



**NAPA COUNTY GRAND JURY
2015-2016**

June 9, 2016

FINAL REPORT

**Maintaining Food Quality
in Napa County**

MAINTAINING FOOD QUALITY IN NAPA COUNTY

SUMMARY

Each year, 1 in 6 Americans gets sick by consuming contaminated foods or beverages. After food poisoning outbreaks were recently reported in the national news, the Grand Jury decided to look at the way that retail food providers are monitored in Napa County.

Napa County has more than 750 regulated food facilities, including fixed-location and mobile food providers. These facilities are monitored by a small number of specialists assigned to the Retail Food Program within Napa County's Environmental Health Division. The primary goal of this small team is to make sure that our food is safe to eat.

Each retail food facility is inspected at least annually. In addition, the county offers food safety education to businesses and their staff. The Grand Jury supports these activities, and encourages the county to expand resources devoted to the training of restaurant owners and employees regarding food-borne illness prevention and food safety practices.

Citizen complaints are important, and serve as a valuable information source for food inspectors. The Grand Jury examined more than 100 recent food-related complaints, and found that more than half were acted upon within two business days, and 75% within five business days.

As a result of this inquiry, the Grand Jury commends the professionals employed by Napa County's Environmental Health Division for their persistent and dedicated actions to minimize food-borne illness risk to Napa County residents and visitors.

BACKGROUND

The U.S. Food and Drug Administration reports that "While the American food supply is among the safest in the world, the Federal government estimates that there are about 48 million cases of food-borne illnesses annually—the equivalent of sickening 1 in 6 Americans each year. And each year these illnesses result in an estimated 128,000 hospitalizations and 3,000 deaths."

The Centers for Disease Control and Prevention concur with this report, stating that "Food-borne illness" (sometimes called 'food poisoning') is a common, costly, and preventable public health problem. Each year, 1 in 6 Americans gets sick from consuming contaminated foods or beverages. Many different disease-causing microbes, or pathogens, can contaminate foods, so there are many different food-borne infections. In addition, poisonous chemicals, or other harmful substances can cause food-borne diseases if they are present in food."

In Napa County, the Grand Jury believes that every resident and visitor has the right to reasonable protection against food-borne illness. After recent news reports disclosing national food poisoning outbreaks, the Grand Jury decided to look at the way that retail food providers are actually monitored in Napa County.

METHODOLOGY

The 2015-2016 Grand Jury authorized a committee to look at the way that Napa County monitors retail food outlets, to identify any patterns or events that warrant further investigation and to determine if any systemic issues are present.

Committee members started their inquiry by reviewing a random sample of food service inspection reports available to the public. These reports, which can be found on the Napa County web site (<http://www.countyofnapa.org/FoodInspections/>), disclose the details of recent routine inspections, including:

- Facility name and address
- Date and time of inspection
- Compliance and violations by inspection category
- Inspector observations, and
- Corrective actions.

The committee then interviewed county employees engaged in the Retail Food Program, and reviewed public and non-public information relating to the operation of the Retail Food Program, including:

- Sections of California state law (the Retail Food Code) relating to food facilities
- The goals and organizational structure of the Department of Planning, Building and Environmental Services (PBES)
- Job descriptions and performance evaluations for each position engaged in the Retail Food Program
- Policies and procedures for handling food-related complaints
- Policies and procedures for Retail Food Program inspections, including mobile trucks, cottage food operations, traditional food establishments, and special events
- Policy for frequency of inspections for food permit holders

Finally, the committee examined complaint reports and related documentation for each of the 118 food complaints received from January 1, 2015 through September 30, 2015. For each complaint, the committee examined:

- The specific details of the complaint
- The time required for each complaint to be investigated and resolved
- The documentation prepared by the individuals assigned to investigate the complaint
- The process used to investigate the complaint, and
- The resolution of the complaint.

DISCUSSION

Environmental Health Division

Although California state law provides the regulatory framework for the Retail Food Program, local aspects of the program are managed by the Environmental Health Division within Napa County's Department of Planning, Building and Environmental Services (PBES).

