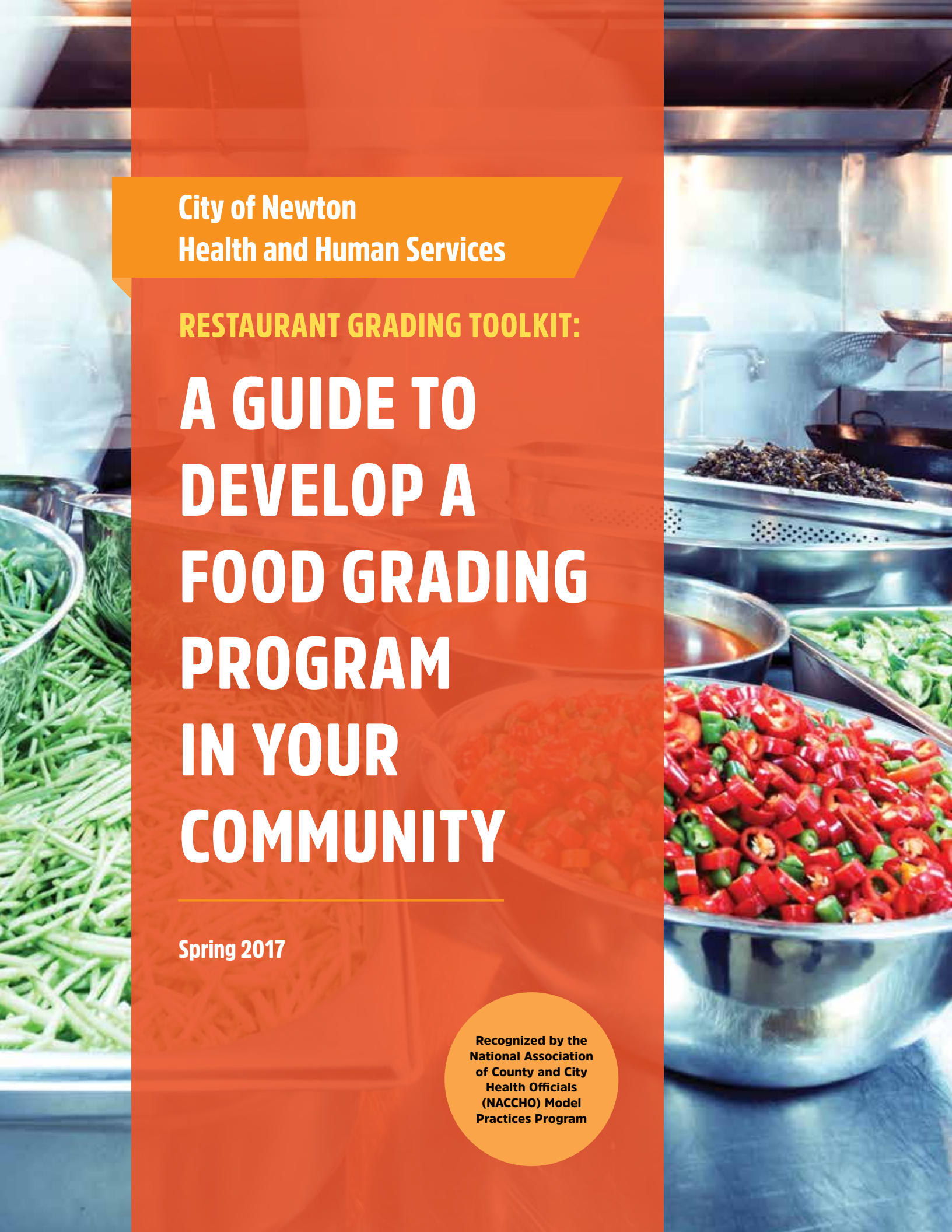

City of Newton
Health and Human Services

RESTAURANT GRADING TOOLKIT:

A GUIDE TO DEVELOP A FOOD GRADING PROGRAM IN YOUR COMMUNITY

Spring 2017

Recognized by the National Association of County and City Health Officials (NACCHO) Model Practices Program

CITY OF NEWTON EXECUTIVE OFFICE

Mayor Setti Warren and Dr. Dori Zaleznik

Public Health
Prevent. Promote. Protect.

The City of Newton Food Grading System Toolkit has been selected as a Model Practice by the National Association of County and City Health Officials (NACCHO) Model Practices Program. The selection of this program as a model practice means that it demonstrates exemplary and replicable qualities in response to a local public health need. The program reflects a strong local health department role, collaboration, innovation, and has demonstrated its value by undergoing a vigorous peer-evaluation.

NACCHO
National Association of County & City Health Officials
The National Connection for Local Public Health

Please use the following citation when referencing this report:

Sullivan, A. (2017). *Restaurant Grading Toolkit: A guide to develop a food grading program in your community*. City of Newton Department of Health and Human Services. Newton, MA.

RESTAURANT GRADING TOOLKIT:

A GUIDE TO DEVELOP A FOOD GRADING PROGRAM IN YOUR COMMUNITY

Spring 2017

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STAKEHOLDER ACKNOWLEDGEMENTS

City of Newton Executive Office: Mayor Setti Warren and Dr. Dori Zaleznik

Newton Food Establishments

Newton-Needham Chamber of Commerce

Massachusetts Restaurant Association

Food and Drug Administration

Thank you to the above stakeholder partners who enabled us to create an accessible, transparent, and sustainable food safety grading system.

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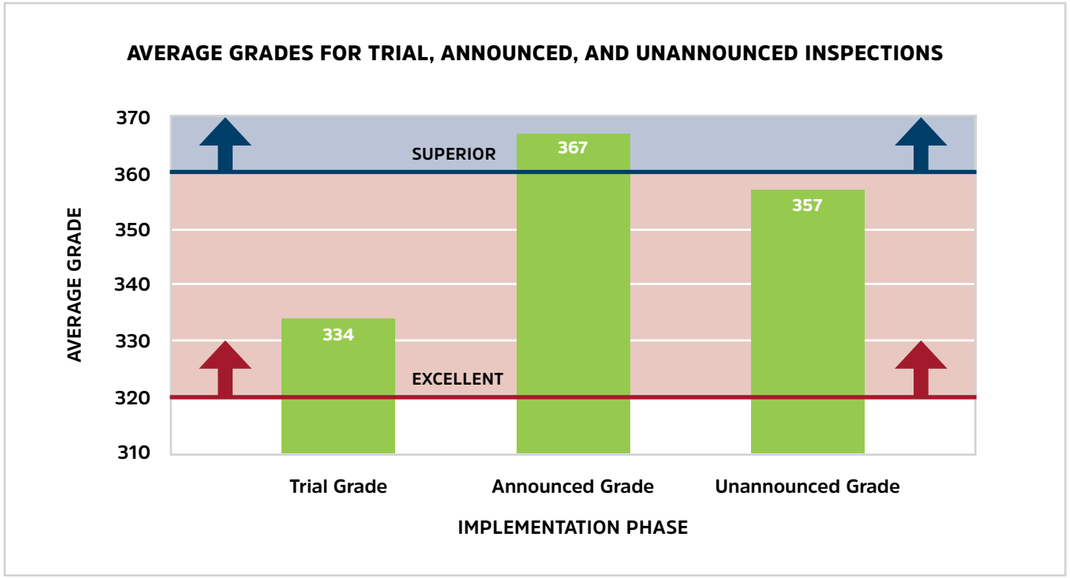
EXECUTIVE SUMMARY

Food grading systems are used in many places to disclose food safety inspection results to consumers. The City of Newton Health and Human Services Department has implemented a food grading program that adheres to the most recent *FDA (United States Food and Drug Administration) Food Code* (2013), and this toolkit has been created to guide other health departments through the process of designing, implementing, and evaluating a food grading system. The department is unaware of any other food grading toolkits for public health professionals.

Newton's demographics represent a population of about 88,000 people (80% white, 13% Asian, 3.5% Black or African American, and 3.5% mixed or other races) with an average yearly household income of about $120,000. Newton has more than 400 food establishments, of which 225 are included in the grading system. Considering the diversity of Massachusetts and the United States as a whole, Newton varies significantly. What seems to be working in Newton may not necessarily fit in all other communities due to demographic and socioeconomic differences. However, there are many elements of this toolkit that may be of use to your community, regardless of whether or not the whole process is applicable.

Newton chose to adopt a grading system for a variety of reasons. The first, and most important, was to increase the focus on Active Managerial Controls and better food safety practices in restaurants in order to decrease the occurrence of foodborne illness. One key strategy toward that goal



was to commit to adhering to the nine FDA Voluntary National Retail Food Regulatory Program Standards because these standards represent the highest level of compliance toward food safety. Thus, Newton applied for a grant to adhere to the Standards, and a large part of the grant application included plans to adopt a grading system simultaneously.

Another reason Newton chose to adopt the grading system was to increase the public's ability to know the results of food safety inspections to aid personal decision making. Grades are easier to understand by the typical consumer (or general public) and therefore allow the consumer to see the grade associated with the food safety practices of any given restaurant without having to view an inspection report.

Early evidence from our program documented improvement in overall food safety practices over a one-year time period. Newton used a three-phase process to help stakeholders ease into food grading. A period of trial grades, announced inspections, and finally unannounced inspections helped shape Newton's grading system. The chart on the previous page shows the average grades from the first three rounds of grading that have been completed. Restaurants improved initially from the trial grade to announced grade phase. There has been a small decrease in the average grade from the announced to unannounced inspection grading phases. Overall, the grades show that most restaurants are in the Excellent and Superior categories and that, compared to the trial grades (when restaurants were not required to post grades and the grading system had not officially started), improvements were made in food safety practices to obtain better grades in the subsequent grading phases. Hence, given that Newton's main goal centered on the sustained improvement of food safety practices, all initial indicators point to our investment in building and implementing a food grading system being a success.

HOW TO USE THIS TOOLKIT

This toolkit is meant to serve as a framework for other health departments to guide them through the process of designing and implementing a food grading system. The toolkit will help build a solid knowledge base and offer concrete tools and strategies.

Toolkit Organization: This Food Grading System Toolkit is divided into four parts: a Grading Implementation Guide, a Policies and Procedures section, a Post-Implementation and Best Practices section, and an appendix which includes Newton's history with implementing a grading system and a review of the literature on food grading. A review of the literature was done to determine the burden of foodborne illness, the state of food grading systems, and specifically the use of food grading as risk communication.

There is currently a lot of variability in the structure and efficacy of food grading programs, and a major goal of the Restaurant Grading Toolkit is to standardize the food grading process by providing a framework for other health departments.

A step-by-step guide is provided for the design, implementation, and evaluation process. Efforts to standardize the food inspection process are discussed, and a framework is provided to design and plan food grading. Newton used a three-phase process to help stakeholders implement food grading. A period of trial grades, announced inspections, and finally unannounced inspections helped shape Newton's grading system. We believe that this gradual process has significant benefits when implementing a grading system. Best practices are also identified from Newton's experience in implementing a food grading system to help guide other communities with lessons learned. The Policies and Procedures section of the toolkit provides guidance, as well as templates of policies, procedures, and forms that can be used and/or modified for your community. The toolkit provides a comprehensive account of the steps, strategies, challenges, and outcomes of the transition to a food grading program.

PROJECTED TIMELINE AND COST

YEAR 1:

Started initial conversation about grading system; formulated initial plans

- **$20,000 Electronic inspection software initial cost**
- **$20,000 Hiring part-time Standards Coordinator (SC) or consultant to help with grading process**

YEAR 2:

Pilot program; meeting with stakeholders; adopting electronic inspection form

- **$5,000 Electronic inspection software yearly cost**
- **$20,000 Part-time SC/consultant salary**
- **$500 Printing/ postage**

YEAR 3:

Trial grading; finalizing documents (placards, regulations, policies); announced-visit grading

- **$5,000 Electronic inspection software yearly cost**
- **$20,000 Part-time SC/consultant salary**
- **$500 Printing/ postage**

YEAR 4:

Unannounced-visit grading; data collection and evaluation

- **$5,000 Electronic inspection software yearly cost**
- **$20,000 Part-time SC/consultant salary**
- **$500 printing/ postage**

SECTION 1

GRADING IMPLEMENTATION GUIDE

Newton invited all restaurants that were to be included in the grading system to be a part of the meetings, and usually about 25-30 people showed up to each one. One of the comments from a restauranteur when the grading system officially began was that Newton had done a great job of giving restaurants a say in the process.

STEP 1:

Outreach—Industry, Community, & Other Stakeholders

It is very important to keep the restaurant industry apprised of your plans to implement a grading system. The restaurants are, after all, the ones that will be most greatly affected by the change, and giving them a voice in it is hard but worthwhile. Newton found it very helpful to have multiple meetings with the restaurant group during implementation, and several suggestions made by restaurant managers and owners were integrated into the plan. It may help communities to create an "Advisory Group" or something similar that is composed of restaurant owners and managers.

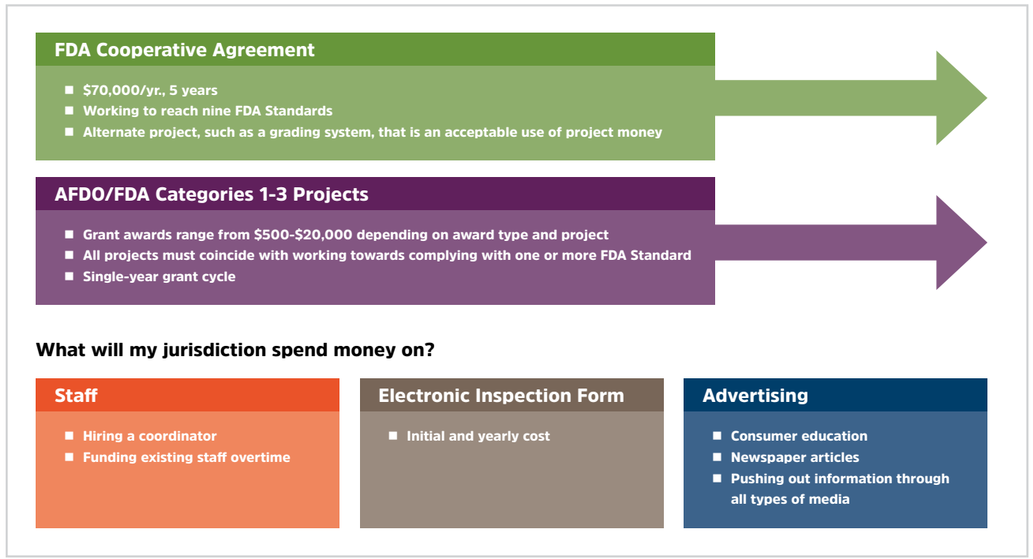
There are many avenues a community can use to notify the restaurant industry of the plans to implement a grading system. Email lists are a good place to start. If your community does not have an email list of all of your restaurants, it may be a good idea to start one. Given the amount of updates and changes that are likely during implementation, having a consistent way to contact people is essential. There are many platforms that exist such as MailChimp and Constant Contact that can make very professional-looking emails for your restaurant group. Another option is a mailing list. Though the information is the same, mailing takes time and money, whereas email is instant and free. Creating a website on your community's official page is another idea for the dissemination of information.

STEP 2:

Apply for Funding

A health department that plans to design and implement food grading should be aware of Federal and State resources that may be able to fund a project like this. A number of grants may exist to assist communities in conforming to the nine FDA Retail Food Regulatory Program Standards. Incorporating these standards into a department's food safety program promotes active managerial control of risk factors most commonly associated with foodborne illness, and establishes a recommended framework for retail food programs. A health department can enroll in the FDA Voluntary National Retail Food Regulatory Program Standards, and with enrollment become eligible to apply for most FDA and AFDO (Association of Food and Drug Officials) grant funding. Conforming to the nine FDA Retail Food Regulatory Program Standards not only assists in writing grading system policies and procedures, it also helps in attaining standardization of the way inspectors conduct inspections. This greatly reduces the subjectivity of the inspection, which is one of the major criticisms of jurisdictions with grading systems that have multiple inspectors.

Newton created a listserv of all the restaurants and consistently sent emails about trainings, grading updates, and other news. Newton also has a designated page on the City website that is devoted to resources for restaurant owners. The page contains monthly newsletters, GIS grading map, food safety templates, and during implementation it included grading system information.



Newton hired a nearly full-time Standards Coordinator to work on the FDA Cooperative Agreement to comply with the nine FDA Program Standards and implement a grading system. The behind-the-scenes work that the Coordinator did to implement the grading system included:

- Developing the electronic inspection form which met Newton's needs regarding assigning points, etc.
- Coordinating meetings with the restaurant advisory group
- Coordinating the pilot program and evaluating the results
- Creating policies, forms, and templates
- Coordinating food safety trainings with the food establishments
- Analyzing data from all three phases of the grading system

Most of these activities linked together nicely with the Cooperative Agreement work.

AVAILABLE FUNDING

FDA Cooperative Agreement: The Food and Drug Administration offers a cooperative agreement to communities interested in conforming to the nine FDA Retail Regulatory Program Standards. Newton used this grant to comply with the Standards and simultaneously fund the implementation of the grading system. Currently, the FDA Cooperative Agreement offers communities that receive the funding $70,000 per year for five years. The grant reporting is similar to that of many federally appropriated grants, with quarterly financial reporting, mid-year progress reporting, and one final report at the conclusion of the fiscal year.

AFDO (the Association of Food and Drug Officials): This organization offers smaller grant funding to communities, again, that are enrolled in the FDA Program Standards. There are three categories of the funding: Level 1 funding (up to $3,000), which assists communities in completing an initial self-assessment of the Standards; Level 2 (up to $3,000) funding, which assists communities in providing training opportunities to inspection staff; and Level 3 (up to $20,000) funding, which assists communities with larger projects they wish to complete. Each of these grants provides communities with a one-time reimbursement funding stream that can be used for a variety of projects. Currently, Newton receives $3,000 for inspector training and $20,000 for special projects (namely, the production of this toolkit).

Both of these funding sources can be used to implement a grading system.

MONETARY REQUIREMENTS

Funding can be very helpful in implementing your grading system. Upgrading to an electronic inspection form is not necessary but highly recommended for many reasons—reducing subjectivity, enhancing legibility, and accelerating form completion, among other things.

Money may also be required to reimburse or fund additional staff who work on the implementation.

The inspection form to which Newton upgraded costs the City approximately $4,500/year (for four inspector computers, one hub computer, and four additional tablets for use in the field).

Communities that wish to implement a grading system should assess whether or not they have a staff person who could complete all of this work during the given workday. If not, it is strongly recommended that a consultant be hired to help. Another option would be to use a regular staff person for the grading system work, and hire a consultant to conduct the day-to-day food inspections.

The 2013 *FDA Food Code* indicates that inspections must be completed on a risk-based schedule and frequency. In other words, restaurants that are more risky (Level 4's such as full-service restaurants) should be inspected four times per year, whereas restaurants that are less risky (Level 3's and Level 2's, such as pizza shops and convenience stores) should be inspected three and two times per year respectively (see 2013 *FDA Food Code Annex 5*). Assigning the appropriate risk designations to restaurants will assist your community in creating an inspection schedule (if you do not have one already). It will allow you to see how many inspections your inspectors will need to complete on a yearly basis and whether or not it might be beneficial for you to hire extra help to complete all of the inspections that are required.

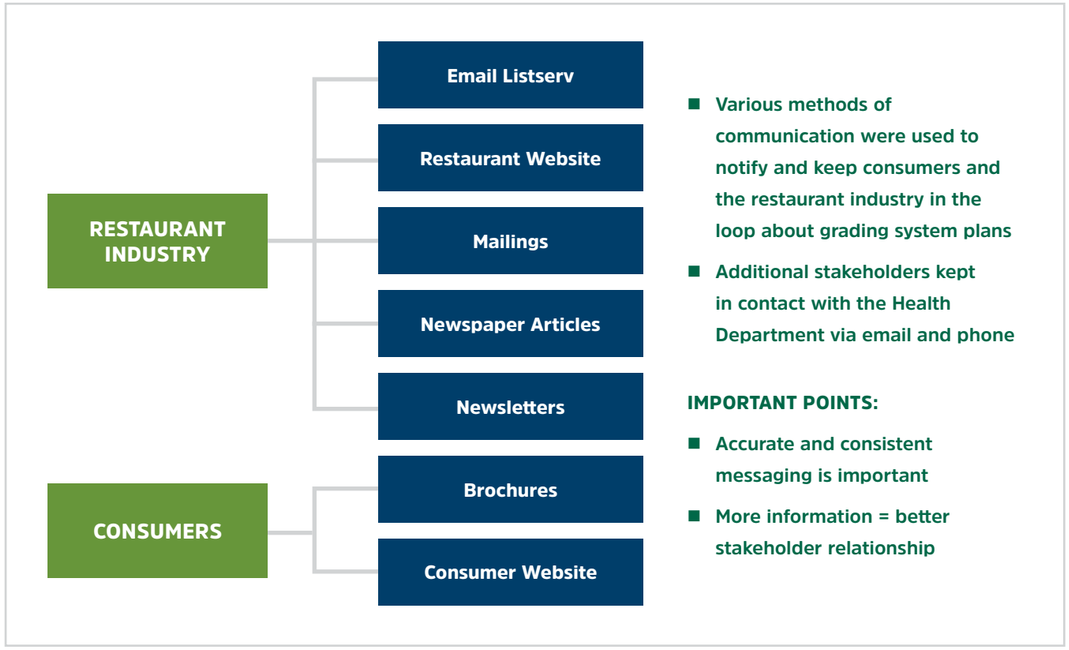
Advertising the grading system in your community can be an ongoing cost. Prior to implementation, you might need to advertise restaurant group meetings (if you choose to). During implementation, advertising to the public and the restaurant industry about how you plan to implement is very important. It helps ensure that consumers and restaurants alike know about the grading system and what to expect. Depending on your city/town's governmental structure, you might be required to post adopted regulations/ordinances in the newspaper in order to make them official. Printing materials for various trainings, brochures for consumers, and countless other materials also could require a fair amount of printing and advertising costs.

