,000 a year to maintain the system). Why, after more than two years, are we still waiting?

One reason given for the delay was the absorption of the Community Development Agency in completing major revisions to the Countywide Plan, a process that began in 2000 and was only finished in late 2007.

Another reason was a concern by the Community Development Agency that DHD fit into the overall data-support system for the agency, including the Building and Planning functions. Building inspectors, for example, could benefit from the ability to enter data immediately into a database on site.

The Community Development Agency is targeting this fall for presentation of a master contract to the Board of Supervisors for the complete DHD system. One official told the Grand Jury it is hoped that DHD will be up and running completely by mid-2009.

That long-overdue sign

While consumers wait for the website and other health and safety improvements related to Marin's food, one course of county action should begin immediately. Marin must strictly enforce a state law requiring food purveyors to display a sign that health-inspection records are available on site. The sign requirement has existed for a long time.

The sign reads as follows:

Marin County Environmental Health Services routinely conducts inspections of this food facility. The most recent inspection report is available for review upon request. California Retail Food Code (Health and Safety Law § 113725.1).

A restaurant's failure to post the sign is a violation in itself. However, Consumer Protection admits that "Critical Items" on the inspection form—such as health and hygienic practices, time and temperature food relationships, liquid waste disposal, vermin—take precedence over the sign-posting requirement. In fact, the sign is not even posted in the cafeteria of the Marin County Civic Center, located right across the corridor from the EHS office.

The Grand Jury recommends that the county immediately notify all food establishments that prominent display of the required sign at their entrances will be strictly enforced.

People approaching any food establishment in Marin should be able to immediately spot the sign telling them that the inspection report is available there. As soon as the consumer website on inspections becomes available, the sign should be updated to include the website address so that customers will know they can ask for the inspection report at the restaurant or view the information online.

Plan of action

Trained and experienced professionals carry out inspections of Marin food establishments. Much thought has gone into improvement of the inspection process. In its own inquiries, however, and in local press reports, the Grand Jury notes that county officials are vague when they talk about potential additional improvements.

The county needs a plan of action to set the wheels in motion now for working with the full capabilities of DHD. Here are suggested highlights for the plan:

- A timeline and staff hours for bringing up the system, including (1) final website design, (2) temporary help for data input, (3) preparation of the master contract for consideration by the Board of Supervisors, and (4) other aspects such as direct electronic data input from restaurant inspection sites.
- Orientation and training for staff working with DHD. Inspectors will have new work methods and scheduling to learn because technology will play a more prominent role in the inspection process. The county needs to plan for possible additional staff if a rating system is introduced.
- Timely information and advice to help the Board of Supervisors expeditiously decide whether to have a health-inspection rating system and, if so, which to select. The same kind of support is needed for the decision on whether to establish awards of excellence.

The Grand Jury by no means envisions this plan of action as some heavy bureaucratic tome. We see it as lean and adaptable to change and updating. It would be a useful tool for coordinating between county agencies and with DHD representatives. It could form the basis for information to the press and the public. The county could use the plan as it interacts with informal groups of restaurant professionals about health-inspection policy. We believe the action plan would facilitate such a dialogue.

Looming above any planning method lies the stark reality that the county has taken years to even start up the consumer website, while the whole overhaul of the food-inspection process and enforcement of the sign requirement still await action. The Grand Jury takes the unequivocal position that these delays must be promptly corrected for Marin's health and safety.

This report is food for thought.

FINDINGS

The Grand Jury finds that:

F1. For years county officials have delayed establishing a website for consumers to conveniently view health-inspection reports on food purveyors. The county at last has a goal of providing a website with at least some data by this fall.

F2. Marin officials have not yet decided whether to establish a health-inspection rating system.

F3. An antiquated county database fails to offer adequate health-inspection data.

F4. The county has a contract for an electronic inspection system called Digital Health Department (DHD) limited to providing a consumer website. Delivery of other DHD system capabilities will require a master contract not yet approved by the Board of Supervisors.

F5. The county has not consistently enforced state law mandating that every food establishment post a sign alerting customers that its latest health-inspection report is available on site.

F6. The county has been tentative about future improvements to the food-inspection process.

RECOMMENDATIONS

The Grand Jury recommends that:

R1. The county meet the goal of having a consumer health-inspection website by this fall.

R2. The food-inspection website, when it is established, be linked to the county's website home page for easy and rapid access.

R3. The Board of Supervisors expeditiously decide whether to have a health-inspection rating system and, if so, which one to select.

R4. The county strictly enforce state law by mandating that each restaurant in Marin prominently display at its entrance a sign indicating that the latest health-inspection report is available on site. When the food-inspection website for consumers is established, the website address should be included on the sign.

R5. An action plan be adopted by January 1, 2009, to help coordinate county efforts at implementing the full potential of the Digital Health Department system in the health-inspection process.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests a response from the following governing body:

- The Marin County Board of Supervisors: **All Findings and Recommendations.**

The governing body indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code Section 933 (c) and subject to the notice, agenda and open meeting requirements of the Ralph M. Brown Act.

California Penal Code Section 933 (c) states that "...the governing body of the public agency shall comment to the presiding judge on the findings and recommendations pertaining to matters under the control of the governing body." Further, the Ralph M. Brown Act requires that any action of a public entity governing board occur only at a noticed and agendized public meeting.

The Grand Jury invites responses from:

- Marin County Community Development Agency
- Marin County Information Systems and Technology Department

BIBLIOGRAPHY

Breithaupt, Brad. "Supervisors urge easy access to restaurant inspections." *Marin Independent Journal* (IJ). March 15, 2008.

Breithaupt, Brad. "Restaurant health reports to go online?" IJ. April 4, 2008.

California Retail Food Safety Coalition. *Food Inspection Data Fields Marking Guideline*. January 2007 (Second Edition).

Editorial Opinion. "No more excuses: Get reports online." IJ. March 12, 2008.

Editorial Opinion. "County needs to move quickly on restaurant reports." IJ. April 13, 2008.

Editorial Opinion. "Good news on restaurant inspections." IJ. May 29, 2008.

Garrison Enterprises Inc. (Digital Health Department). *Marin County, CA Environmental Health Services: Response to Request for Proposals (RFP #2455)*. October 10, 2006.

Halstead, Richard. "Marin lags neighbors in posting restaurant inspection reports." IJ. March 9, 2008.

Halstead, Richard. "Restaurant inspections reveal repeat offenders." IJ. March 9, 2008.

Halstead, Richard. "Restaurant inspection site may debut in fall." IJ. May 21, 2008.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.