The Environmental Health Division is mostly fee supported. Salaries and benefits are budgeted to increase as a result of pay increases and increases in retirement, insurance, and other post-employment benefit costs, resulting in an increase in the net county cost for this division. (See Appendix for a summary of the Environmental Health Division Budget for Fiscal Years 2014-2016.)

The Environmental Health Division is responsible for implementation of State programs for the protection of public health, including inspections of retail food facilities, public pools, labor camps and mobile home parks; permitting of small water systems, on-site sewage systems, and wells; permitting of facilities that possess hazardous materials, medical waste and underground or above ground storage tanks; and emergency response support and oversight of cleanup of hazardous materials releases.

Retail Food Program

The Retail Food Program, administered by the Environmental Health Division, is responsible for inspecting facilities throughout Napa County, including the five cities that exist within Napa County. The program is intended to:

- Work with local restaurateurs, food service providers and retail food facilities to ensure acceptable levels of food safety and sanitation are being maintained, and
- Assist operators in establishing protocols that will minimize food-borne illness, ensure employee health, safe food, and that facilities are constructed to state standards.

The primary goal of the program is to ensure that food is safe to eat and that consumers can feel confident when they eat food from facilities in Napa County.

As of September 15, 2015, Retail Food Program staffing consisted of one Environmental Health Coordinator and seven Environmental Health Specialists.

- Each position requires extensive training. Incumbents must work to satisfy and maintain formal state education requirements for registration as an Environmental Health Specialist (State of California Health and Safety Code, Section 540).
- Team members are normally assigned to specific geographical areas within the county.

- Collectively, the team completed 2,428 inspections in FY 2012-2013, 2,639 inspections in FY 2013-2014, and expects to complete approximately 2,600 inspections in future years.

There are currently over 750 regulated food facilities in Napa County, including fixed-location and mobile food facilities. Each retail food facility is inspected at least annually. The frequency of routine inspections at retail food facilities is based on the risk posed by the products and preparation methods. Facilities are assigned one of three risk levels:

- Low risk
Mostly prepackaged foods (e.g. convenience stores), which are inspected one time per year;
- Medium risk
Limited food preparation or limited menu, which are inspected two times per year; and
- High risk
Full menu restaurants or supermarkets, which are inspected three times per year.

Facilities with poor inspection scores are inspected even more frequently.

In addition, the program recently inspected 76 vendors at a three day music festival (attended by more than 90,000 people) and 16 vendors at a five day golf tournament (attended by 37,000 people).

Through the Retail Food Program, the county attempts to collaborate with local food operators to insure the highest level of food safety. Environmental Health staff members are also available for additional assistance and training when operators request that type of support. This educational approach and cooperative effort has allowed 95% of Napa County food facilities to consistently maintain A or B inspection grades.

A point system is used to grade food facility inspections. Minor violations have a point value of 2 or less, while major violations have a point value of 6. Grades are assigned based on the number of points lost during the inspection:

- 0-10 points deducted results in a grade of “A”
- 11-20 points deducted results in a grade of “B”
- 21-30 points deducted results in a grade of “C”
- 30 or more points deducted results in a grade of “F”

An inspection grade of F necessitates immediate action, and subjects the facility to additional inspections and/or legal actions to ensure the protection of public health and safety.

Facilities scoring an A or B grade are in substantial compliance with State food safety requirements and are thus less likely to spread a food-borne illness. Napa County established a target of 95% compliance based on previous years' performance. The number of restaurants scoring an A or B grade in FY 2013-14 was 97% and the county expects to exceed the 95% goal in future years as well.

A significant goal of the Retail Food Program is to help operators understand their violations and know what they need to do (or not do) to prevent those violations in the future. County Environmental Health Specialists work with food providers and their employees to increase their overall awareness of what is required and why. This educational approach and willingness to spend the time needed with struggling facilities has proven successful. During FY 2013-14, 92% of facilities that received an inspection score of C or "F" returned to an A or B grade on the following inspection.

In addition to education inspections conducted at food facilities, the Retail Food Program also reaches out to the community through educational presentations at local culinary training facilities: Napa Valley College, Napa County Food Day, and the Napa County Health Fair.

When it comes to complaints or potential food-borne illness outbreaks, the Retail Food Program has a "no contact" policy with the news media. When potential outbreaks are detected, the Retail Food Program works closely with the Napa County Department of Public Health to contain and monitor the incident. All communications to the news media and general public are issued through the Department of Public Health.