STEP 3:

Stakeholder Outreach

OUTREACH- INDUSTRY, COMMUNITY, & OTHER STAKEHOLDERS

There are many stakeholders who should be taken into consideration when implementing food grading. The governing board of your city or town must be consulted prior to initiating food grading to be sure they agree with the system itself, and to have their backing and support when it comes to interacting with both businesses and consumers. It is helpful to meet with the city/town officials (executive office, board of health members, city/town representatives) prior to and during implementation to ensure that the grading system procedures that you plan to adopt coincide with the goals of the city/town officials. For example, in Newton, when a restaurant owner complains to the mayor about his poor grade and how it could affect his bottom line, the mayor is familiar with the program and prepared to respond.



Food establishments are another key stakeholder and should be kept informed at every step of the process. Hosting open meetings with owners and managers of food establishments to outline plans and receive feedback is a good way to reach out and gain support. Another idea is to maintain an email list, website, and any other social forum that might work in your community to keep establishments up-to-date with the latest information about your grading system. The state restaurant association and local chamber of commerce (or similar organizations in your community/state) should also be informed of plans to begin food grading. Including these organizations in meetings you hold with the restaurant community is a good way to build a partnership with them.

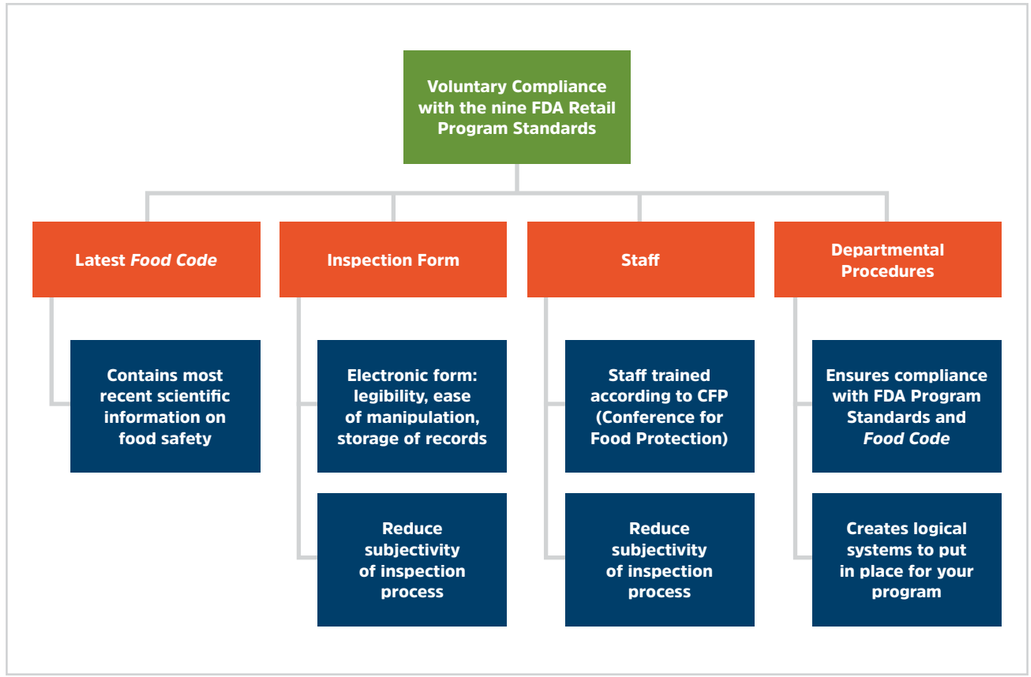
Food grading should also be advertised to consumers so they are aware of food grading—what it means, what it *doesn't* mean, and how to interpret the grade. Local media outlets should also be kept informed and can get information out to consumers in the form of a feature article. Ideally, consumers are a part of the planning process (in conjunction with the restaurant industry) and have input in decisions about methods of disclosure, such as letter grades, numerical scores, statements, faces, emojis, or some combination thereof, as well as other aspects of the grading system. Within the health department, there need to be regularly scheduled meetings for open discussions and communication with the inspectors who need to be consulted on how to implement uniform food grading.

Finally, the FDA is a beneficial stakeholder to consider, given the applicability of the nine FDA Program Standards to the implementation of a grading system. A jurisdiction's compliance with the FDA Program Standards can help support your community's approach its implementation. (For more information about how the FDA Program Standards can help support your grading system, see Appendix A: Newton's History.)

STEP 4:

Updating the Inspection Program

It is important that your department's inspection program be up-to-date on local and federal laws and regulations prior to implementing a grading system because the most recent *Food Code* coincides with the latest food safety research. First, a community should be sure that its rules and regulations (i.e., what *Food Code* it is following) are equivalent to, if not more stringent than, what its state food protection program is using. It is important to be able to back up the program (both in policies and procedures and in the implementation of a grading system), knowing that the food protection policies and procedures follow the most recent research available.



The Newton Environmental Health Specialists were already conducting food safety inspections using HACCP (Hazard Analysis and Critical Control Point) principles. The electronic inspection software Newton selected, WinWam™, allows them to record data electronically. With WinWam™, it was relatively seamless to incorporate grading because points could be assigned to observations in the inspection. Points are deducted when they are marked as "OUT" of compliance, and certain points are added back when they are marked as "COS" (corrected on site). An establishment can have points added back for all violations except those categorized as "priority violations" (violations that directly contribute to foodborne illness). WinWam™ was chosen for its ability to be used as the electronic form and to function with a grading system.

Inspectors should also be educated according to the most recent research. The FDA offers an online training program called ORA U (Office of Regulatory Affairs "University"). The program offers more than 25 courses, including Microbiology, Epidemiology, Communication Skills, Public Health Principles, Prevailing Laws, Regulations and Statutes, and more. These courses are meant to supplement the background education that all inspectors in environmental health or related fields should have. Each course is about two hours long and gives a good background to how inspections should be done, the science behind food pathogens, and how to protect the public's health.

Another option is the Conference for Food Protection (CFP), a nonprofit organization that provides a manual for inspector training. This manual is intended for training new inspectors and includes completing joint inspections prior to individual field work, learning from an experienced inspector, and completing coursework. This training complies with FDA Retail Program Standard 2. When inspectors complete all training required for Standard 2, they are considered "standardized" by the FDA. Having standardized inspectors helps provide a stronger workforce for your program.

INSPECTION FORM

The inspection form can be updated in either paper or electronic form. Many health departments still use a paper inspection form and records. Updating a paper inspection form will require assigning points to violations in your form and having the inspectors manually add and subtract points at the end of the inspection. Your department will have to decide whether or not updating to an electronic form is feasible given your budget and the staff time it takes to choose a form and make sure the form works with a grading system. An electronic form is strongly recommended.

Electronic forms provide a legible, easy-to-fill-out, organized way to present a food establishment with its inspection information, as well as an automated ability to deduct or add points for the purpose of grading. It is also helpful to be able to store inspection information electronically in organized files, as opposed to relying on paper files. Inspectors can easily show proof of sending reports to food establishments (email) as opposed to mailing hard copies or faxing them. The initial investment of time and money to research and set up electronic inspection software can be costly, but the long-term benefits outweigh the costs.

INSPECTION FREQUENCY

Updating to an electronic inspection form also allows your department to better track inspection frequency. Most electronic inspection software systems have the ability to create reports from your database that you can use to determine the next inspection dates of the restaurants you inspect. It is very important to maintain a strict risk-based inspection schedule with your new food grading system because food establishments that receive poor grades may want an inspection as soon as possible (to expunge the bad grade). If you keep a schedule of restaurants due to be inspected (and ensure that inspectors keep up-to-date with their inspections), you can inform food establishments that you are following the risk-based inspection schedule and that their restaurant will be inspected on time according to their risk level.

It took Newton more than three years to incorporate the updated inspection program and fully implement the grading system.

Completing inspection program updates may seem like a daunting task. Remember that these changes are not meant to take place quickly. It is likely that the changes will take years to complete (especially inspector training and updating the inspection program policies). The changes that were made in Newton took place in conjunction with the implementation of the grading system and were the impetus for much of the work done to complete some of the FDA Program Standards. The FDA Program Standards take years to complete, although improvements to the inspection program itself can take only a few months with the continuous adoption of new policies and procedures that coincide with different program standards. (For more information and context about the FDA Program Standards, visit Appendix A: Newton's History).

If your community plans to use compliance with the FDA Program Standards to go along with implementation of the grading system, there are a number of standards that coincide with updating your inspection program. Standard 2 (Trained Regulatory Staff) pertains to training program staff (inspectors) in

Newton initially adopted the 2009 *FDA Food Code* in 2014; then in September 2015, they adopted the 2013 *Food Code*. Massachusetts as a whole is still using the 1999 *Food Code*, but jurisdictions are allowed to adopt more recent versions, as long as they are using no earlier than the 1999 code and if the adoptions are equal to or more strict than the MA Code.

In Newton, a programmatic difference that occurred with the update to an electronic grading system and implementation of the food grading system was the frequency of inspections. There was no formal inspection schedule prior to implementing the food grading system. In order comply with the FDA risk schedule, restaurants needed to be inspected according to their risk; restaurants designated as risk level 4 needed to be inspected 4 times per year, those at risk level 3 needed to be inspected 3 times per year, and so on. At early meetings with the food establishments, it was indicated that restaurants that did not receive a good grade would most likely want to be inspected on schedule, in order to improve their grade. Currently, the Standards Coordinator keeps track of who is due for an inspection every month. This system has worked well for Newton. Note: Surprisingly, to date no restaurants that have received poor grades have requested another inspection prior to their next scheduled inspection. Nevertheless, keeping up with the inspection schedule has helped in case restaurants do request a more frequent inspection. Please see Section II: Policies and Procedures for the Newton Inspection Form.

the way that is outlined on the previous page: completing pre- and post-curriculum courses, completing a training program that is similar to the one outlined by the Conference for Food Protection, and going through a joint training program to complete field training.

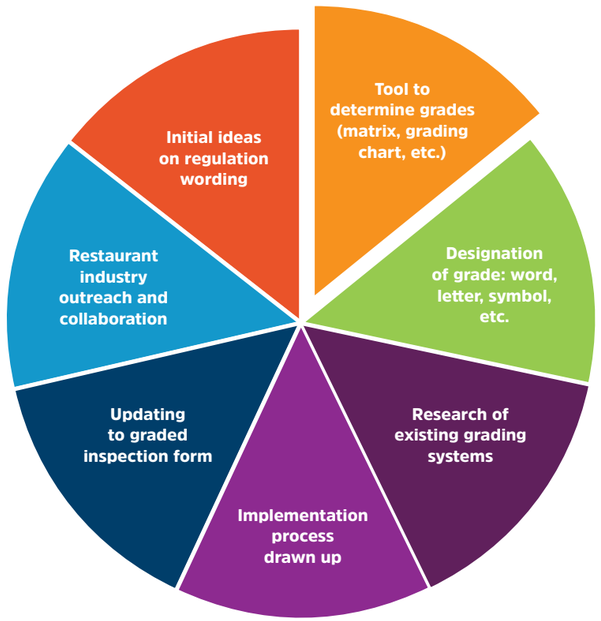
FOOD CODE

The FDA Standards require all jurisdictions enrolled to adopt the current *Food Code* (which is presently the 2013 version). In order to adopt the most recent *Food Code*, the Health Commissioner of the City of Newton was able to update the regulation. Your Health Director/Commissioner will have to consult with their city/town council or board of health to comply with the rules and procedures as required in your community.

STEP 5:

Create Initial Plans

Initial planning for your grading system can include many of the items listed below. It is expected that along the way changes will occur, but having a specific set of plans can help your grading system get off the ground.



NEWTON GRADING MATRIX

PRIORITY FOUNDATION AND CORE VIOLATIONS (MAX. 4PTS.)	0	1	2	3	4	5	6	7	8	9	10
0	400	386	372	358	344	330	316	302	288	274	260
1	396	382	368	354	340	326	312	298	284	270	256
2	392	378	364	350	336	322	308	294	280	266	252
3	388	374	360	346	332	318	304	290	276	262	248
4	384	370	356	342	328	314	300	286	272	258	244
5	380	366	352	338	324	310	296	282	268	254	240
6	376	362	348	334	320	306	292	278	264	250	236
7	372	358	344	330	316	302	288	274	260	246	232
8	368	354	340	326	312	298	284	270	256	242	228
9	364	350	336	322	308	294	280	266	252	238	224
10	360	346	332	318	304	290	276	262	248	234	220
11	356	342	328	314	300	286	272	258	244	230	216
12	352	338	324	310	296	282	268	254	240	226	212
13	348	334	320	306	292	278	264	250	236	222	212
14	344	330	316	302	288	274	260	246	232	218	208
15	340	326	312	298	284	270	256	242	228	214	204
16	336	322	308	294	280	266	252	238	224	210	200
17	332	318	304	290	276	262	248	234	220	206	196
18	328	314	300	286	272	258	244	230	216	202	188
19	324	310	296	282	268	254	240	226	212	198	184
20	320	306	292	278	264	250	236	222	208	194	180

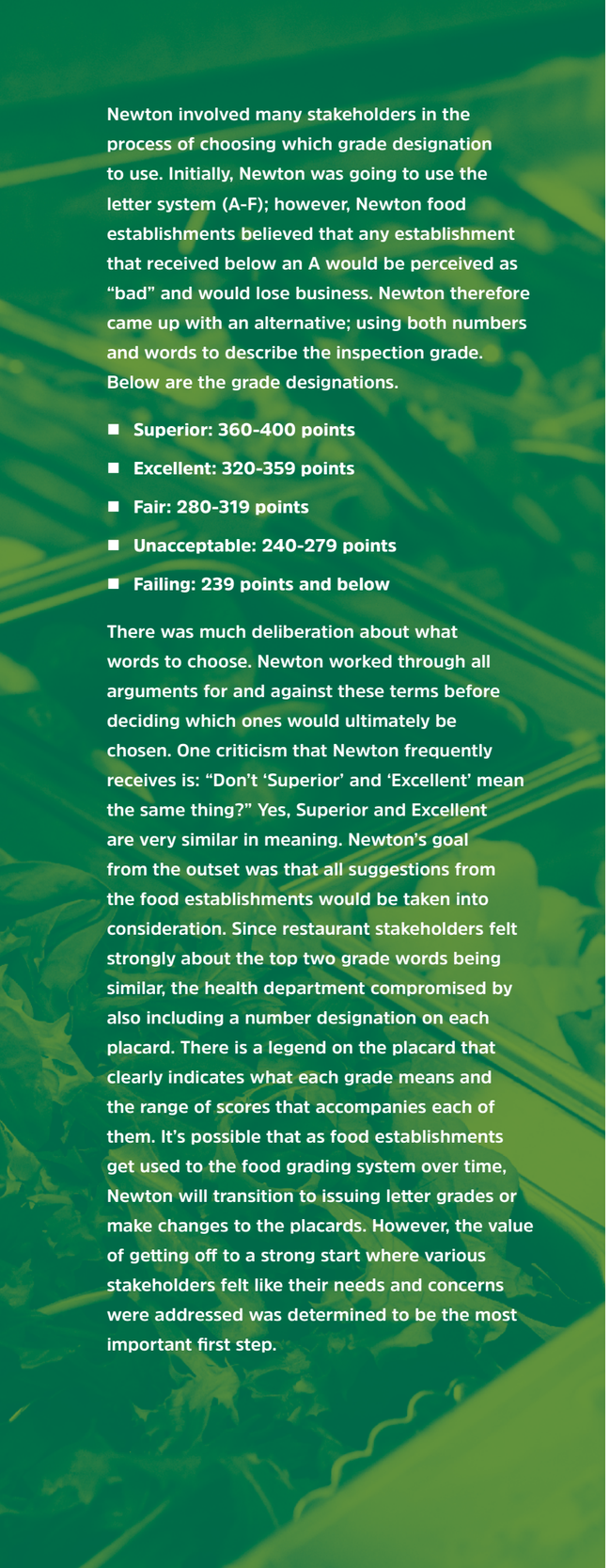
PRIORITY VIOLATIONS (14PTS.)

Superior: 360-400 | Excellent: 320-359 | Fair: 280-319
Unacceptable: 240-279 | Failing: 239 and below

UTILIZATION OF A MATRIX (OR SOME OTHER RUBRIC)

A grading system must include some kind of rubric for the way grades are to be calculated. The rubric might contain information about how many points violations are worth and also might provide a visual guide of how grades are calculated.

Newton uses a grading matrix that is 0-400 points (see larger graphic of Newton's matrix in Section II: Policies and Procedures). Newton initially planned to have a grading scale that was 0-100 points; however, with



Newton involved many stakeholders in the process of choosing which grade designation to use. Initially, Newton was going to use the letter system (A-F); however, Newton food establishments believed that any establishment that received below an A would be perceived as "bad" and would lose business. Newton therefore came up with an alternative; using both numbers and words to describe the inspection grade. Below are the grade designations.

- **Superior: 360-400 points**
- **Excellent: 320-359 points**
- **Fair: 280-319 points**
- **Unacceptable: 240-279 points**
- **Failing: 239 points and below**

There was much deliberation about what words to choose. Newton worked through all arguments for and against these terms before deciding which ones would ultimately be chosen. One criticism that Newton frequently receives is: "Don't 'Superior' and 'Excellent' mean the same thing?" Yes, Superior and Excellent are very similar in meaning. Newton's goal from the outset was that all suggestions from the food establishments would be taken into consideration. Since restaurant stakeholders felt strongly about the top two grade words being similar, the health department compromised by also including a number designation on each placard. There is a legend on the placard that clearly indicates what each grade means and the range of scores that accompanies each of them. It's possible that as food establishments get used to the food grading system over time, Newton will transition to issuing letter grades or make changes to the placards. However, the value of getting off to a strong start where various stakeholders felt like their needs and concerns were addressed was determined to be the most important first step.

the amount of points that existed on the inspection form, point deductions would have had to be converted to proportions, creating a more complex calculation of grades and more complex explanation by the inspectors to the food establishments. Food establishments wanted the system to be as transparent as possible, and thus, Newton created the 0-400 point scale.

Points are deducted based on the severity of the violation. The 2013 *FDA Food Code* defines the severity of a violation as one of three categories: Priority = most severe, Priority Foundation = medium severity, and Core = lowest severity. Priority violations are most likely to contribute to foodborne illness; Priority Foundation, less likely; and finally, Core—the least likely to contribute. The severity designations (like everything else in the *FDA Food Code*) are determined by the most recent food safety studies.

The matrix (see previous page) which Newton uses shows how a grade is determined and shows that the amount of Priority violations observed during an inspection is the determining factor in a grade. The X axis contains Priority violations, and the Y axis contains Priority Foundation and Core violations. (Since in our rubric Core violations are worth 0 points, we included them with the Priority Foundation violations.) Priority violations are worth 14 points, Priority Foundation are worth 4 points, and Core violations are worth 0 points as shown.

The points were determined by the Health Inspectors, the Standards Coordinator, and the Health Commissioner after coming to the agreement that more than two Priority violations (without any other violation) should result in a drop in grade level (for example, from an A to a B). The matrix indicates that for every two Priority violations received, the grade level drops one grade. The matrix also shows that restaurants can receive numerous Priority Foundation violations (10 with 0 Priority violations) before the grade is dropped an entire grade level. The thinking behind this originated from the fear that restaurants would get poor grades from having a large amount of non-severe violations deducted. According to the matrix, a restaurant that receives 10 non-severe violations could still technically get an A as long as they didn't have any Priority violations. Another concern was brought to the table: did a food establishment really deserve an A or a B for more than 20 violations? After countless conversations about this within the health department, it was made clear that it was very unlikely that a restaurant would receive a large number of non-severe violations with 0 severe violations and that forming the matrix this way would fairly assess food safety in the restaurants.

GRADE PLACARDS

The next decision that health departments need to consider is how to display grades. There are many different ways that grades can be displayed in a restaurant. Communities are using letter grades (A-F), numbers, smiley faces, word designations, colors, and more to indicate a food establishment's grade on a health inspection. There is not one particular method that seems to work better than others or completed research that reveals one as more transparent to consumers than others, so it is up to the community adopting the grading system to decide which to choose.

RESTAURANT FOOD SAFETY TRAININGS

Food safety trainings have been offered to restaurant staff, owners, and employees and have proved to be an excellent tool for information distribution and better compliance. Food safety trainings should include information about the food grading system, violations that will deduct the most points, and what inspectors look for when they are conducting a food inspection. Any templates, forms, or other materials that restaurant staff can use in their daily operations should be included in the training as well. Providing this knowledge to restaurant employees who most likely receive very basic food safety training at the beginning of employment can help their establishment improve its grades with better food safety techniques and improved Active Managerial Controls on the part of the restaurant owner.

Trainings can also function as a way to get to know the restaurant staff and to encourage active dialogue with the health inspectors that may seem intimidating to some restaurant staff. Newton has found the trainings and the audience's participation in the discussion to be very beneficial to the relationship they have with the restaurants. They also might help make employees less skittish about responding to questions during an inspection. Food safety trainings can be a very positive way to build a relationship with the food establishments in your community.

Newton adopted grading regulations around the posting of grade placards. The regulation can be found in full on pages 44 and 45 and include the following requirements for grade placards:

Grade placard posting requirements

When and how an establishment can receive an "All Violations Corrected" placard

Where in the establishment the placard should be placed

When and where the placard should be picked up

Warning about grade tampering

STEP 6:

Pilot Program

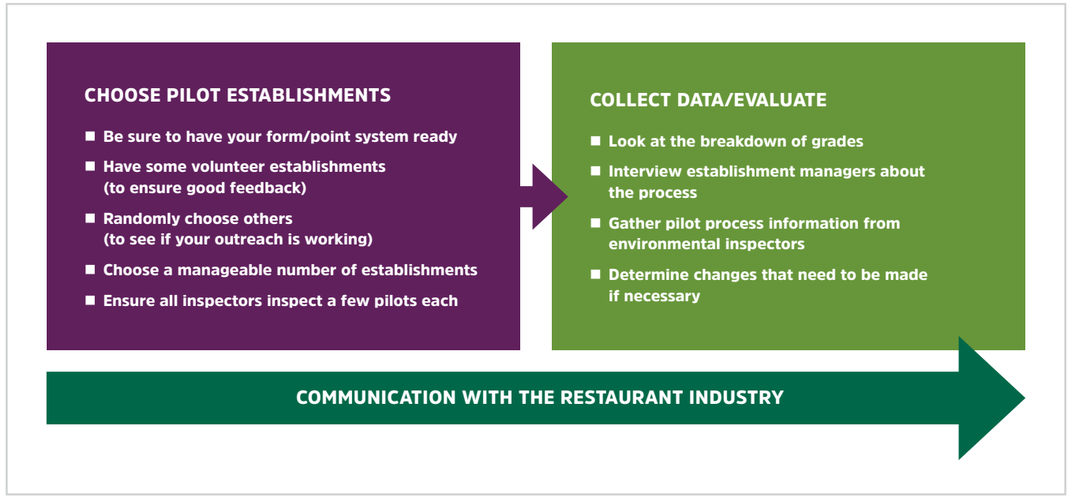
It is important to test your grading system before actually posting grades. A pilot program is a good way to see how the system will work and what kind of changes may be necessary. Newton recruited six volunteer food establishments and six randomly selected food establishments to conduct a pilot. Using volunteers for the pilot was particularly useful, since the volunteers were an outspoken group that would give good feedback and comments about how the grading system worked in their establishment. Completing a pilot was time consuming to plan and evaluate but was incredibly useful, giving us data that resulted in some changes to the system that saved time in the long run.

In your community's pilot program, it will be important to collect data on what worked, what didn't, and what changes should be made. In Newton, all of the inspection forms were collected to review the grades given, and all managers and owners in the pilot were contacted for their feedback.

The information that the pilot yields should help to create a grading system that works for both your Health Department and your restaurant industry. Newton used the pilot data to reconsider the length of the inspection form, to make it more readable and less time consuming for the inspectors to fill out. Initially, the design of the inspection form listed every violation in the *Food Code*. A 14-page form was much too long for the inspectors to fill out in a reasonable time and for the restaurant owners to read through. As a result of the pilot program, Newton changed the inspection form by grouping Priority, Priority Foundation, and Core violations within questions. This shortened the form to five pages, which was much more manageable for both inspectors and restaurant owners. Newton also found that, despite the inspectors' best efforts, it was not feasible to complete an inspection report (via handheld computer tablet) and print the form on site given the length of the inspection form, the time it usually took to complete, and the fact that it was too cumbersome to hold a tablet while also taking temperatures and notes during the inspection.

Newton also evaluated the grades from the pilot program. The grades were mostly poor. During the re-evaluation of the inspection form, violations were grouped into categories instead of listing each and every one on the inspection form. With this new categorization, grouping violations actually reduced the number the restaurants would receive (if they got more than one violation within each category—see Section II: Policies and Procedures for groupings in an example inspection form with all violations listed).

Newton also realized that the grading system was not as widely advertised as previously thought, and some food establishments still did not know it was taking place. Newton decided to do more outreach via email and website, and to move forward with Trial Grades (the next phase in the grading process below), which would allow every food establishment to have a "practice" grading experience before having to post a grade. This way, all establishments would be informed about the grading system and would have a practice grade so they could become accustomed to the process and learn from it. Newton also realized that the poor grades could be due to the lack of education among restaurant staff. The Standards Coordinator and Environmental Health staff put together monthly food safety trainings as a result of the pilot program to address this need.

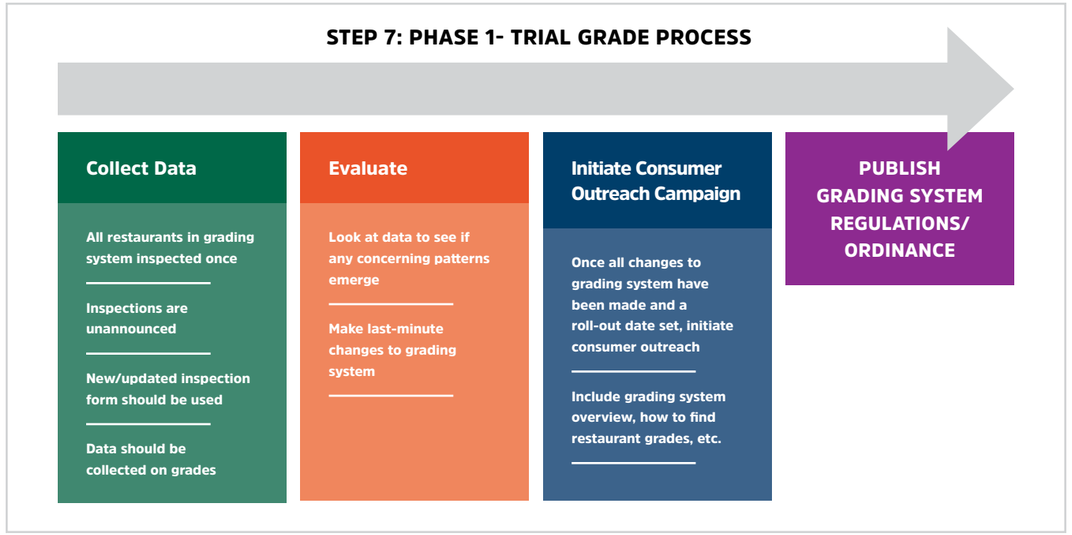


STEP 7:

Phase 1—Trial Grade Process

Another step that might help your community ease the restaurant industry into the idea of adopting a grading system is a trial grading process. Newton found after the pilot experience that all restaurants wanted to have a "pilot" grading experience—that is, having an initial inspection, finding out what the grade would be (without the pressure of having it posted), and commenting on the process. Newton thought that, although this step would further delay the grading system implementation, it would be helpful down the road to give every establishment the ability to receive a "test" grade.

Gathering data from a trial grading process can yield additional important results. The trial grades in Newton helped department staff to evaluate



the data to determine which establishments were doing well, why those particular establishments were doing well, and how to share that knowledge to help improve the grades of other establishments. Newton found, not surprisingly, that grades worsened with each increase in risk level. Level 2 establishments generally did very well, Level 3 establishments generally did well to average, and Level 4 establishments generally did poorly.

The results of the data collection from the trial grading phase should assist your department in making additional changes to the grading system, if necessary. Newton used the data obtained from the trial grading process to look at why the Level 4 establishments were doing poorly. It seemed that additional training was needed for establishments that had more difficult processes and in turn, more extensive Active Managerial Controls in their establishments. Therefore, a concerted push was made to train employees and restaurant staff in many different languages to accommodate all employees, with a focus on recruiting restaurant staff from Level 4 establishments.

Included in Newton's regulations is a provision that automatically adopts the subsequent *Food Code* as new *Food Code*s are adopted. This saves additional work every two years when, typically, new codes are released. Newton also included provisions about placement of the grading placard, how and in what timeframe grade placards were to be picked up, and what would happen if a food establishment failed to follow any provisions of the regulations.

STEP 8:

Pass Regulations

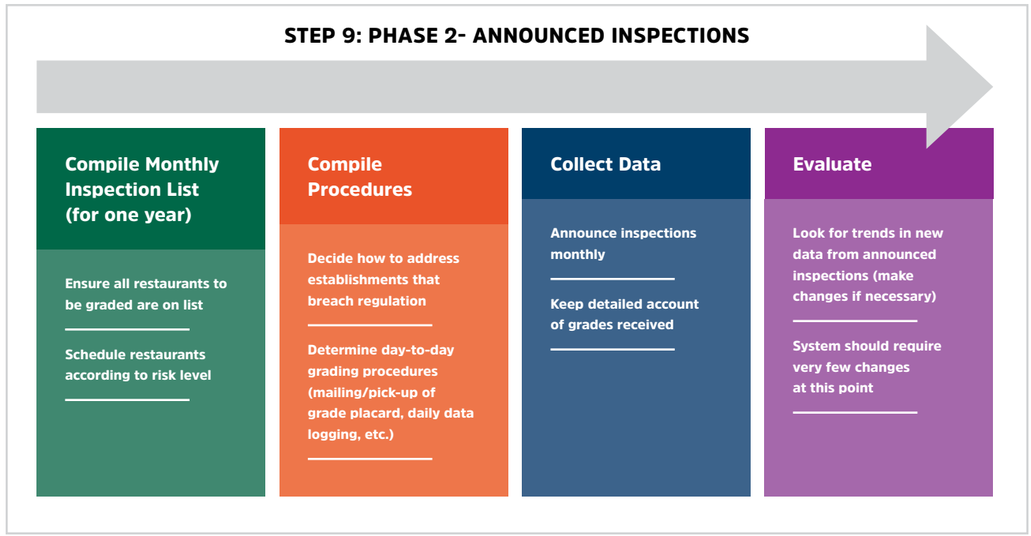
After the initial trial phase of the grading system, your department should evaluate whether or not your Health Department is ready to roll out the grading system. If your department feels ready, depending on your city or town's governmental structure, you may need to pass regulations, ordinances, or new bylaws in order to bring the grading system into effect. During the implementation process, your staff should be working on deciding which new regulations are important to include and which you think will work for your community. For an example of Newton's regulations, please see Section II: Policies and Procedures. The regulations that your community creates should be well thought out during the entire implementation of the grading system.

STEP 9:

Phase 2—Announced Inspections

The announced inspection process should immediately follow passing new regulations. Many communities may not want to conduct an announced inspection phase given that it is usually not the practice of Environmental Health Inspectors. However, this phase may help encourage particularly hesitant restaurants in your community to accept a new way of doing things. Newton chose to have an announced inspection phase as another effort to support the restaurants (who were already apprehensive about the grading system) by demonstrating how the process would actually run. These first announced inspections were also the first time that grade posting was mandatory. With time to prepare in advance of inspection, restaurants increased the likelihood that they would receive a good initial grade, which helped them feel more confident in the program and their ability to be successful.

Throughout the trial, announced, and unannounced inspection phases, Newton continued to offer food safety trainings. Forms and templates that the restaurants could use to improve their food safety practices were provided. The trainings and the extra materials may have helped to improve grades from the trial grades to both the announced and unannounced phases.



Newton found that grades improved from the trial phase to the announced inspection phase (which was not surprising, given that the inspections were expected by the restaurants). Newton also found other procedural items that needed to be cleared up. For example, Newton found that food establishments were not consistently picking up their grade placards, which was a requirement in the regulations. The regulation indicated that establishments would have their permit suspended if grades were not picked up within a certain period of time. This requirement, although seemingly stringent, was not being taken seriously. Therefore, Newton was required to come up with internal policies and procedures for dealing with restaurants that were not picking up their grade placards short of immediately suspending their permit. Inspection staff were also concerned that another portion of the regulation related to this—the posting of the grade placard—was not going to be taken seriously if food establishments couldn't even get to the Health Department to pick up their grades. Since Newton did not want to resort to immediately suspending the permit of the establishment, grade posting was added to the internal policies and procedures document. With the adoption of these internal policies and procedures, the environmental staff found a greater compliance with the regulation without having to immediately resort to suspending permits. (See Section II: Policies and Procedures for Newton's internal policies and procedures.)

After all restaurants received a trial grade, Newton next launched a round of announced inspections.

Data should be collected during the announced inspection phase similarly to how data was collected for the trial grading period. Grade breakdown as well as minor procedural issues that might come up during the first round of mandatory grade-posting should be gathered. Newton created a spreadsheet of all grades received beginning with the trial grades, including the announced grades and continuing to the final phase of the grading process, the unannounced grading. The spreadsheet is an easy way to observe changes in grades through each phase of implementation and patterns that emerge.

It is likely that, during the announced inspection phase, your data will reveal some small changes that you wish to make to the system as a whole. Utilize this data to move forward and make small changes if necessary. Ideally, few changes will be necessary at this point.

STEP 10:

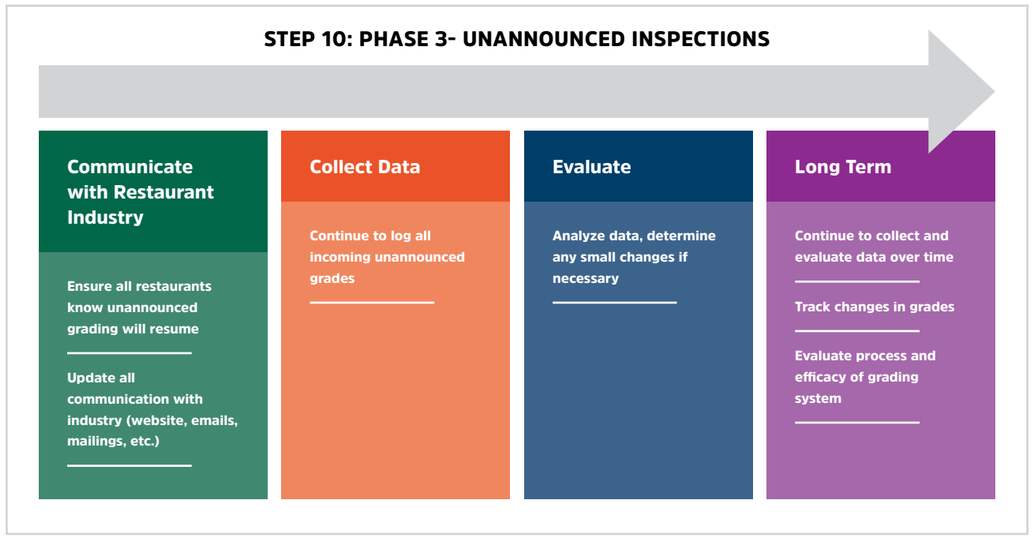
Phase 3—Unannounced Inspections

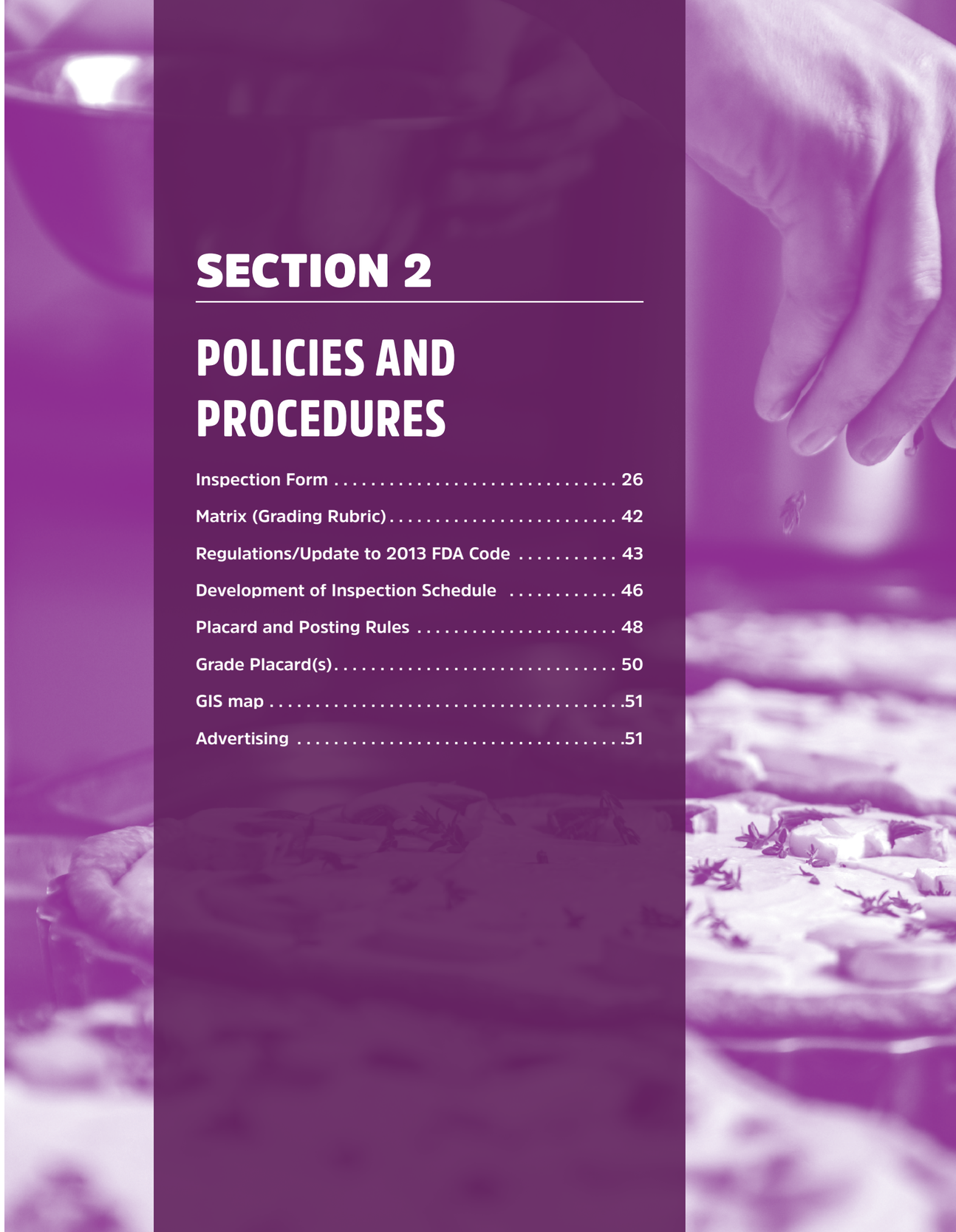
Unannounced inspections are the final phase of grading system implementation, and they represent the process for how all graded inspections will be conducted going forward. Inspections will be unannounced, and the food establishment will be required to post the grade they receive.

As in the prior phases, data should be collected about the grades received, as well as any other procedural matters that need to be addressed. Newton is currently in this final phase of implementation, and comparison data from the previous two grading phases will be analyzed together with the final phase.

Evaluating the final step of the grading process might or might not reveal potential improvements to your grading system; however, it is important to evaluate the changes over time to ensure that the grading program is working properly. For example, keeping a spreadsheet or some other kind of organizational document that tracks grades over time can be a helpful way to monitor grades. Newton keeps a spreadsheet of all graded establishments and their grades thus far. The spreadsheet can break down grades over time, and emerging trends can be followed.

Newton's electronic inspection software can also track emerging trends in data; however, keeping a spreadsheet has allowed them to manipulate the data quickly when necessary.





SECTION 2

POLICIES AND PROCEDURES

During the implementation of your community's grading system, there will be many policies and procedures that you will need. Newton has put together a collection of sample forms and guidelines that you are welcome to edit and use as your own to facilitate your grading system implementation. They are described below.

INSPECTION FORM

The inspection form that Newton is currently using is based on the 2013 *FDA Food Code*. Within each question are all pertinent questions that are within the same violation category (Priority [P], Priority Foundation [PF], and Core [C]). Points are assigned only once to the question. In other words, individual violations within the question are not assigned points (and cannot be with the software we used). This way, if a restaurant receives multiple violations within a question, points are only "deducted" once. Initially, Newton charged separate points to each violation (this was when the form was 14 pages long—and was the reason the form was 14 pages long). Even though there were now fewer deductions, the matrix remained the same; "Superior" grades had results with 2 or fewer Priority violations, "Excellent" grades had results with 2-4 Priority violations, etc. We compromised charging so many points to shorten the form.