The number of food-related complaints has declined in recent years: 215 complaints in 2013, 203 complaints in 2014, and 118 complaints during the first nine months of 2015.

The county received 118 food-related complaints from January 1, 2015 through September 30, 2015. The Grand Jury examined detailed inspection reports and related documentation for each complaint, and made the following observations:

- Complaints are confidential, and not available to the general public or news media.
- Complaint follow-up is timely. Almost half of the examined complaints were closed or received responses within two business days, and 75% had responses within five business days:

Days to Respond or Close:	Total	% of total
Same Day:	19	16%
One to two days:	39	33%
Three to five days:	31	26%
More than five days	29	25%
Total	118	100%

- In most cases, the committee found the processes used by the investigators to be consistent with policy and with expectations that the jury thought a “typical” citizen would have.
- The committee examined extensive documentation where a set of related complaints triggered immediate coordination between the Retail Food Program and Napa County Department of Public Health. Both departments worked quickly to interview affected individuals, develop detailed facts and time lines, and identify an appropriate response to the incident.
- The committee did observe a small number of cases where documentation was not consistent with department policies and procedures. When these observations were brought to the attention of department leadership, the leadership team concurred with these observations and took immediate action to reinforce staff training on the relevant procedures.

CONCLUSION

The Grand Jury did not observe any systemic issues, disturbing patterns or events with the complaint resolution process or the underlying Retail Food Program.

Throughout the investigation, committee members observed a noteworthy level of professionalism and dedication to the community. Program activities go beyond enforcement --- employees work diligently to:

- Conduct inspections so as to minimize food risks to the public,
- Respond quickly to complaints,
- Partner with other agencies to minimize potential food-borne illness threats, and
- Educate businesses about major and minor risks, prevention and food safety practices.

FINDINGS

F1: While food-borne illnesses cannot always be prevented, the Retail Food Program within Napa County’s Environmental Health Division does an effective job of partnering with food providers to minimize food-borne illness risk.

F2: The Grand Jury finds that the continuous education of businesses and staff is a reasonable and cost-effective means of minimizing food-borne illness risk to Napa County residents and visitors.

RECOMMENDATION

R1: The Board of Supervisors is encouraged to direct the Department of Planning, Building and Environmental Services to expand resources devoted to the training of restaurant owners and employees regarding food-borne illness prevention and food safety practices.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following governing body:

Board of Supervisors: **F1, F2, R1.**

INVITED RESPONSE

From the following individual:

Director, Napa County Planning, Building & Environmental Services Department.

COMMENDATIONS

The Grand Jury commends the professionals employed by Napa County's Environmental Health Division for their persistent and dedicated actions to minimize food-borne illness risk to Napa County residents and visitors.

DISCLAIMER

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDIX

Environmental Health Division, Budget Summary, Fiscal Years 2014-2016					
	Actual 2014	Adopted 2015	Recom- mended 2016	Variance	% Change
APPROPRIATION					
Salaries & Benefits	\$2,125,753	\$2,216,202	\$2,373,668	\$157,466	7%
Services & Supplies	\$343,135	\$394,971	\$381,021	(\$13,950)	-4%
Special Items	\$0	\$0	\$107,506	\$107,506	100%
Total Appropriation	\$2,468,888	\$2,611,173	\$2,862,195	\$251,022	10%
REVENUE					
Licenses, Permits & Franchises	\$2,170,694	\$2,033,225	\$2,064,200	\$30,975	2%
Intergovernmental Revenues	\$27,937	\$54,000	\$52,000	(\$2,000)	-4%
Fines, Forfeitures and Penalties	\$44	\$3,000	\$0	(\$3,000)	-100%
Charges for Services	\$122,460	\$108,000	\$108,000	\$0	0%
Total Revenue	\$2,321,135	\$2,198,225	\$2,224,200	\$25,975	1%
NET COUNTY COST					
Environmental Health	\$147,753	\$412,948	\$637,995	\$225,047	54%
Fee Supported %	94%	84%	78%	NA	NA

Source: County of Napa, State of California, Recommended Budget, Fiscal Year 2015/2016, page 266