Violations that are corrected onsite (COS) may receive points back. If food establishments corrected *certain* violations (PF or C) during the inspection, points were awarded back. For example, if an inspector noticed that handwashing sinks were without soap or paper towels and a staff member immediately corrected this by replenishing the station, points were awarded back.

The REPEAT violation button on the form can be used in routine inspections down the road to indicate violations that occur repeatedly. Inspectors will not award COS points back for repeat violations on future inspection forms. Since the overall goal is that the establishments learn from mistakes, repeat violations should be treated differently from first-offense violations.

The inspection form on pages 27-41 is in two formats. The first format is what the inspector sees when he or she fills out the inspection form. The restaurant receives a report that looks similar to this form. This form is available online for restaurants to be able to "inspect" themselves when the inspector is not there, as a potential self-auditing tool. The second format is the inspection form with ALL violations that exist within each question, and shows the points that are associated with each major category. This form may be particularly useful as a template from which to model your own since each violation that exists within each question is listed.

See pages 27-31 for the Inspection Form template (inspector version).

City of Newton
Health and Human Services

Food Establishment Inspection Report - FDA

Insp Date: **Business ID:** **Inspection:**
Business: **Section:**
Phone:
Inspector:
Reason:
Results:

Inspection Summary

Official Order for Correction: Based on an inspection today, the items checked indicate violations of 105 CMR 590.000/ 2013 Federal Food Code. This report, when signed below by the Commissioner of Health / Agent constitutes an order by the Commissioner of Health. Failure to correct violations cited in this report may result in suspension or revocation of the food establishment permit and cessation of food establishment operations. If aggrieved by this order, you have the right to a hearing. The request must be in writing and submitted to the Commissioner of Health at the above address within 10 days of receipt of this order.

Est. Type 1-Food Svc Establishment License/Permit # _____ Risk Category ____ Risk Level Observed _____

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Compliance status: IN = in compliance OUT = not in compliance N/O = not observed N/A = not applicable

Marked in appropriate box for COS and/or R. COS = corrected on-site during inspection R = repeat violation

Risk factors are improper practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public Health Interventions are control measures to prevent foodborne illnesses or injury.

Supervision	IN	OUT	N/O	N/A	COS	REPEAT
1. PIC Present, Knowledge and Duties	O	O			☐	☐
2. Certified Food Protection Manager	O	O		O	☐	☐
Employee Health / Responding to Contamination Events	**IN**	**OUT**	**N/O**	**N/A**	**COS**	**REPEAT**
3A. Employee Health: PIC Knowledge, Responsibilities & Reporting	O	O			☐	☐
3B. Employee Reporting to PIC	O	O			☐	☐
4. Proper Use of Restriction & Exclusion	O	O			☐	☐
5. Clean-up of Vomiting and Diarrheal Events	O	O			☐	☐
Good Hygienic Practices	**IN**	**OUT**	**N/O**	**N/A**	**COS**	**REPEAT**
6A. Proper eating, tasting, drinking, or tobacco use	O	O	O		☐	☐

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Good Hygienic Practices	IN	OUT	N/O	N/A	COS	REPEAT
6B. Preventing contamination when tasting	O	O	O		☐	☐
7. No discharge from eyes, nose, and mouth	O	O	O		☐	☐
Control of Hands as a Vehicle of Contamination	**IN**	**OUT**	**N/O**	**N/A**	**COS**	**REPEAT**
8A. Hands clean & properly washed	O	O	O		☐	☐
8B. Where to wash, hand antiseptics	O	O	O		☐	☐
9. No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed	O	O	O	O	☐	☐
10A. Adequate handwashing sinks properly supplied and accessible	O	O			☐	☐
10B. Handwashing sinks accesible with proper signage, handwashing aids	O	O			☐	☐
Approved Sources	**IN**	**OUT**	**N/O**	**N/A**	**COS**	**REPEAT**
11A. Milk, eggs, juice, bottled water, hermetically sealed food, game animals	O	O	O	O	☐	☐
11B. Packaged foods, labeling, whole muscle beef	O	O	O	O	☐	☐
11C. Obtaining raw fish, packaged meat & poultry, eggs	O	O	O	O	☐	☐
12A. Food received at proper temperature	O	O	O	O	☐	☐
12B. Shipping and receiving frozen food	O	O	O	O	☐	☐
13. Food in good condition, honestly presented, safe, & unadulterated	O	O			☐	☐
13B. Food package integrity	O	O			☐	☐
14A. Required records available: shellstock tags, parasite destruction	O	O	O	O	☐	☐
14B. Missing shellstock tags, destruction	O	O	O	O	☐	☐
14C. Parasite destruction- storing raw/partially cooked fish	O	O	O	O	☐	☐
Protection from Contamination	**IN**	**OUT**	**N/O**	**N/A**	**COS**	**REPEAT**
15A. Food separated & protected	O	O	O	O	☐	☐
15B. Cleaning equip/utensils/food containers	O	O	O	O	☐	☐
16A. Food-contact surfaces: cleaned & sanitized immersion 171° F and above	O	O		O	☐	☐
16B. Food contact surfaces cleaned and sanitized NMT 194° F, NLT 180° F	O	O		O	☐	☐
16C. Mechanical warewashing equipment sanitization food contact surfaces, equip., utensils	O	O		O	☐	☐
17. Proper disposition of returned, previously served reconditions, & unsafe food	O	O			☐	☐
Time/Temperature Control for Safety Food (TCS Food)	**IN**	**OUT**	**N/O**	**N/A**	**COS**	**REPEAT**
18A. Proper cooking time & temperatures	O	O	O	O	☐	☐
18B. Whole meat cooking and serving, storing	O	O	O	O	☐	☐
18C. Microwave cooking of raw animal foods	O	O	O	O	☐	☐
19. Proper reheating procedures for hot holding	O	O	O	O	☐	☐

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Time/Temperature Control for Safety Food (TCS Food)	IN	OUT	N/O	N/A	COS	REPEAT
20. Proper cooling time & temperatures	O	O	O	O	☐	☐
21. Proper hot holding temperatures	O	O	O	O	☐	☐
22. Proper cold holding temperatures	O	O	O	O	☐	☐
23. Proper Date Marking	O	O	O	O	☐	☐
23B. TCS Foods Disposition	O	O	O	O	☐	☐
24A. Time as a public health control: procedures	O	O	O	O	☐	☐
24B. Time as a public health control: temperatures & discarding food	O	O	O	O	☐	☐
24C. Time as a public health control: highly susceptible population (HSP)	O	O	O	O	☐	☐
Consumer Advisory	**IN**	**OUT**	**N/O**	**N/A**	**COS**	**REPEAT**
25. Consumer advisory provided for raw or undercooked foods	O	O		O	☐	☐
Highly Susceptible Populations (HSP)	**IN**	**OUT**	**N/O**	**N/A**	**COS**	**REPEAT**
26A. Pasteurized foods used; prohibited foods not offered	O	O		O	☐	☐
26B. Reservice of foods	O	O		O	☐	☐
Chemical	**IN**	**OUT**	**N/O**	**N/A**	**COS**	**REPEAT**
27. Food additives: approved and properly used	O	O		O	☐	☐
28A. Toxic substances identified, stored and used	O	O		O	☐	☐
28B. Poisonous materials, sanitizers, additives, medicines restriction, separation, storage	O	O		O	☐	☐
28C. Conditions of Use: law	O	O		O	☐	☐
Conformance with Approved Procedures	**IN**	**OUT**	**N/O**	**N/A**	**COS**	**REPEAT**
29A. Compliance with variance, specialized process, & HACCP plan	O	O		O	☐	☐
29B. Treating juice- HACCP, reduced oxygen packaging w/out variance, conformance with approved procedures	O	O		O	☐	☐
29C. When HACCP plan is required	O	O		O	☐	☐

GOOD RETAIL PRACTICES

Good Retail Practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into foods.

IN = In compliance OUT = not in compliance COS - corrected on -site during inspection REPEAT = repeat violation

Safe Food and Water	IN	OUT	N/O	N/A	COS	REPEAT
30. Pasteurized eggs used where required	O	O			☐	☐
31A. Water & ice from approved source	O	O			☐	☐
31B. Sampling, alternative water supply	O	O		O	☐	☐
31C. Sampling report	O	O		O	☐	☐
32. Variance obtained for specialized processing methods	O	O		O	☐	☐

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Food Temperature Control	IN	OUT	N/O	N/A	COS	REPEAT
33A. Proper cooling methods used; adequate equipment for temperature control	O	O			☐	☐
33B. Frozen food	O	O			☐	☐
34. Plant food properly cooked for hot holding	O	O	O	O	☐	☐
35. Approved thawing methods used	O	O	O	O	☐	☐
36A. Thermometers provided and accurate	O	O			☐	☐
36B. Thermometers function properly	O	O			☐	☐

Food Identification	IN	OUT	COS	REPEAT
37A. Food properly labeled; original container	O	O	☐	☐
37B. Food labels, labeling of ingredients	O	O	☐	☐

Prevention of Food Contamination	IN	OUT	COS	REPEAT
38A. Insects, rodents, & animals not present	O	O	☐	☐
38B. Handling prohibition, controlling pests, prohibiting animals	O	O	☐	☐
39A. Contamination prevented during food storage	O	O	☐	☐
39B. Food display; ice used as an exterior coolant prohibited as an ingredient	O	O	☐	☐
39C. Consumer self-service operations- utensils and monitoring	O	O	☐	☐
40A. Personal cleanliness- prohibition jewelry	O	O	☐	☐
40B. Maintenance of fingernails	O	O	☐	☐
41. Wiping cloths; properly used and stored	O	O	☐	☐
42A. Washing Produce - following chemical manufacturers label	O	O	☐	☐
42B. Washing produce	O	O	☐	☐
42C. Washing produce- chemicals	O	O	☐	☐

Proper Use of Utensils	IN	OUT	COS	REPEAT
43. In-use utensils; properly stored	O	O	☐	☐
44. Utensils, equipment & linens; properly stored, dried, and handled	O	O	☐	☐
45A. Single-use/ single service articles properly stored and used, required	O	O	☐	☐
45B. Single-use/service articles use limitation, kitchenware and tableware preventing contamination	O	O	☐	☐
46. Gloves used properly	O	O	☐	☐

Utensils, Equipment and Vending	IN	OUT	COS	REPEAT
47A. Food & non-food contact surfaces cleanable	O	O	☐	☐
47B. Food contact surfaces /utensils cleanability, molluscan shellfish tanks, consumer self-service	O	O	☐	☐
47C. Properly designed characteristics: food and non-food contact surfaces, molluscan shellfish tanks	O	O	☐	☐

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Utensils, Equipment and Vending	IN	OUT	COS	REPEAT
48A. Warewashing facilities: installed, maintained, & used; test strips	O	O	☐	☐
48B. Operational warewashing machines	O	O	☐	☐
49. Non-food contact surfaces clean	O	O	☐	☐

Physical Facilities	IN	OUT	N/A	COS	REPEAT
50. Hot & cold water available; adequate pressure	O	O		☐	☐
51A. Plumbing installed; proper backflow devices	O	O		☐	☐
51B. Prohibiting a cross-connection, inspection and servicing system	O	O		☐	☐
51C. Approved system and cleanable fixtures, service sink	O	O	O	☐	☐
52A. Sewage and waste water properly disposed	O	O		☐	☐
52B. Grease traps easily accessible for cleaning	O	O		☐	☐
52C. Removing mobile food establishment waste	O	O	O	☐	☐
53A. Toilet facilities; properly constructed, supplied, & cleaned	O	O		☐	☐
53B. Toilet tissue availability	O	O		☐	☐
54. Garbage & refuse properly disposed; facilities maintained	O	O		☐	☐
55A. Physical facilities installed, maintained, & clean	O	O		☐	☐
55B. Private homes and living or sleeping quarters, use prohibition	O	O		☐	☐
56. Adequate ventilation & lighting; designated areas used	O	O		☐	☐

MASSACHUSETTS ONLY REGULATIONS

Rules and Regulations adopted for use in Massachusetts only.

Facilities	IN	OUT	COS	REPEAT
57A. Catering	O	O	☐	☐
57B. When plans are reviewed, prerequisite for operations- valid permit	O	O	☐	☐
57C. Contents of plans and specifications, preoperational inspections	O	O	☐	☐
58. Mobile Food Operations	O	O	☐	☐
59. Temporary Food Establishments	O	O	☐	☐
60. Residential Kitchens	O	O	☐	☐

Procedures	IN	OUT	COS	REPEAT
61. Anti-choking Procedures	O	O	☐	☐
62. Tobacco Products: Notice and Sale	O	O	☐	☐
63. Food Allergy Awareness Requirements	O	O	☐	☐

Inspector

Acknowledged Receipt:

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See pages 32-41 for Inspection Form template (violations version).

Note: The numbers listed prior to the individual violations, and the letters 'VS' or 'S' are unique to the inspection software and can be ignored.

City of Newton
Health and Human Services
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[78] S Inspection Summary

[79] VS Unlabeled Section starting with: Est. Type

[5] S FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

[2] S Risk factors are improper practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public Health Interventions are control measures to prevent foodborne illnesses or injury.

[3] S Supervision

[4] VS 1. PIC Present, Knowledge and Duties
1: [2-101.11] *Assignment of Responsibility
2: [2-102.11 (A, B, C1, C4-16)] *Demonstration of Knowledge
4: [2-103.11 (A-N, P)] Person in Charge - Duties
[130] VS 2. Certified Food Protection Manager
390: [2-102.12 (A)] Certified food protection manager

[6] S Employee Health / Responding to Contamination Events

[7] VS 3A. Employee Health: PIC Knowledge, Responsibilities & Reporting
3: [2-102.11 (C2, C3, C17)] *Demonstration
386: [2-103.11(O)] PIC Duties
5: [2-201.11 (B, E)] *Responsibility of PIC to Require Reporting by Food Employees and Applicants- Reporting to PIC & RA
[129] VS 3B. Employee Reporting to PIC
6: [2-201.11 (A&C)] *Responsibility of Permit Holder, Person in Charge, and Conditional Employees-Responsibility of the PIC to Exclude or Restrict
[131] VS 4. Proper Use of Restriction & Exclusion
391: [2-201.11 (D & F)] PIC Ensures and reports exclusions and restrictions
7: [2-201.12 [590.003(D)]] *Exclusions and Restrictions
8: [2-201.13 [590.003(E)]] Removal of Exclusions and Restrictions
[148] VS 5. Clean-up of Vomiting and Diarrheal Events
392: [2-501.11] Procedures involving clean-up of vomit and diarrhea

[9] S Good Hygienic Practices

[10] VS 6A. Proper eating, tasting, drinking, or tobacco use
16: [2-401.11] *Eating, Drinking, or Using Tobacco
[91] VS 6B. Preventing contamination when tasting
37: [3-301.12] *Preventing Contamination When Tasting
[11] VS 7. No discharge from eyes, nose, and mouth
17: [2-401.12] *Discharges from the Eyes, Nose, and Mouth

[12] S Control of Hands as a Vehicle of Contamination

[13] VS 8A. Hands clean & properly washed
11: [2-301.11] *Clean Condition - Hands and Arms
12: [2-301.12] *Cleaning Procedure
13: [2-301.14] *When to Wash
[92] VS 8B. Where to wash, hand antiseptics

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189: [2-301.15] Where to wash
190: [2-301.16] Hand Antiseptics
[14] VS 9. No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed
36: [3-301.11 [590.004(E)]] *Preventing Contamination from Employees
76: [3-801.11 (D)] *Pasteurized Foods, Prohibited Re-Service, and Prohibited Foods
[15] VS 10A. Adequate handwashing sinks properly supplied and accessible
292: [5-202.12 (A)] Handwashing sink, installation- temperature/ mixing/ combo
124: [5-203.11] *Numbers and Capacities
129: [5-204.11] *Location and Placement
130: [5-205.11] Accessibility, Operation and Maintenance
154: [6-301.11] Handwashing Cleanser, Availability
155: [6-301.12] Hand Drying Provision
[93] VS 10B. Handwashing sinks accesible with proper signage, handwashing aids
293: [5-202.12 (B-D)] Handwashing sink, installation
346: [6-301.13] Handwashing aids and devices, use restrictions
347: [6-301.14] Handwashing signage

[16] S Approved Sources

[17] VS 11A. Milk, eggs, juice, bottled water, hermetically sealed food, game animals
21: [3-201.11 (A & B)] Compliance with Food Law: Source
22: [3-201.12] *Food in a Hermetically Sealed Container
23: [3-201.13] *Fluid Milk and Milk Products
24: [3-201.14] *Fish and Recreationally Caught Molluscan Shellfish
25: [3-201.15] *Molluscan Shellfish from NSSP Listed Sources
26: [3-201.16 [590.004(C)]] *Wild Mushrooms
27: [3-201.17 (A)] *Game Animals
195: [3-202.110 (B)] Juice treated- treated
30: [3-202.13] *Shell Eggs
31: [3-202.14 [590.004(D)]] *Eggs and Milk Products, Pasteurized
119: [5-101.13 [590.006(A)]] *Bottled Drinking Water
[95] VS 11B. Packaged foods, labeling, whole muscle beef
393: [3-201.11 (C & E)] Compliance with food law: Labeling packaged foods and raw whole muscle beef steaks
194: [3-202.110 (A)] Juice treated- commercially processed
[128] VS 11C. Obtaining raw fish, packaged meat & poultry, eggs
394: [3-201.11 (D, F, G)] Compliance with food law: obtaining raw fish, labeling packaged meat and poultry, labeling eggs
395: [3-201.17 (B)] Endangered game animals
[18] VS 12A. Food received at proper temperature
28: [3-202.11 (A, C & D)] *PHFs Received at Proper Temperatures
[134] VS 12B. Shipping and receiving frozen food
396: [3-202.11 (E & F)] Labeling and receiving frozen foods at proper temperatures
[135] VS 13. Food in good condition, honestly presented, safe, & unadulterated
20: [3-101.11] *Food Safe and Unadulterated
[19] VS 13B. Food package integrity
32: [3-202.15] *Package Integrity
[24] VS 14A. Required records available: shellstock tags, parasite destruction
34: [3-202.18 (A)] Shellstock Identification labeled by harvester or dealer, contians appropriate information
35: [3-203.12] *Shellstock Indentification Maintained
58: [3-402.12] *Records, Creation and Retention
[96] VS 14B. Missing shellstock tags, destruction
397: [3-202.18 (B, C, D)] Shellstock- destruction
398: [3-402.11 (B)] Parasite destruction- other fish, fish eggs
[136] VS 14C. Parasite destruction- storing raw/partially cooked fish
57: [3-402.11 (A)] Parasite Destruction

[20] S Protection from Contamination

[21] VS 15A. Food separated & protected
38: [3-302.11 (A 1&2)] *Packaged and Unpackaged Food - Separation, Packaging, and Segregation
44: [3-304.11] *Food Contact with Equipment and Utensils

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199: [3-304.15 (A)] Gloves, use limitation- one task/ contaminated
400: [3-306.13 (A)] Raw, unpackaged animal food offered for consumer self-service

[137] VS 15B. Cleaning equip/utensils/food containers
399: [3-302.11 (A 3-8)] Cleaning equipment/utensils, storing, cleaning hermetically sealed containers, storing damaged foods, separating fruits and vegetables before washing

[22] VS 16A. Food-contact surfaces: cleaned & sanitized immersion 171° F and above
95: [4-501.111] *Manual Warewashing - Hot Water Sanitization Temperatures
97: [4-501.114 (A-E, F 1&2)] Chemical Sanitization - Temperature, pH, Concentration and Hardness
389: [4-602.11 (A & C)] Equipment and food contact surfaces cleaned
109: [4-702.11] *Frequency of Sanitization of Utensils and Food-Contact Surfaces of Equipment
110: [4-703.11] *Methods of Sanitization - Hot Water and Chemical

[98] VS 16B. Food contact surfaces cleaned and sanitized NMT 194° F, NLT 180° F
96: [4-501.112] Mechanical Warewashing Equipment - Hot Water Sanitization Temperatures
401: [4-501.114 (F 3&4)] EPA registration number displayed sanitizer maintianed according to manufacturers instructions
104: [4-601.11 (A)] *Equipment, Food-Contact Surfaces, and Utensils Clean

[119] VS 16C. Mechanical warewashing equipment sanitization food contact surfaces, equip., utensils
266: [4-501.113] Mechanical warewashing equipment, sanitization pressure
267: [4-501.115] Manual warewashing equipment, chemical sanitization using detergent sanitizers
105: [4-602.11 (B,D,E)] *Cleaning Frequency of Equipment Food-Contact Surfaces and Utensils
269: [4-602.12] Cooking and baking equipment

[23] VS 17. Proper disposition of returned, previously served reconditions, & unsafe food
53: [3-306.14] *Returned Food and Re-service of Food
213: [3-701.11] Discarding or reconditioning unsafe, adulterated, or contaminated food

[25] S Time/Temperature Control for Safety Food (TCS Food)

[26] VS 18A. Proper cooking time & temperatures
54: [3-401.11 (A, B2)] *Raw Animal Foods - Cooking
55: [3-401.12 (C)] *Raw Animal Foods Cooked in a Microwave
206: [3-401.14 (A-E)] Non-continuous cooking of raw animal foods

[138] VS 18B. Whole meat cooking and serving, storing
402: [3-401.11 (B1, C)] Whole meat cooking and serving
404: [3-401.14 (F)] Raw foods prepared and stored properly

[139] VS 18C. Microwave cooking of raw animal foods
403: [3-401.12 (A, B, & D)] Rotate or stirred, covered, stand for 2 minutes

[27] VS 19. Proper reheating procedures for hot holding
59: [3-403.11] *Reheating for Hot Holding

[28] VS 20. Proper cooling time & temperatures
63: [3-501.14] *Proper Cooling of TCS food

[29] VS 21. Proper hot holding temperatures
65: [3-501.16 (A)] *Hot TCS foods Maintained at or Above 135oF, Also for whole meat roasts (130F and above)

[30] VS 22. Proper cold holding temperatures
66: [3-501.16(A2 &B)] *Cold PHFs Maintained at or Below 41oF- also pertains to untreated eggs (45F)

[140] VS 23. Proper Date Marking
210: [3-501.17] Date marking: RTE, TCS

[141] VS 23B. TCS Foods Disposition
211: [3-501.18] RTE, TCS disposition

[32] VS 24A. Time as a public health control: procedures
67: [3-501.19 (A, B2, C2&3)] *Time as a Public Health Control: procedures

[142] VS 24B. Time as a public health control: temperatures & discarding food
405: [3-501.19 (B 1, 3 & 4, C1, 4 & 5)] Time as a Public Health Control: temperatures and discarding food

[143] VS 24C. Time as a public health control: highly susceptible population (HSP)
406: [3-501.19 (D)] Time as a public health control: highly susceptible populations (HSP)

[33] S Consumer Advisory

[34] VS 25. Consumer advisory provided for raw or undercooked foods
73: [3-603.11 [590.004(K)]] *Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens

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[35] S Highly Susceptible Populations (HSP)

[36] VS 26A. Pasteurized foods used - prohibited foods not offered
75: [3-801.11 (A, B, C, E)] *Pasteurized Foods, Prohibited Re-Service, and Prohibited Food

[144] VS 26B. Reservice of foods
407: [3-801.11 (G)] Reservice of foods

[37] S Chemical

[38] VS 27. Food additives: approved and properly used
29: [3-202.12] *Additives
41: [3-302.14] *Protection from Unapproved Additives

[39] VS 28A. Toxic substances identified, stored and used
164: [7-101.11] *Identifying Information - Original Containers, manufacturers label on container
165: [7-102.11] *Common Name - Working Containers
167: [7-202.11] *Restriction - Presence and Use
408: [7-202.12 (C)] Conditions of Use: Restricted use pesticide
365: [7-207.11 (A)] Restriction and storage- medicines for employees
384: [7-208.11(A)] Storage - First Aid Supplies Labeled

[99] VS 28B. Poisonous materials, sanitizers, additives, medicines restriction, separation, storage
166: [7-201.11] *Separation - Storage
168: [7-202.12 (A 2,3, B)] *Conditions of Use: labelling, applied to eliminate hazards
169: [7-203.11] *Toxic Material Containers - Prohibitions
170: [7-204.11] *Sanitizers, Criteria - Chemicals
172: [7-204.12] *Chemicals for Washing Produce, Criteria
364: [7-204.13] Boiler water additives, criteria
173: [7-204.14] *Drying Agents, Criteria
174: [7-205.11] *Incidental Food Contact, Lubricants
175: [7-206.11] *Restricted Use Pesticides, Criteria
176: [7-206.12] *Rodent Bait Stations
177: [7-206.13] *Tracking Powders, Pest Control and Monitoring
366: [7-207.11 (B)] Restriction and storage- medicines labeled, prevent contamination
367: [7-207.12] REfrigerated medicines, storage
368: [7-208.11(B)] Storage- first aid supplies (preventing contamination)
377: [7-301.11] Separation (Poisonous or toxic materials

[120] VS 28C. Conditions of Use: law
409: [7-202.12 (A1 & 4)] Conditions of Use: law, additional conditions of regulatory authority
369: [7-209.11] Separation (poisonous or toxic material)

[40] S Conformance with Approved Procedures

[41] VS 29A. Compliance with variance, specialized process, & HACCP plan
209: [3-404.11 (B)] Treating juice - label
68: [3-502.11] *Specialized Processing Methods
69: [3-502.12 (B, D1, 2a, f, g, h))] *Reduced Oxygen Packaging, Criteria
241: [4-204.110 (B)] Molluscan shellfish tanks
411: [8-103.12 (B)] Conformance with Approved Procedures: Maintaining records
181: [8-201.14] Contents of a HACCP Plan

[100] VS 29B. Treating juice- HACCP, reduced oxygen packaging w/out variance, conformance with approved procedures
208: [3-404.11 (A)] Treating juice- HACCP
388: [3-502.12 (A, C)] Reduced Oxygen packaging, criteria
179: [8-103.12 (A)] *Conformance with Approved Procedures: Compliance with HACCP plan

[101] VS 29C. When HACCP plan is required
410: [3-502.12 (F)] Reduced Oxygen packaging: when HACCP plan not required
180: [8-201.13] When a HACCP Plan is Required

[42] S GOOD RETAIL PRACTICES

[43] S Safe Food and Water

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[44] VS 30. Pasteurized eggs used where required
40: [3-302.13] *Pasteurized Eggs Substituted for Raw Eggs for Certain Recipes
[45] VS 31A. Water & ice from approved source
33: [3-202.16] *Ice Made from Potable Drinking Water
118: [5-101.11] *Drinking Water from and Approved System
120: [5-102.11 [690.006(B)]] *Water Meets Standards in 310 CMR 22.00
285: [5-102.12] Non-drinking water
[123] VS 31B. Sampling, alternative water supply
286: [5-102.13] Sampling- non-public water system- tested annually
290: [5-104.12] Alternative water supply- water available for mobile, temp. food establishment
[145] VS 31C. Sampling report
287: [5-102.14] Sampling report- non-public water system on file in food establishment
[46] VS 32. Variance obtained for specialized processing methods
178: [8-103.11] Documentation of Proposed Variance and Justification

[47] S Food Temperature Control

[48] VS 33A. Proper cooling methods used - adequate equipment for temperature control
64: [3-501.15 (A)] Cooling Methods for TCS foods
88: [4-301.11] Cooling, Heating, and Holding Capacities-Equipment
[102] VS 33B. Frozen food
60: [3-501.11] Frozen Food
412: [3-501.15 (B)] Cooling methods for TCS food: arrangement of food
[49] VS 34. Plant food properly cooked for hot holding
56: [3-401.13] Fruits and vegetables cooked to 135oF for hot holding
[50] VS 35. Approved thawing methods used
61: [3-501.12] Potentially Hazardous Food (Time/Temperature Control for Safety Food), Slacking
62: [3-501.13] Thawing
[51] VS 36A. Thermometers provided and accurate
229: [4-203.11] Temperature measuring devices, food (scaled increments)
230: [4-203.12] Temperature measuring devices, ambient air and water (increments)
413: [4-204.112 (E)] Thermometers on dishmachines have numerical scales
91: [4-302.12] Food Temperature Measuring Devices
100: [4-502.11 (B)] Good Repair and Calibration
[103] VS 36B. Thermometers function properly
83: [4-204.112 (A-D)] Temperature Measuring Devices-Functionality

[52] S Food Identification

[53] VS 37A. Food properly labeled - original container
414: [3-202.17 (B)] Shucked Shellfish- not labeled
196: [3-203.11] Molluscan shellfish, original container
39: [3-302.12] Food Storage Containers Identified with Common Name of Food
202: [3-305.13] Vended TCS, original container
70: [3-601.11 [590.004(I)]] Standards of Identity
71: [3-601.12] Honestly Presented
415: [3-602.11 (A, B 1-4, 6, 7)] Packaged foods- properly labeled
212: [3-602.12] Other forms of information- consumer warnings, not concealing or altering manufacturers dating information
[104] VS 37B. Food labels, labeling of ingredients
192: [3-202.17 (A)] Shucked shellfish, packaging and ID
72: [3-602.11 (B5)] *Labeling of major food allergen

[54] S Prevention of Food Contamination

[55] VS 38A. Insects, rodents, & animals not present
151: [6-202.13] Insect Control Devices, Design and Installation
153: [6-202.15] Outer Openings, Protected
339: [6-202.16] Exterior walls and roofs, protective barrier
161: [6-501.111 (A, B, D)] *Controlling Pests
362: [6-501.112] Removing dead or trapped birds, insects, rodents and other pests

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[105] VS 38B. Handling prohibition, controlling pests, prohibiting animals
19: [2-403.11] *Handling Prohibition-Animals
416: [6-501.111 (C)] Controlling pests: Using methods to control pests
163: [6-501.115] *Prohibiting Animals
[56] VS 39A. Contamination prevented during food storage
193: [3-202.19] Shellstock, condition
43: [3-303.12] Storage or Display of Food in Contact with Water or Ice
198: [3-304.13] Linens and napkins, use limitations
48: [3-305.11] Food Storage-Preventing Contamination from the Premises
49: [3-305.12] Food Storage, Prohibited Areas
50: [3-305.14] Food Preparation
204: [3-306.12] Condiments- protection
205: [3-307.11] Miscellaneous sources of contamination
[106] VS 39B. Food display - ice used as an exterior coolant prohibited as an ingredient
197: [3-303.11] Ice used as exterior coolant, prohibited as ingredient
51: [3-306.11] Food Display-Preventing Contamination by Consumers
[107] VS 39C. Consumer self-service operations- utensils and monitoring
52: [3-306.13 (B-C)] *Consumer Self-Service Operations
355: [6-404.11] Segregation and location- distressed merchandise receptacles, waste handling units, and designated storage area
[57] VS 40A. Personal cleanliness- prohibition jewelry
14: [2-303.11] Prohibition-Jewelry
15: [2-304.11] Clean Condition-Outer Clothing
18: [2-402.11] Effectiveness-Hair Restraints
[108] VS 40B. Maintenance of fingernails
191: [2-302.11] Maintenance- Fingernails
[58] VS 41. Wiping cloths - properly used and stored
46: [3-304.14] Wiping Cloths, Use Limitation
78: [4-101.16] Sponges Use Limitation
279: [4-901.12] Wiping cloths, air drying locations
[59] VS 42A. Washing Produce - following chemical manufacturers label
42: [3-302.15 (C)] Washing Fruits and Vegetables: Manufacturers instructions on produce wash
[146] VS 42B. Washing produce
417: [3-302.15 (A&B)] Washing produce
[147] VS 42C. Washing produce- chemicals
171: [7-204.12] Chemicals for Washing, Treatment, Storage and Processing Fruits and Vegetables, Criteria

[60] S Proper Use of Utensils

[61] VS 43. In-use utensils - properly stored
45: [3-304.12] In-Use Utensils, Between-Use Storage
[62] VS 44. Utensils, equipment & linens - properly stored, dried, and handled
276: [4-801.11] Clean linens
277: [4-802.11] Clean linens
295: [4-803.11] Storage of soiled linens
296: [4-803.12] Mechanical washing
111: [4-901.11] Equipment and Utensils, Air-Drying Required
113: [4-903.11 (A-B & D)] Equipment, Utensils, Linens and Single-Service and Single-Use Articles-Storing
114: [4-903.12] Prohibitions
115: [4-904.11 (B)] Kitchenware and Tableware-Preventing Contamination (Handles outward)
282: [4-904.12] Soiled and clean tableware
117: [4-904.13] Preset Tableware
283: [4-904.14] Rinsing equipment and utensils after cleaning and sanitizing
[124] VS 45A. Single-use/ single service articles properly stored and used, required
101: [4-502.12] *Single-Service and Single-Use Articles, Required Use
[125] VS 45B. Single-use/service articles use limitation, kitchenware and tableware preventing contamination
102: [4-502.13] Single-Service and Single-Use Articles-Use Limitations
268: [4-502.14] Shells, use limitation
112: [4-903.11 (A&C)] Equipment, Utensils, Linens and Single-Service and Single-Use Articles-Storing
114: [4-903.12] Prohibitions
116: [4-904.11 (A&C)] Kitchenware and Tableware-Preventing Contamination

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[64] VS 46. Gloves used properly
47: [3-304.15 (B)-(D)] Gloves, Use Limitations

[65] S Utensils, Equipment and Vending

[66] VS 47A. Food & non-food contact surfaces cleanable
200: [3-304.16] Using clean tableware for second portions and refills
225: [4-101.11 (B-E)] Food contact surfaces cleanable, properly designed: characteristics- materials for construction and repair, durable, smooth, easily cleanable
214: [4-101.12] Cast iron- use limitation
418: [4-101.13 (C)] Lead, Use Limitation: soldering materials
218: [4-101.17] Wood- use limitation
219: [4-101.18] Nonstick coatings- use limitation
79: [4-101.19] Nonfood-Contact Surfaces
220: [4-102.11 (A2, B2)] Characteristics- single service and single use: materials do not impact colors, taste, odor
221: [4-201.11] Equipment and utensils- construction, durability and strength
222: [4-202.12 (A2 &B)] CIP equipment- characteristics
223: [4-202.13] "V" threads, use limitation
224: [4-202.14] Hot oil filtering equipment
226: [4-202.15] Can openers: removable for cleaning / replacement
81: [4-202.16] Nonfood-Contact Surfaces
227: [4-202.17] Kick plates, removable
232: [4-204.12] Equipment openings, closures and deflectors
247: [4-204.120] Equipment compartments, drainage
248: [4-204.121] Vending machines
87: [4-204.122] Case Lot Handling Apparatuses, Moveability
387: [4-204.123] Vending machine doors and openings
233: [4-204.13 (A-D)] Dispensing equipment, protection of equipment and food
234: [4-204.14] Vending machines, vending stage closure
235: [4-204.15] Bearings and gear boxes, leakproof
236: [4-204.16] Beverage tubing, separation
237: [4-204.17] Ice units, separation of drains
238: [4-204.18] Condenser unit, separation
239: [4-204.19] Can openers or vending machines
255: [4-401.11 (C)] Storage of Equipment
256: [4-402.11] Fixed equipment, spacing or sealing
257: [4-402.12] Fixed equipment elevation or sealing
258: [4-501.11] Good repair and proper adjustment
93: [4-501.12] Cutting Surfaces
259: [4-501.13] Microwave ovens
99: [4-502.11 (A&C)] Good Repair and Calibration-Utensils and Temperature and Pressure Measuring Devices
270: [4-603.11] Dry cleaning
280: [4-902.11] Food-contact surfaces, lubricating and reassembling
281: [4-902.12] Equipment, reassembles without contamination

[109] VS 47B. Food contact surfaces /utensils cleanability, molluscan shellfish tanks, consumer self-service
80: [4-202.11] *Food-Contact Surface's-Cleanability
420: [4-202.12 (A1)] CIP Equipment: cleaning food contact surfaces
90: [4-302.11] Utensils, Consumer Self-Service

[110] VS 47C. Properly designed characteristics: food and non-food contact surfaces, molluscan shellfish tanks
201: [3-304.17] Refilling returnables
77: [4-101.11 (A)] Food contact surfaces cleanable, properly designed: Characteristics- safe
215: [4-101.13 (A, B)] Lead- use limitation
216: [4-101.14] Copper- use limitation
217: [4-101.15] Galvanized metal- use limitation
421: [4-102.11 (A1 & B1)] Characteristics of single service/use articles: materials do not impart deleterious substances
380: [4-201.12] Food temperature measuring devices: no glass
240: [4-204.110 (A)] Molluscan shellfish tanks
242: [4-204.111] Vending machines, automatic shutoff
419: [4-204.13 (E)] Dispensing equipment- TCS foods

[67] VS 48A. Warewashing facilities: installed, maintained, & used - test strips

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85: [4-204.115] Warewashing Machines, Temperature Measuring Devices
244: [4-204.116] Manual warewashing equipment, heaters and baskets
86: [4-204.117] Warewashing Machines, Automatic Dispensing of Detergents and Sanitizers
250: [4-301.12 (A&B)] Manual warewashing, sink compartment requirements
254: [4-302.13] Temperature measuring devices, manual warewashing
92: [4-302.14] Sanitizing Solutions, Testing Devices
265: [4-501.110] Mechanical warewashing equipment, wash solution temperature
98: [4-501.116] Warewashing Equipment, Determining Chemical Sanitizer Concentration
262: [4-501.17] Warewashing equipment, cleaning agents
264: [4-501.19] Manual warewashing equipment, wash solution temperature

[111] VS 48B. Operational warewashing machines
231: [4-203.13] Pressure measuring devices, mechanical warewashing equipment- increments
84: [4-204.113] Warewashing Machine, Data Plate Operation Specifications
243: [4-204.114] Warewashing machines, internal baffles
245: [4-204.118] Warewashing machines, flow pressure device
246: [4-204.119] Warewashing sinks and drainboards, self-draining
251: [4-301.12 (C)] Manual warewashing, sink compartment requirements
252: [4-301.13] Drainboards
260: [4-501.14] Warewashing equipment, cleaning frequency
261: [4-501.15] Warewashing machines, manufacturer's operation instructions
94: [4-501.16] Warewashing Sinks, Use Limitation
263: [4-501.18] Warewashing equipment, clean solutions (maintained clean)
271: [4-603.12] Precleaning
272: [4-603.13] Loading of soiled items, warewashing machines
273: [4-603.14] Wet cleaning
107: [4-603.15] Washing, Procedures for Alternative Manual Warewashing Equipment
108: [4-603.16] Rinsing Procedures

[68] VS 49. Non-food contact surfaces clean
103: [4-601.11 (B&C)] *Equipment, Food-Contact Surfaces, Nonfood-Contact Surfaces, and Utensils
106: [4-602.13] Nonfood Contact Surfaces

[69] S Physical Facilities

[70] VS 50. Hot & cold water available - adequate pressure
121: [5-103.11] *Capacity-Quanity and Availability
288: [5-103.12] Pressure
289: [5-104.11] System

[71] VS 51A. Plumbing installed - proper backflow devices
284: [5-101.12] System flushing and disinfection
291: [5-201.11] Approved- materials
122: [5-202.11 (A)] *Approved System and Cleanable Fixtures (According to law)
123: [5-202.13] *Backflow Prevention, Air Gap
298: [5-202.14] Backflow prevention device, design standard
127: [5-203.14] *Backflow Prevention Device, When Required
128: [5-203.15] *Backflow Prevention Device, Carbonator
131: [5-205.12 (A)] *Prohibiting a Cross Connection
132: [5-205.14] *Water Reservoir of Fogging Devices, Cleaning
133: [5-205.15 (A)] *System Maintained in Good Repair
302: [5-301.11(A)] Approved- materials for mobile water tank and mobile food, safe
309: [5-302.16 (A)] Hose, construction and identification- safe
310: [5-303.11] Filter, compressed air
313: [5-304.11] System flushing and sanitization- operation and maintenance
316: [5-304.14] Tank, pump and hoses, dedication

[112] VS 51B. Prohibiting a cross-connection, inspection and servicing system
378: [5-205.12 (B)] Prohibiting a cross-connection, non-drinking water
301: [5-205.13] Scheduling inspection and service for a water system device

[113] VS 51C. Approved system and cleanable fixtures, service sink
297: [5-202.11 (B)] Approved system and cleanable fixtures (easily cleanable)
294: [5-202.15] Conditioning device, design
126: [5-203.13] Service Sink
299: [5-204.12] Backflow prevention device, location (serviced and maintained)
300: [5-204.13] Conditioning device, location (servicing and cleaning)

Fail Note Assignments

Questionnaires: Custom Selection, Inspector: All, County: All, Inspection Dates: 5/29/2016 to 6/28/2016

Food Establishment Inspection Report - FDA

379: [5-205.15 (B)] System maintained in good repair
303: [5-301.11 (B&C)] Approved- durable, smooth, easily cleanable
304: [5-302.11] Enclosed system, sloped to drain
305: [5-302.12] Inspection and cleaning port, protected and secured
306: [5-302.13] "V" type threads, use limitation
307: [5-302.14] Tank vent, protected
308: [5-302.15] Inlet and outlet, sloped to drain
381: [5-302.16 (B-E)] Hose construction and identification
311: [5-303.12] Protective cover or device
312: [5-303.13] Mobile food establishment tank inlet
314: [5-304.12] Using a pump and hoses, backflow prevention
315: [5-304.13] Protecting inlet, outlet and hose fitting
[72] VS 52A. Sewage and waste water properly disposed
134: [5-402.11] *Backflow Prevention
136: [5-402.13] *Conveying Sewage
137: [5-403.11] *Approved Sewage Disposal System
[114] VS 52B. Grease traps easily accessible for cleaning
317: [5-401.11] Capacity and drainage (sewage holding tank mobile)
135: [5-402.12] Grease Trap
319: [5-402.15] Flushing a waste retention tank
320: [5-403.12] Other liquid wastes and rainwater
[126] VS 52C. Removing mobile food establishment waste
318: [5-402.14] Removing mobile food establishment wastes
[73] VS 53A. Toilet facilities - properly constructed, supplied, & cleaned
125: [5-203.12] *Toilets and Urinals
324: [5-501.17] Toilet room receptacle, covered- sanitary napkins
152: [6-202.14] Toilet Rooms, Enclosed
353: [6-402.11] Convenience and availability- toilet rooms
359: [6-501.18] Cleaning of plumbing fixtures
360: [6-501.19] Closing toilet room doors
[115] VS 53B. Toilet tissue availability
348: [6-302.11] Toilet tissue availability
[74] VS 54. Garbage & refuse properly disposed - facilities maintained
321: [5-501.11] Outdoor storage surface
141: [5-501.110] Storage Refuse, Recyclables and Returnables
327: [5-501.111] Area, enclosures and receptacles, good repair
142: [5-501.112] Outside Storage Prohibitions
143: [5-501.113] Covering Receptacles
328: [5-501.114] Using drain plugs
144: [5-501.115] Maintaining Refuse Areas and Enclosures
329: [5-501.116] Cleaning receptacles
322: [5-501.12] Outdoor enclosure
138: [5-501.13] Receptacles
323: [5-501.14] Receptacles in vending machines
139: [5-501.15] Outside Receptacles
140: [5-501.16] Storage Areas, Rooms and Receptacles, Capacity and Availability
325: [5-501.18] Cleaning implements and supplies
326: [5-501.19] Storing areas, redeeming machines, receptacles and waste handling units, location
145: [5-502.11] Frequency-Removal
330: [5-502.12] Receptacles or vehicles
331: [5-503.11] Community or individual facility
343: [6-202.110] Outdoor refuse areas, curbed and graded to drain
[75] VS 55A. Physical facilities installed, maintained, & clean
253: [4-301.15] Clothes, washers and dryers
255: [4-401.11 (C)] Storage of Equipment
383: [4-803.13] Use of laundry facilities
146: [6-101.11] Surface Characteristics-Indoor Areas
147: [6-102.11] Surface Characteristics-Outdoor Areas
148: [6-201.11] Floors, Walls and Ceilings-Cleanability
332: [6-201.12] Floors, walls and ceilings, utility lines
333: [6-201.13] Floor and wall junctures, covered, enclosed or sealed
334: [6-201.14] Floor carpeting restrictions and installation

Fail Note Assignments

Questionnaires: Custom Selection, Inspector: All, County: All, Inspection Dates: 5/29/2016 to 6/28/2016

Food Establishment Inspection Report - FDA

335: [6-201.15] Floor covering, mats and duckboards (easily cleanable)
149: [6-201.16] Wall and Ceiling Coverings and Coatings
336: [6-201.17] Walls and ceilings, attachments (easily cleanable)
337: [6-201.18] Walls and ceilings, studs, joists and rafters
345: [6-202.112] Living and sleeping quarters, separation
340: [6-202.17] Outdoor food vending areas, overhead protection
341: [6-202.18] Outdoor servicing areas, overhead protection
342: [6-202.19] Outdoor walking and driving surfaces, graded to drain
157: [6-501.11] Repairing-Premises, Structures, Attachments, and Fixtures-Methods
363: [6-501.113] Storing maintenance tools- brooms and mops
162: [6-501.114] Maintaining Premises, Unnecessary Items and Litter
158: [6-501.12] Cleaning, Frequency and Restrictions
356: [6-501.13] Cleaning floors, dustless methods
160: [6-501.15] *Cleaning Maintenance Tools, Preventing Contamination
357: [6-501.16] Drying mops
358: [6-501.17] Absorbent materials on floors, use limitation
[149] VS 55B. Private homes and living or sleeping quarters, use prohibition
344: [6-202.111] Private homes and living or sleeping quarters, use prohibition
[76] VS 56. Adequate ventilation & lighting - designated areas used
228: [4-202.18] Ventilation hood system, filters: design
82: [4-204.11] Ventilation Hood Systems, Drip Prevention
89: [4-301.14] Ventilation Hood Systems, Adequacy
150: [6-202.11] Light Bulbs, Protective Shielding
338: [6-202.12] Heating, ventilating, air conditioning system vents
349: [6-303.11] Intensity- lighting
156: [6-304.11] Mechanical-Ventilation
350: [6-305.11] Designation, dressing areas and lockers
354: [6-403.11] Designated areas- Employee accomodations
361: [6-501.110] Using dressing rooms and lockers
159: [6-501.14] Cleaning Ventilation Systems, Nuisance and Discharge Prohibition

[80] S MASSACHUSETTS ONLY REGULATIONS

[81] S Facilities

[82] VS 57A. Catering
182: [[590.009(A)]] Caterers
374: [8-201.12] Contents of the plans and specifications
375: [8-203.10] Preoperational inspections
[117] VS 57B. When plans are reviewed, prerequisite for operations- valid permit
373: [8-201.11] When plans are required
376: [8-301.11] Prerequisite for operation, valid permit
[118] VS 57C. Contents of plans and specifications, preoperational inspections
370: [8-101.10] Public health protection
371: [8-102.10] Preventing health hazards, provision for conditions not addressed
372: [8-103.10] Modifications and waivers
[83] VS 58. Mobile Food Operations
183: [[590.009(B)]] Mobile Food Operations
[84] VS 59. Temporary Food Establishments
184: [[590.009(C)]] Temporary Food Establishments
[85] VS 60. Residential Kitchens
185: [[590.009(D)]] Residential Kitchens

[86] S Procedures

[87] VS 61. Anti-choking Procedures
186: [[590.009(E)]] Anti-choking Procedures
[88] VS 62. Tobacco Products: Notice and Sale
187: [[590.009(F)]] Tobacco Products - Notice and Sale
[89] VS 63. Food Allergy Awareness Requirements
188: [[590.009(G)]] Food Allergy Awareness Requirements

MATRIX (GRADING RUBRIC)

NEWTON GRADING MATRIX

PRIORITY FOUNDATION AND CORE VIOLATIONS (MAX. 4PTS.)	0	1	2	3	4	5	6	7	8	9	10
0	400	386	372	358	344	330	316	302	288	274	260
1	396	382	368	354	340	326	312	298	284	270	256
2	392	378	364	350	336	322	308	294	280	266	252
3	388	374	360	346	332	318	304	290	276	262	248
4	384	370	356	342	328	314	300	286	272	258	244
5	380	366	352	338	324	310	296	282	268	254	240
6	376	362	348	334	320	306	292	278	264	250	236
7	372	358	344	330	316	302	288	274	260	246	232
8	368	354	340	326	312	298	284	270	256	242	228
9	364	350	336	322	308	294	280	266	252	238	224
10	360	346	332	318	304	290	276	262	248	234	220
11	356	342	328	314	300	286	272	258	244	230	216
12	352	338	324	310	296	282	268	254	240	226	212
13	348	334	320	306	292	278	264	250	236	222	212
14	344	330	316	302	288	274	260	246	232	218	208
15	340	326	312	298	284	270	256	242	228	214	204
16	336	322	308	294	280	266	252	238	224	210	200
17	332	318	304	290	276	262	248	234	220	206	196
18	328	314	300	286	272	258	244	230	216	202	188
19	324	310	296	282	268	254	240	226	212	198	184
20	320	306	292	278	264	250	236	222	208	194	180

PRIORITY VIOLATIONS (14PTS.)

- **Superior: 360-400**
- **Excellent: 320-359**
- **Fair: 280-319**
- **Unacceptable: 240-279**
- **Failing: 239 and below**

REGULATIONS/UPDATE TO 2013 FDA CODE

The next form is the regulation that Newton adopted to formally include the grading system as part of Health Department regulations. The procedure for adopting regulations, and changing ordinances and laws within your community may be different from Newton's. In Newton, regulations can be enacted by the Commissioner of Health and Human Services because the Commissioner serves as the governing body. Many towns require their Board of Health to pass new regulations before they are considered "law." It is important to check with your Legal Department to find out the best way to enact a change like this in your town's governing structure.

See pages 43-45 for Newton's regulations.

CITY OF NEWTON DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATIONS GOVERNING FOOD SAFETY INSPECTIONS

A. Authority

The Commissioner of Health and Human Services hereby orders that the following Rules and Regulations are adopted this 1st Day of September 2015, under the authority of Section 31 of Chapter 111 of the Massachusetts General Laws. These Rules and Regulations shall take effect on October 1, 2015.

B. Purpose

The Newton Department of Health and Human Services (the Department) seeks to enhance the protection of the public's health by improving food safety and in doing so reducing foodborne illness by rigorous implementation of a risk-and-intervention-based food safety program. To this end, the Department will ensure that all retail food establishments are in compliance with the most recent Version of the United States Food and Drug Administration *Food Code* and Chapter Ten of Massachusetts State Sanitary Code, *Minimum Sanitation Standards for Food Establishments*, 105 CMR 590.000 (Chapter Ten) and all updated Federal and State *Food Codes* as they are updated every other year.

In addition, these regulations establish a scoring and grading system based on the results of retail food establishment inspections that will provide consumers with information with which to make choices. Evidence from other jurisdictions that have adopted a scoring and grading system has shown improved compliance with food safety regulations and a measurable reduction in foodborne illnesses.

(continued on next page)

CITY OF NEWTON DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATIONS GOVERNING FOOD SAFETY INSPECTIONS (CONTINUED)

C. Adoption of the 2013 *FDA Food Code* and all subsequent versions

The Department hereby adopts and incorporates by reference the 2013 *Food Code* published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration (FDA), provided, however, that the Department does not adopt those provisions of the 2013 *Food Code* corresponding to the provisions of the 1999 *Food Code* which are specifically stricken or modified by Chapter Ten, in which case the requirements of Chapter Ten will remain in effect. The Department will adopt each subsequent version of the *FDA Food Code* as they are released.

D. Inspection Reports and Scores

Inspection reports shall be completed using an inspection software chosen by the Commissioner. The inspection report will include a numerical score and a word corresponding to a point range. Each establishment begins with 400 points, and points are deducted for violations based on criteria set by the most recent version of the *FDA Food Code*.

The inspector shall provide the person in charge of the food establishment with an electronic copy of the report.

E. Inspection Grades

The inspection grade will be determined as follows:

GRADE "**Superior**" is a score of 360 points or above
GRADE "**Excellent**" is a score of 320-359 points
GRADE "**Fair**" is a score of 280-319 points
GRADE "**Unacceptable**" is a score of 240-279 points

F. Public Notice of Inspection Results

The posting of food inspection grade placards will begin in October 2015. Routine inspections completed in October 2015 and thereafter will be required to follow the grade posting regulations.

1. The person in charge of a food establishment that receives a grade of Superior, Excellent, Fair, or Unacceptable shall post a grade placard provided by the Department.
2. Upon correcting violations that could not be corrected at the time of the inspection, the restaurant will be provided a second placard via email indicating all the violations were corrected.

(continued on next page)

CITY OF NEWTON DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATIONS GOVERNING FOOD SAFETY INSPECTIONS (CONTINUED)

3. Posting of notice: The grade placard and the second placard, if any, must be conspicuous and visible to the general public upon entering the food establishment. The notice must remain posted until the next routine inspection. Removal of the notice without the consent of the Commissioner shall be grounds for suspension or revocation of the food service establishment permit.
4. The owner/manager of the graded food establishment will be required to pick up a copy of the grade placard from the Health Department and to post such placard within 5 business days from the date of the inspection report.
5. Grade tampering: The grade placard that is issued to a food establishment shall not be changed. Changing the grade placard in size, content, or any other visual way is not permitted. Food establishments will be subject to suspension or revocation of permit if the grade placard is tampered with in any way.

G. Severability

If any provision of these regulations be declared invalid for any reason whatsoever, that decision shall not affect any other portion of these regulations, which shall remain in full force and effect; and to this end the provisions of these regulations are hereby declared severable.

Risk Level Changes

In order to coincide with the FDA 2013 *Food Code*, Newton had to update the risk levels assigned to each food establishment. Each was assigned one of 4 risk levels. The risk level of an establishment is determined by several factors, including food preparation practices and past inspection history. For example, a small convenience store that serves only pre-packaged food items and non-TCS (time/temperature control for safety) foods is considered a Level 1 and is not included in the grading system (but is still inspected once per year). Level 2 establishments include places with a limited menu in which most products are cooked and served immediately, such as fast-food restaurants, and are included in the grading system. An example of a Level 3 establishment is a full-service restaurant with an extensive menu. Employees are expected to handle raw ingredients, and food preparation is more complex. A Level 4 establishment is defined in the *Food Code* as a place that serves highly susceptible populations or conducts specialized processes, such as smoking and curing. A Level 4 establishment can also be a full-

service restaurant, which would typically be a Level 3, but has a past history of poor inspections. New establishments can also be categorized as a risk level higher than what they would usually be assigned, until they establish a good history of active managerial controls for foodborne illness risk factors. The risk level designations are spelled out in the 2013 *FDA Food Code* and included on page 47.

In addition to Level 1 establishments being excluded from the grading system, schools, nursing homes, grocery stores, and hospitals have also been excluded from the food grading system for the time being. It was planned from the beginning of the Food Grading System implementation that these establishments would be excluded. The reasoning behind this was that places where people didn't have the choice of where to eat were not going to fall under the grading system. In other words, if the grading system is in part a consumer service to facilitate their ability to choose a restaurant with the best food safety record, then, in the absence of choice, the grading system is less useful. There were many debates about what establishments to include, and Newton decided to focus exclusively on "restaurant-type" establishments. All other establishments that were not included in the grading system were still inspected based on risk level and subject to all other oversight.

DEVELOPMENT OF INSPECTION SCHEDULE

Inspection frequency is determined by risk level categorization, ranging from Level 1 (lowest risk) to Level 4 (highest risk). Especially with grading, it is imperative that inspectors comply with the designated risk schedule, so that establishments that are dissatisfied with their grade level have the opportunity to be improve.

An example of Newton's inspection calendar is shown on page 48. The Standards Coordinator puts together a monthly list from a master list and determines which restaurants are due for an inspection. The inspection software program can also print a report that details what restaurants are due for an inspection. For data collection purposes, the Standards Coordinator keeps track of the upcoming inspections using the Excel spreadsheet method.

ANNEX 5, TABLE 1. RISK CATEGORIZATION OF FOOD ESTABLISHMENTS

RISK CATEGORY	DESCRIPTION	FREQUENCY #/YR
1	Examples include most convenience store operations, hot dog carts, and coffee shops. Establishments that serve or sell only pre-packaged, nonpotentially hazardous foods (non time/temperature control for safety (TCS) foods). Establishments that prepare only nonpotentially hazardous foods (nonTCS foods). Establishments that heat only commercially processed, potentially hazardous foods (TCS foods) for hot holding. No cooling of potentially hazardous foods (TCS foods). Establishments that would otherwise be grouped in Category 2 but have shown through historical documentation to have achieved active managerial control of foodborne illness risk factors.	1
2	Examples may include retail food store operations, schools not serving a highly susceptible population, and quick service operations. Limited menu. Most products are prepared/cooked and served immediately. May involve hot and cold holding of potentially hazardous foods (TCS foods) after preparation or cooking. Complex preparation of potentially hazardous foods (TCS foods) requiring cooking, cooling, and reheating for hot holding is limited to only a few potentially hazardous foods (TCS foods). Establishments that would otherwise be grouped in Category 3 but have shown through historical documentation to have achieved active managerial control of foodborne illness risk factors. Newly permitted establishments that would otherwise be grouped in Category 1 until history of active managerial control of foodborne illness risk factors is achieved and documented.	2
3	An example is a full service restaurant. Extensive menu and handling of raw ingredients. Complex preparation including cooking, cooling, and reheating for hot holding involves many potentially hazardous foods (TCS foods). Variety of processes require hot and cold holding of potentially hazardous food (TCS food). Establishments that would otherwise be grouped in Category 4 but have shown through historical documentation to have achieved active managerial control of foodborne illness risk factors. Newly permitted establishments that would otherwise be grouped in Category 2 until history of active managerial control of foodborne illness risk factors is achieved and documented.	3
4	Examples include preschools, hospitals, nursing homes, and establishments conducting processing at retail. Includes establishments serving a highly susceptible population or that conduct specialized processes, e.g., smoking and curing; reduced oxygen packaging for extended shelf-life.	4

SAMPLE INSPECTION SCHEDULE

Section 1 inspection: June

RESTAURANT	ADDRESS	LAST INSPECTION	LAST GRADE	RISK LEVEL
Sam's Sandwich Shop	123 Main St.	12/16/2016	368	2
Salads to Go	25 Jones Ter.	1/19/2016	386	2
Town House of Pizza	230 Short St.	2/26/2016	382	3
Chinatown Restaurant	50 Main St.	3/2/2016	294	3
Yucatan Café	83 Maple Ave.	10/21/2015	346	2

Section 2 inspection: June

RESTAURANT	ADDRESS	LAST INSPECTION	LAST GRADE	RISK LEVEL
Mom's Diner	20 Bridge Dr.	1/22/2016	382	3
Pasta Factory	42 Park Way	1/28/2016	322	3
The Captain's Table	317 Center St.	1/15/2016	364	3
Sunny Farms Ice Cream	16 Birch St.	2/24/2016	372	2
Athena Restaurant	37 Green Cir.	2/18/2016	336	3

Section 3 inspection: June

RESTAURANT	ADDRESS	LAST INSPECTION	LAST GRADE	RISK LEVEL
The Sport's Bar	12 Gray St.	1/19/2016	332	3
Paddy O's Pub	45 River Way			
Turnip the Beet	90 Milk St.	2/9/2016	354	3
Sue's Sushi	104 Bay Ave.	2/24/2016	325	4
Oodles of Noodles	9 Walnut St.	3/14/2016	382	3

Section 4 inspection: June

RESTAURANT	ADDRESS	LAST INSPECTION	LAST GRADE	RISK LEVEL
Sahara Cafe	53 Acorn Pkwy	1/25/2016	342	3
Fresh Frozen Yogurt	77 Grove St.	12/15/2016	364	2
Riverside Restaurant	28 Lincoln Ave.	1/28/2016	386	3
The Lonely Whale	239 Union St	1/13/2016	400	3
Chesterfield Grille	14 Washington St.	1/22/2016	382	3

PLACARD AND POSTING RULES

In Newton, internal policies were written for food establishments that failed to pick up placards and that did not post their grades. A more in-depth description of the reason these policies were put into place can be found in **The Grading Implementation Guide: Phase 2—Announced Inspections**.
See policies on page 49.

NEWTON GRADING SYSTEM POLICIES AND PROCEDURES

The following policies and procedures will be followed by the Newton Environmental Health staff with regard to the Food Grading System.

1. New-to-food grading Food Establishments

Definition: A new food establishment will encompass all food establishments that:

- Apply for a license to operate a food establishment after January 2016
- Undergo a change in ownership after January 2016

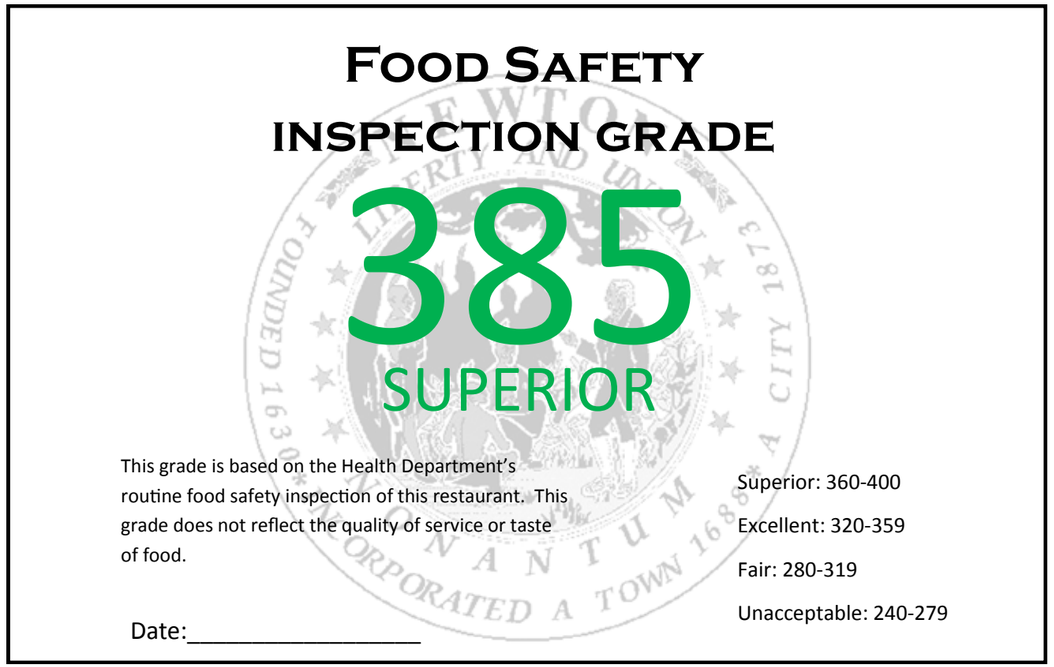
New-to-food grading food establishments will continue to follow the same procedures regarding plan reviews, site visits, and pre-operational inspections prior to opening their food establishment. After the Environmental Health Inspector completes the pre-operational inspection and has approved the food establishment to open, the Environmental Health Inspector will inform the owner/manager in charge that the next inspection will occur within 2 months. The inspection that is to occur within 2 months after the pre-operational inspection will be graded, and the food establishment will be required to post the grade.

2. Food Establishments that fail to post grade placard conspicuously

According to the grading regulations, the grade placard must be placed in a location that is conspicuous upon entering the food establishment (see Section F, subsections 1-5).
If the Environmental Health Inspector returns to the restaurant and finds one of these above violations to the regulations, the following remedial action should be taken:

1. Environmental Health Specialist will issue a verbal warning prior to a written warning.
2. Environmental Health Specialist will fill out a Warning (see form) for the particular food establishment and mark the particular violation regarding conspicuous posting.
3. The Warning will indicate that the food establishment must comply with the regulation within 1 business day.
4. If the food establishment does not comply with the regulation within 1 business day, the food establishment may request a hearing, and the permit will be subject to suspension:
   a. The Environmental Health Specialist who issues a suspension of the food establishment permit should send a copy of the Warning accompanied by a copy of the food grading regulations (primarily Section F, subsections 1-5), along with a letter indicating the food establishment's right to a hearing and warning that the permit may be suspended as a result.
5. For a subsequent offense, the Health and Human Services Department may revoke the food permit.

GRADE PLACARD(S)



GIS MAP

Newton created a GIS map that is located on the City of Newton webpage. The GIS map shows a map of the City and can be scrolled around to find different establishments and the grades they received. When a consumer scrolls over the colored dot representing the food establishment, the name of the food establishment and the number grade pops up. There is a legend in the corner of the map that shows what grade the colored dots represent. To see the Newton Food Grading GIS map, visit www.newtonma.gov/foodgrading.

ADVERTISING

Website (owners' page and development of consumer site)

Two webpages were created on the city Health and Human Services webpage, one that has information for consumers and another that has information specifically for restaurant owners. Creating these pages helped with consumer education and created a place where restaurant owners can go to find resources that can help them get a good grade. To view the webpages, visit www.newtonma.gov/restaurants and www.newtonma.gov/foodgrading.

Consumer Brochure

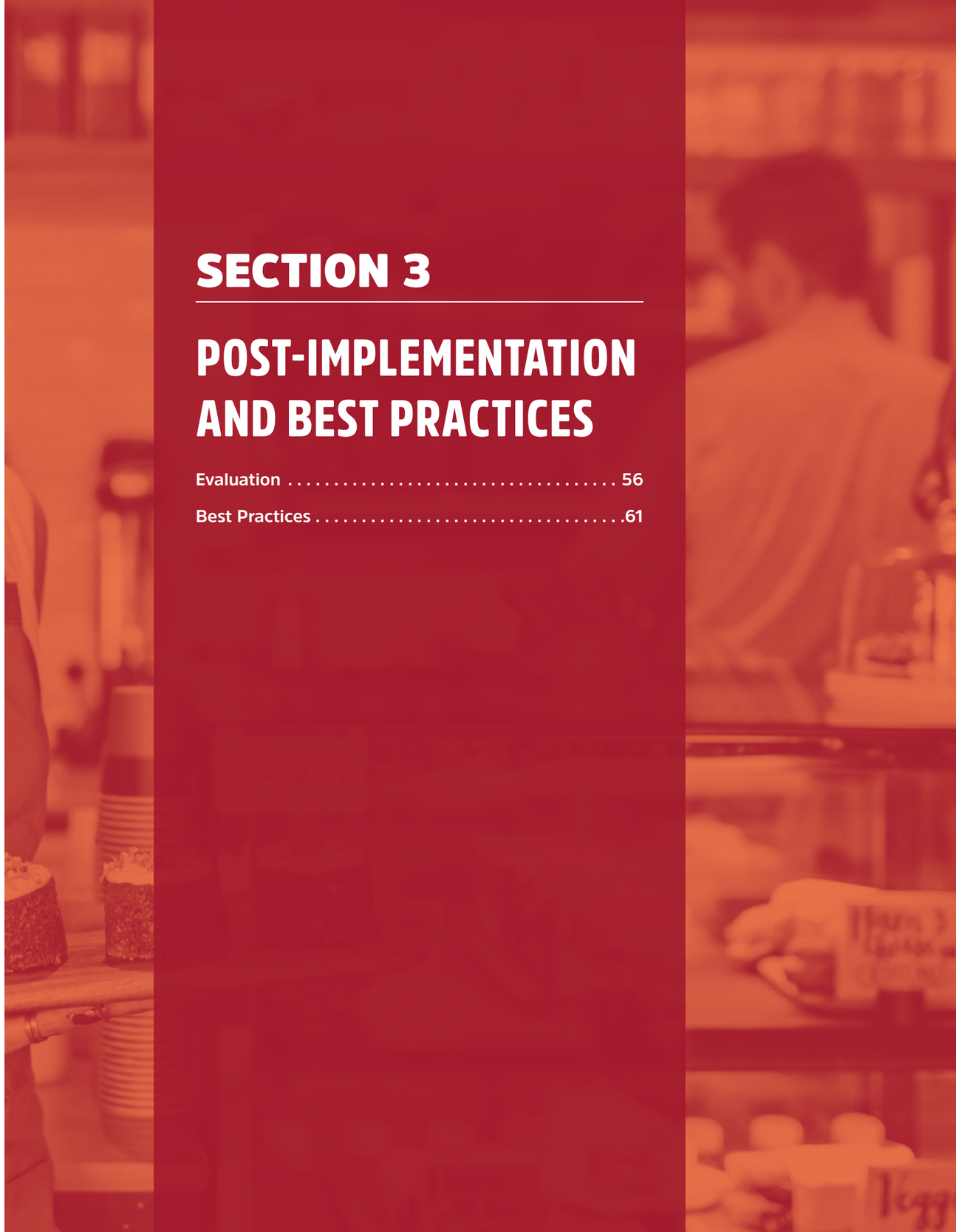
Newton helped spread the word about the grading system with an informational brochure. From the outset of the grading system, the Commissioner in particular was very concerned that the grade should only be indicative of the food safety inspection and not anything else (i.e., the taste, quality, or service offered by the restaurant). Newton went a step further and designed a campaign to make consumers aware that a food grading system was being implemented and specifically what the grades meant. Campaign activities included advertising at the Newton Farmers' market, speaking with several local media outlets, and creating a brochure explaining the grading system to consumers. The brochure is available on page 52.

Newspaper Column and Article

A few weeks prior to implementing the food grading system (specifically the announced grading phase, in which restaurants were first required to post grades), the Newton Health and Human Services Commissioner arranged to be interviewed by a reporter for a local newspaper. It was an effective way to help educate consumers, many of whom read this particular newspaper. Newspaper articles are a great way to get information out to consumers.

Restaurant Listserv

A restaurant listserv or similar email blast platform is a good way to get information out to your community's food establishments. Newton uses a restaurant listserv and has almost all 400 food establishments on the email blast (including places that are not graded). Emails are sent to the list weekly with new information on food safety trainings offered, updates on the grading system (during implementation), a monthly food safety newsletter, and other food safety-related items. This constant communication with the restaurants has increased Newton's ability to promote food safety practices and is highly recommended for any community wishing to implement a grading system.



SECTION 3

POST-IMPLEMENTATION AND BEST PRACTICES

EVALUATION

Investing in a food grading system is worth carefully evaluating for impact and effectiveness. Newton has created a logic model and SWOT analysis (an evaluation tool used to identify Strengths, Weaknesses, Opportunities, and Threats of a program) to assist other communities in visually seeing how the grading system works and the different ways we managed weaknesses and other issues that arose. Newton has also conducted a survey for food establishments that participate in the grading system to see how the implementation process went for them, how we could have improved it (short of not having one at all), and things that they thought we did well. Results of the evaluation can be found on page 59.

NEWTON GRADING SYSTEM SWOT ANALYSIS

	Strengths	**Weaknesses**
INTERNAL	■ Health Department team organization ■ Strong relationship with city's Executive Office ■ Transparent process ■ 3 phase process implementation	■ 3 year implementation time ■ Vague grading placard ■ Little follow-through on regulation guidelines ■ Internal disagreement on effectiveness of grading
EXTERNAL	**Opportunities**	**Threats**
	■ Established strong partnerships among all stakeholders ■ Support from restaurant consumers ■ Pioneer for creating a standard practice in grading system implementation ■ Buy-in from most food establishments	■ Pushback from industry ■ No existing official guidance on creating a grading system ■ Constantly changing science on food safety ■ Few scientific studies on the effectiveness of grading systems

NEWTON GRADING SYSTEM LOGIC MODEL

CONTEXT
The City of Newton Health Department and Executive Office worked to pioneer a food grading system to improve the food safety practices in Newton food establishments and to increase transparency among consumers in Newton.

PRIORITIES
The safety of consumers who dine at food establishments in Newton is a priority as well as maintaining a strong partnership with the Newton restaurant industry.

INPUTS	**OUTPUTS** **PARTICIPANTS** **ACTIVITIES** **DIRECT PRODUCTS**	**OUTCOMES** **SHORT TERM** **INTERMEDIATE** **LONG TERM**
INVESTMENT ■ Staff time (planning & implementation) ■ Money ■ Partners ■ Technology ■ Inspection equipment ■ Knowledge base of up-to-date food science information ■ Office materials	**STAKEHOLDERS** ■ Newton HHS ■ City of Newton Executive Office ■ Restaurant Industry ■ Consumers ■ FDA ■ MA Restaurant Assoc. ■ Newton-Needham Chamber of Commerce **ROLE OF NEWTON** ■ Research ■ Apply for funding ■ Outreach (food estab., consumers) ■ Update techonology ■ Create initial plans ■ Pilot & Phases 1-3 ■ Track data ■ Evaluate **PRODUCT** ■ Grant funding ■ Forms and procedures ■ Electronic inspection form ■ GIS Map ■ Updated *Food Code* ■ Newsletters ■ Trainings ■ Email listserv ■ Conformance with FDA Standards	**IMMEDIATE** ■ Awareness of community ■ Attitude about food safety ■ Opinions ■ Improved partnerships **INTERMEDIATE** ■ Increased attention to Health Department resources ■ Increased compliance with food safety practices ■ Increased adoption of AMC's in restaurants **LONG TERM** ■ Food service operator behavior change ■ Increased # of Health Departments implementing grading

EVALUATION
IDENTIFICATION • DESIGN • IMPLEMENTATION • COMPLETION/FOLLOW-UP

Overview

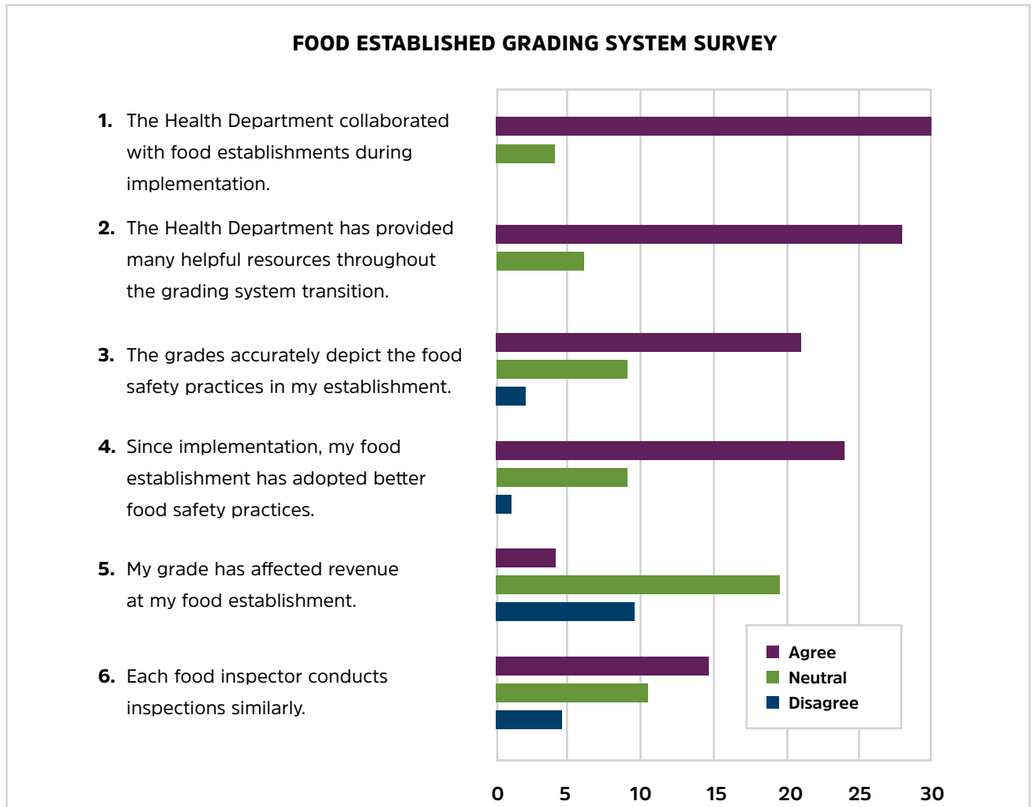
Newton completed a brief evaluation of the grading system once all restaurants were inspected using the system at least once during the unannounced inspection period. An anonymous survey was completed by 34 establishments. The survey asked questions to determine how restaurants perceive the grading system. The survey questions are listed below.

Restaurant owners/ managers were asked to select one answer to each question and mark whether they agreed, were neutral or disagreed with the following statements:

1. The Health Department collaborated with food establishments during implementation.
2. The Health Department has provided many helpful resources throughout the grading system transition.
3. The grades accurately depict the food safety practices in my establishment.
4. Since implementation, my food establishment has adopted better food safety practices.
5. My grade has affected revenue at my food establishment.
6. Each food inspector conducts inspections similarly.

Results

See the chart below.



The chart provided useful feedback about the grading system. First, the feedback revealed that Newton's health department did a good job in both collaborating with food establishments (88% agreed) and providing useful information throughout implementation of the grading system (82% agreed). The next question in the survey asked if the grades accurately depicted food safety practices in each establishment. 65% of respondents agreed, and 93% either agreed or were neutral to this question, indicating that most people think that the grading system functions as a good tool to appropriately determine the efficacy of an establishment's food safety practices. Many establishments agree (70%) that they have improved food safety practices and very few (3%) think the system affects the revenue of their establishment. The final point the survey addresses is whether each inspector conducts inspections similarly. 84% either agree or were neutral to the statement that each inspector conducts inspections similarly.

Newton effectively collaborated with and provided useful resources to restaurants throughout implementation of the grading system. Newton worked very hard to remain transparent during the process and seemed to achieve this goal as perceived by restaurant owners/managers. Question 3 asks the respondents if they thought the system accurately depicted the food safety practices in their establishment. Many cities and towns grapple with how to make a system that is both fair to the food establishment, but one that also holds them accountable for poor food safety. Newton struggled for years to create the final version of the current grading tool, and many people (65%) agreed that it was a good tool. This 65%, though seemingly low, is a positive for Newton, considering the time and effort the tool took to create, and the knowledge that not every food establishment manager/owner was pleased about Newton adopting a grading system to begin with.

The next question asks if the food establishment has adopted better food safety practices since implementation. Approximately 70% agreed that their food establishments improved food safety practices. From the outset of the grading system, Newton had a goal to use the grading system as an incentive for food establishments to improve their food safety practices. This data shows that most restaurants are at least trying to improve their food safety practices which is a win for Newton (and the consumers in Newton). The next point comments on the revenue of the food establishment being affected by the grade. Only 9% (or 3) respondents indicated that the grade affected their overall revenue (the question does not ask whether the revenue increased or decreased). Initially, this was one of the main concerns brought forth by the food establishment representatives, and a seemingly common myth, that revenue would be affected by grades. Most respondents in this survey answered that their grades have not affected revenue.

Finally, the last question asks about inspections and whether inspections are conducted similarly by each inspector. About half of respondents agreed that inspections are conducted similarly (no matter which inspector is doing them). 35% were neutral on this question and 16% disagreed. This question brings up a topic that has been discussed frequently in the food safety community and is specifically addressed in Standard 2 of the FDA Retail Program Standards. Compliance with Standard 2 attempts to ensure that every inspector in the department is standardized according to FDA guidelines and through standardization, will conduct an inspection the same as the next standardized inspector. Newton has two standardized inspectors out of the four, and is working to complete standardization of all of its inspectors. Even with standardization, differences will occur between inspectors. It is therefore not surprising that food establishments think that inspectors conduct inspections differently.

How can other communities use this data?

This data is meant to give other communities that are looking to implement a grading system an idea of how it worked in our community and a small sample of how food establishments perceived our system. The grading system was thoughtfully planned out with the underlying goal of improving food safety practices. This first year of implementation and subsequent years ahead will continue to reveal things that Newton may want to change, but these survey questions give preliminary insights into whether Newton is meeting the goals that were initially set.

This last question is one of the areas that Newton is working to achieve by complying with Standard 2 of the FDA Voluntary Retail Program Standards. As mentioned, Standard 2 focuses on training inspectors to conduct restaurant inspections in the same manner as to reduce subjectivity in the inspection process. Along with implementing a grading system, communities can consider becoming in compliance with the nine FDA Program Standards like Standard 2 as Newton did. Though compliance with the standards can be a lengthy process the effort and product of the work coincides nicely with implementing a grading system and is reflected in the feedback we received.

BEST PRACTICES

Below are a few best practices learned from Newton's experience with implementing a food grading system. These are important things to consider as you adopt a grading system in your community.

- **Establish partnerships (executive office, industry, consumers)**
- **Obtain city and industry support**
- **Reach out to the community (advertising, meetings, website)**
- **Obtain funding**
- **Tie in with FDA Retail Food Regulatory Program Standards**
- **Standardize inspectors**

Newton's grading system went through many rounds of edits, differences of opinion, failed attempts, and frustration. The final product is not what we would have imagined it would be from the beginning, but we are confident that we have improved food safety practices and inspectional oversight, and maintained strong, positive relationships with the restaurant community. The system functions by the work of the Environmental Staff and the Standards Coordinator and is kept on track by the Commissioner. It takes a team effort to undertake the implementation of a food grading system.

SECTION 4

APPENDICES

APPENDIX A: NEWTON'S HISTORY

FDA Voluntary Guidelines / Main Funding Stream

In 2012, the Newton Health and Human Services Department received five-year FDA Cooperative Agreement grant funding to meet the nine FDA Voluntary National Retail Food Regulatory Program Standards. Newton developed a five-year research strategy that included building a food grading system from the ground up. A Standards Coordinator was hired to facilitate completion of the Nine FDA Program Standards over five years. The food grading system was first mentioned as one of the primary tasks.

The Voluntary Retail Program Standards provide standards and regulations that state and local public health departments can voluntarily choose to meet or exceed. To meet the eligibility for grant funding from the FDA, the Newton Health and Human Services Department agreed to attempt to comply with all nine of the Voluntary National Retail Food Regulatory Program Standards. The nine standards are as follows:

1. Regulatory Foundation
2. Trained Regulatory Staff
3. Inspection Program based on HACCP Principles
4. Uniform Inspection Program
5. Foodborne Illness and Food Defense Preparedness and Response
6. Compliance and Enforcement
7. Industry and Community Relations
8. Program Support and Resources
9. Program Assessment

The Voluntary National Retail Food Regulatory Program Standards encourage voluntary participation by regulatory agencies and are based on the following principles:

1. Promote active managerial control of the risk factors most commonly associated with foodborne illness in food establishments.

2. Establish a recommended framework for retail food regulatory programs within which the active managerial control of the risk factors can best be realized (FDA Voluntary National Retail Food Regulatory Program Standards, 2015).

Many standards can be reached by adopting a food grading system. Standard 2 (Trained Regulatory Staff) is one of the standards that Newton focused on initially. In complying with this standard, Newton helped to reduce subjectivity of the inspection process.

Another standard that pairs well with adoption of a grading system is Standard 4 (Uniform Inspection Reports). This standard's purpose is to have all inspectors completing inspections in a uniform way and, in all inspections, reach and properly use the 10 quality elements defined in the standard. Implementing a food grading system works well in conjunction with the quality assurance program to ensure that inspections are uniform and the subjectivity is minimal. Standard 4 pertains to the inspection process itself. To be considered in compliance with Standard 4, a jurisdiction's policies and procedures must ensure that there is uniformity of the regulatory staff in the interpretation of policies, as well as compliance and enforcement procedures. To be considered a uniform inspection program, the program must have an ongoing quality assurance program in place that is carried out by program management. The purpose of the quality assurance program is to evaluate the inspection quality, inspection frequency, and uniformity of the regulatory staff. There are ten components that a quality assurance program needs to address, many of which help to reduce the subjectivity of the inspection process. Completing Standard 4 is a good way to evaluate the program you have created to ensure that you have all of the components necessary to have a program that is up-to-date.

Standard 7 (Industry and Community Relations) is another important one to be completed in conjunction with adopting a grading system. Standard 7 focuses on improving relationships among the community, the industry, and the local Health Department. These are just a few examples of the value of completing the FDA Program Standards in conjunction with adopting a grading system.

The initial goals of the food grading system were to encourage improved food safety practices at the food establishment level and to allow consumers more direct and transparent access to inspection results. The system can also be used to track establishment conditions following the implementation of grading, as well as any changes in the prevalence of foodborne illness cases. Implementation of the food grading system included the following elements:

1. Input from advisory group (including industry and community members) on various aspects of the grading system

2. Public information campaign explaining the new system to consumers

3. Information sessions for establishments describing how the grading system was to be implemented

4. Purchase and use of electronic inspection software and Health Department development of policies and procedures pertaining to the grading system

Important Stakeholders

EXECUTIVE OFFICE

The Executive Office of the City of Newton initially made the decision in partnership with the Health and Human Services Department to implement a food grading system. It was particularly important for the department to have the support of the Executive Office in order to implement this system. Executive Office backing was crucial to the Health and Human Services Department, considering the potential pushback from the industry and the public alike that implementation might cause.

CONSUMERS

The Newton Health and Human Services Department held information sessions that consumers and restaurant staff were encouraged to attend. There were four information sessions over the course of one year. Since one goal of the food grading system is to serve as risk communication to consumers, it was important to hear input from community members about how to communicate the grades in an understandable way. The Health Department also wanted to make sure that consumers visiting Newton restaurants would appreciate something like this system. Luckily, grading systems are quite popular among restaurant-goers, especially among those who are tech-savvy.

FOOD ESTABLISHMENT STAFF

It was also important to include food establishment staff in the creation of the grading system. Newton held information sessions where restaurant staff could ask questions and express their concerns, and the Health Department staff could answer and address them. A strong partnership between the Health Department and the food establishments already existed, and this partnership helped to maintain transparency around the development of the system. It was this group (not surprisingly) that needed a particularly large amount of convincing and collaboration to agree upon aspects of the grading system. The grading systems would ultimately affect the food establishments the most, so including them in the process was crucial.

NEWTON HEALTH AND HUMAN SERVICES DEPARTMENT

Environmental Health Specialists were understandably concerned that implementing a food grading system would make the inspection process significantly longer and more complicated. They were also concerned about the impact a food grading system would

have on their relationships with food establishments. Weekly meetings among the Environmental Health staff, Standards Coordinator, and Commissioner took place in order to talk through every minor detail of the grading system. It was necessary to have inspector input on the graded inspection form to ensure it fit their needs and conformed to both the State and Federal *Food Codes*. Additionally, their input about regulations, policies, and procedures that went with the grading system was invaluable. They needed to be able to talk comfortably with restaurant staff, and we made sure together they had the knowledge and language to do that.

The Standards Coordinator for the City of Newton helped with the initial research for the grading system, including communicating with other health departments with food grading, drafting the policies and procedures pertaining to the system, and facilitating discussions.

The Commissioner of Health and Human Services at the time was a key person who drove the decision to go forward with implementation. She, with the Mayor, developed the idea to have food grading in Newton and guided the inspectors and Standards Coordinator in its creation.

MASSACHUSETTS RESTAURANT ASSOCIATION

The Massachusetts Restaurant Association (MRA) represents all restaurants in Massachusetts. It is an important group to have as a partner because of its widespread reach and local involvement in the business aspect of owning a restaurant. It brought forward concerns that Newton took into consideration during the implementation of the system. One concern was that other communities would hastily adopt grading like Newton had, but without the thought that had gone into our grading system, and the resulting systems would be flawed. Newton was complimented by the Massachusetts Restaurant Association upon implementation for the thoughtful and detailed process we had taken in adopting our system. The MRA also said that they would refer other communities to our grading system process if they received word of another grading system starting in Massachusetts.

NEWTON-NEEDHAM CHAMBER OF COMMERCE

The Newton-Needham Chamber of Commerce is an organization that provides support for businesses in Newton and Needham (a neighboring town). The organization reached out to Newton to discuss plans for the food grading system and was very supportive of it, and it also helped support Newton food establishments to have their voices heard during the process. It understood the public health need and, because it has a broader reach of businesses than the Health and Human Services Department, it was able to help coordinate meetings among City officials, restaurant staff, and consumers in Newton.

FDA

The FDA is also a stakeholder in the process of implementing the food grading system in Newton. Newton used the FDA Cooperative Agreement to help fund implementation efforts. Since many of the FDA Standards coincide nicely with implementing grading, the FDA was a useful partner.

Barriers to Implementation

There were several concerns raised by Newton food establishments. Some were concerned that a poor grade could cause a loss in revenue, that food inspections were a “snapshot in time” and didn’t represent what happened on a daily basis at a restaurant, and that consumers would not know what the grades meant.

Additional barriers included obtaining an electronic inspection software that met Newton’s needs (including the ability to change the inspection form ourselves to add/subtract points) and creating a system that the Health Department, the Executive Office, the restaurant industry, and consumers could all agree upon and understand. These challenges were part of the reason why the system took almost three years to execute.

HOW DID NEWTON ADDRESS THESE BARRIERS?

1. Addressing concerns of food establishments: Fear of lost revenue from a bad grade, negative perception of the public because of a bad grade, “snapshot-in-time” argument about food safety inspections, different inspectors being more lenient than others, and reducing the subjectivity of inspections conducted by different inspectors.

Advisory Committee: Newton created a food safety advisory committee composed of any food establishment manager or owner who wanted to give feedback and input about the grading system. It was very important to give the food establishment owners and managers a chance to talk about their concerns.

The first concern the committee brought up was that they believed that the food safety inspection was a “snapshot-in-time” picture of their restaurant, so a food safety inspection conducted at one time may not represent its standard operation. To address this concern (which the majority of managers brought up), the inspection staff explained how, if the appropriate Active Managerial Controls were in place, a food establishment’s food safety practices should never be in question and should never create a problem when it comes to a graded inspection. If a restaurant adopted the appropriate internal policies and procedures for day-to-day food safety work, the food establishment should always do well on an inspection (for example, assigning employees to monitor the internal temperature of food and keep accurate cooling logs). A manager creates a policy where, for example, every two hours, one employee is in charge of taking the internal temperature of all cooled foods. If the cooled foods are not at the appropriate temperature, then X occurs (i.e., the establishment has a policy that explains what happens when the employee finds a food is out of temperature range). If all foods are within the appropriate temperature range, that fact is recorded on the appropriate log. This type of policy represents one of many Active Managerial Controls that can take place within an establishment to prevent foodborne illness and to retain points on an inspection form for that particular violation. If the proper procedures are in place, the food inspection will not represent a “snapshot in time” and will represent what always happens at a food establishment when the inspectors are not there.

Another concern that the restaurant staff brought to the advisory committee was the potential for negative perception by the public to a bad grade and resulting loss of revenue to the establishment. Evidence from other communities with grading systems shows that a bad food inspection grade will not cause an appreciable loss of revenue to a food establishment (Ho, 2012). It does show a small amount of lost revenue, but only for grades “C” and below. Thus, to address this concern, Newton came up with another grade placard to add to the initial point/statement grade placard that indicated “All Violations Corrected.” This placard was to be placed in establishments that required and passed a follow-up inspection. Most establishments that received Superior and Excellent (A & B) grades would not require follow-up inspections; however, most grades below Level C would. These establishments would most likely be the ones concerned about negative perception to a bad grade and would receive the extra placard once all violations were addressed.

Another way Newton addressed this concern was to offer additional employee food safety trainings. Newton offered and continues to offer monthly food safety trainings. The trainings are taught by the food inspectors, and they outline the most common violations that will cost the most points (Priority violations). The trainings are offered in the languages that are most prevalent in Newton and have consistent attendance.

The advisory committee was apprehensive that implementing a grading system would result in restaurants receiving different grades from different inspectors because certain inspectors are perceived as more lenient than others. This fear was addressed by explaining Newton’s involvement in the nine FDA Voluntary National Retail Food Regulatory Program Standards. Subjectivity of inspectors is addressed in a

number of Retail Program Standards, namely Standards 2 and 4. Standard 2 (Trained Regulatory Staff) focuses on ensuring that all inspectors are trained according to FDA requirements: completing the same (or similar) courses offered by the FDA, completing a training program similar to an FDA training program, and completing a series of joint inspections with an FDA Standardized Inspector.

The whole FDA training process takes an inspector approximately 18 months to complete. It is the goal to have all inspectors trained in the same manner. The premise is that when all inspectors are trained in the same way, they will apply all *FDA Food Code* violations and provisions in the same way. Standard 4 (Uniform Inspection Program) outlines the Quality Assurance Program that all communities in compliance must have. The quality assurance program assures that the inspections coincide with the ten FDA quality elements. These elements include applying local laws and regulations, completing the inspection form in a timely manner, reviewing previous inspection results, and more. Complying with Standard 4 ensures that the standardized inspectors are indeed completing inspections in the same manner that is required by the FDA and thus are completing inspections in a *non*-subjective way.

Subjectivity is also addressed on the electronic inspection form. The electronic inspection form is designed in a way that the inspectors do not know how many points a given violation is until it is clicked on. For example, the form mixes up Priority (worth 14 points), Priority Foundation (worth 4 points), and Core (worth 0 points) within each category. The inspector has to mark "OUT" in order to be brought to the correct code violation. The inspector will make his or her comments about the violation found and return to the form, where he or she is alerted how many points were removed. Over time, the inspectors learn which violations are worth which points, but they cannot choose how many points each violation is worth.

2. Addressing Health Department concerns: Finding an electronic inspection software that would be useful in the implementation of a grading system, and finding a happy medium between overregulation and enhancing/protecting the public's health by instituting the grading system.

First, the electronic inspection form was researched during the first year of receiving the Cooperative Agreement because Newton had adequate funding. The WinWam Software was purchased knowing that this system would meet our needs. The software allows a user to edit inspection forms, add points and deductions to questions, and formulate the inspection form to meet specific needs. Although the software itself is a bit clunky to a non-tech-savvy person, after a bit of practice, all of our inspectors were able to use it with no problem.

It was much more difficult to find a happy medium between overregulation and creating a grading system where everyone got an "A." It took three years and multiple meetings per week to get the grading system off the ground. The Environmental Health Inspectors and Standards Coordinator met with the Commissioner weekly with ideas and concerns. The Commissioner would then float ideas up to the Mayor and Executive Office to see if those ideas would be supported. The Health Department team was also facing pressure from the Newton restaurant industry to do it the way they wanted it done, not to mention varied internal staff concerns. Multiple compromises were made to address stakeholder concerns while implementing a food grading system that would reduce foodborne illness and encourage better food safety practices in Newton food establishments. This balance was very difficult to maintain. The implementation process lasted three years because of the time it took to attain this balance. The grading system was implemented in a step-wise fashion, and this approach was both necessary and important in helping to maintain the partnerships with the various stakeholders involved in the food grading system.

APPENDIX B: GRADING SYSTEM RESEARCH

Grading and the Relationship to Decreased Foodborne Illness

Published research about food grading systems is sparse and inconsistent. In this literature review, a background of foodborne illness will be provided, as well as an overview of the current literature in relation to grading systems.

The Centers for Disease Control and Prevention (CDC) track foodborne illnesses and estimate that one in six Americans become sick from contaminated food or beverages every year, and that reducing foodborne illness by 10% would prevent 5 million people per year from getting sick in the United States (CDC, 2015). The CDC estimates that restaurants (specifically, sit-down-dining-style restaurants) were responsible for 60% of outbreaks in 2013 (CDC's Foodborne Disease Outbreak Surveillance System). The Center for Science in Public Interest (2008) approximates that up to 70% of foodborne illness outbreaks are linked to restaurant foods.

Food grading systems are an effective way to communicate risk to the public, increase compliance of restaurants/food establishments in food code regulation, and decrease the prevalence of foodborne illness in the United States (Simon et al., 2005). Food grading systems have been linked to a decrease in foodborne illness hospitalizations (Simon et al., 2005; Jin & Leslie, 2003). Simon et al. (2005) compared foodborne illness hospitalization data five years before and three years after the implementation of the food grading system in Los Angeles County in 1998. They found a 13.1% decrease in the number of foodborne disease hospitalizations. This decrease was sustained over the next two years.

In 2012, the National Association of County and City Health Officials (NACCHO) and the FDA studied the way that local health departments in the United States use scores and/or grades to convey results of retail food establishment inspections (NACCHO, 2014). They surveyed local public health departments all over the country, and out of 208 respondents, 38% stated that they use some sort of food grading and scoring system. Out of the local health departments that use a food grading system, about 17% use letter grades and about 75% use numerical scores. (Some health departments used graphics, images, or a combinations of letter grades, numerical scores, graphics, and/or images [NACCHO, 2014].) Sixty percent of local health departments believed that the presence of a food grading system had impacted restaurant operators' attention to food safety, and 60 health departments also agreed that food grading systems have improved food safety in their communities (NACCHO, 2014). NACCHO stated that future research around food grading systems should address which particular approaches to food grading systems have a greater impact than others on the control of foodborne illness risk factors in retail food establishments.

Grading as Risk Communication to Consumers

One reason Newton chose to implement a grading system was to communicate risk to consumers. Standard 3 of the FDA Voluntary Standards (of which Newton is in compliance) requires that the department have an inspection program that uses HACCP principles. Hazard Analysis Critical Control Point, or HACCP, is a management system in which food safety is addressed through the analysis and control of biological, chemical, and physical hazards from raw material production, procurement, and handling, to manufacturing, distribution, and consumption of the finished product (FDA, 2015). With the HACCP-based approach, restaurants are categorized based on risk level, and the frequency of inspections is based on that risk level.

Food establishment inspections are complex, especially with the use of the HACCP-based approach. Most consumers are not familiar with HACCP principles,

and reviewing an inspection report to determine the safety of an establishment may be confusing. Food grading systems attempt to communicate risk by giving information about the food safety environment of food establishments in an accessible and understandable way.

Seiver and Hatfield (2000) conducted a risk-based analysis of food grading systems in which they highlighted many opportunities and challenges in using grades to convey food safety inspection results. One of their primary concerns was that policies are changed without conducting policy analyses and without ensuring that all stakeholders believe that the information about risk that is being communicated is reliable. By collaborating with industry and consumers in the process of developing the grading system, Newton was able to develop a system that is transparent and understandable to consumers and restaurants alike.

Seiver and Hatfield (2000) state that because food safety risks are not always easily identified by consumers, consumers depend on health officials to aid in decision-making when deciding where to eat. Grading systems have the opportunity to communicate risk effectively if they are easily understood. If a consumer cannot understand the grade easily, it is unlikely that the grade will be considered in decision-making.

Stakeholders from the restaurant industry expressed concern that consumers would be overly concerned about the food safety environment if they had direct access to the inspection report. Many consumers are not able, and should not be expected, to evaluate risk by reading an inspection report. Inspection reports are technical and filled with language from the *FDA Food Code*. Grades are used in Newton to communicate risk without requiring the consumer to know very much about food safety. Seiver and Hatfield (2000) state that the longer a risk label is, the more likely a consumer is to ignore it, which is why having something brief, but also specific, should be effective in communicating risk.

In 2009, Filion and Powell published a review of restaurant inspection disclosure systems. In it, they discuss various grading systems. Grading systems vary in the type of disclosure used to communicate inspection results. Some systems use color-card systems, symbols, phrases, numerical grades, letter grades, or a combination of two or more types. Numerical scoring systems vary widely in their structure; points may either be deducted or awarded. Point value based on violations may also change according to the scale being used. Some U.S. and Canadian jurisdictions use a color-card system, where green, yellow, and red cards represent pass, conditional pass, or closed. In Denmark, a symbol grading system is used, where the highest mark an establishment can receive is a "happy smiley" (denoted by a happy smiling face) and the lowest mark a "sour smiley" (denoted by a sad face).

Letter grading systems may also vary in their meaning. For example, in San Diego County in California, restaurants can receive an "A" grade if they have been cited for up to two priority violations. In other grading systems, such as the one used in Danbury, Connecticut, restaurants are unable to receive an "A" grade if they have any Priority violations observed at the time of inspection (Filion and Powell, 2009).

Filion and Powell (2009) state that consumers desire information about food safety in order to make informed decisions about where to eat, but it is unclear what type of grading systems consumers prefer. They concluded that, although there are many types of grading systems, research has not been done to assess consumers' preference for the type of grading system used to convey food safety inspection results. Making this assessment should be a goal of future investigation.

Grading systems also help to increase compliance of food establishment owners and managers with the State and Federal *Food Code*, which is one of the primary reasons Newton became interested in implementing a grading system. Filion and Powell found that, in the presence of food grading systems, restaurants were more likely to demonstrate diligence in food safety practices. Preliminary data from Newton has shown a similar pattern; all restaurants have had improved grades from the first round of inspections to the second round of inspections. More data from Newton will be analyzed as it comes in after the third round of inspections.

Other Grading Systems in the U.S.

In order to develop a food grading system for the City of Newton, other food grading systems in the United States were reviewed. The three food grading systems that were found to be the most helpful were those of Los Angeles County, California; New York City, New York; and Plano, Texas.

LOS ANGELES COUNTY, CALIFORNIA

Los Angeles County, California, has one of the most well-known grading systems in the country. They have been using a food grading system with letter grades since 1998. There have been several papers published on a group of studies that showed a decrease in foodborne illness hospitalizations after the food grading system was implemented, and this decrease was sustained for two years following implementation (Jin & Leslie, 2003; Simon et al., 2005).

Los Angeles County's inspection form is similar to that of the City of Newton, which measures risk factors as "IN" for in compliance, "OUT" for out of compliance, "N/O" for not observed, "N/A" for not applicable, and "COS" for corrected onsite during inspection. Newton has also added the option "R" for repeat violation, for tracking purposes. An inspection form design that includes IN, OUT, N/O, and N/A is the design required by the FDA.

NEW YORK CITY, NEW YORK

Since 2010, New York City has used a letter grade system. Restaurants are graded on a numerical scale, with restaurants scoring between 0-13 points earning an "A," restaurants scoring between 14 and 27 earning a "B," and restaurants with 28 points or more earning a "C." Points are assigned to a violation based on the health risk to the public. Restaurants are required to post their letter grades on site, and the full inspection reports for all food establishments are available on the New York City Health Department's website. The design of Newton's grading placard was modeled after the one that is used in New York City.

Some criticisms of the New York City grading system are that the system and its appeals process result in most establishments getting an "A." Newton decided not to have any sort of appeal process for grades due to the time and program staff it takes to have such a process.

PLANO, TEXAS

Plano's system uses letter grading that ranges from "A" to "F." A grade of "F" results in the immediate closure of an establishment. Newton chose to use a numerical grading system rather than a letter grading system as a compromise with restaurant owners and managers in Newton. The grading matrix that Newton currently uses for food establishment inspections is similar to the one used in Plano, Texas. Both the arrangement of violations and sequential decrease in grades that is seen made sense to the inspectors and was pliable enough that adjusting points was easy (given the number of changes Newton had to make to its point system). Plano's grading matrix was incredibly helpful to the creation of a point system in Newton.

Criticisms of Food Grading Systems

In 2012, Daniel Ho published an analysis of food grading systems in which he stated several concerns. In criticizing current food grading systems, Ho described areas where improvement was needed if food grading systems were to become standard practice. He called the enthusiasm for food grading systems "Los Angeles Faith" because the set of studies that examined the Los Angeles food grading system was the only systematic and empirical evidence that supported the benefits of grading. Ho stated that there was an assumption that food grading systems consistently decrease foodborne illness outbreaks, even though this had only been shown to happen in Los Angeles.

Ho (2012) and Seiver and Hatfield (2000) have shared the criticism that the same grading system is used for all restaurants, regardless of their level of risk. For example, a Dunkin' Donuts is graded using the

same grading scale as a sushi restaurant, even though these establishments have different processes for food preparation. It is more difficult for a sushi restaurant to get a high grade than it is for a Dunkin' Donuts.

The criticisms of food grading are helpful to keep in mind in planning a food grading system. It is important to remember that, regardless of the type of restaurant (be it a simple production with no food preparation or a complex food preparation establishment), foodborne illness can be spread without complex systems. All it takes is a sick employee who didn't wash his or her hands to infect a whole lot of people. What it comes down to is the responsibility held by the restaurant owners, managers, and employees to put the proper systems in place in order to decrease the likelihood of foodborne illness.

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