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# REPORT TO THE CONGRESS



## BY THE COMPTROLLER GENERAL OF THE UNITED STATES



### Federal Support For Restaurant Sanitation Found Largely Ineffective

Food and Drug Administration  
Department of Health, Education,  
and Welfare

This report concludes that many restaurants are insanitary. Although the Food and Drug Administration has regulatory responsibility, it relies on State and local governments to enforce the sanitary regulations governing restaurants.

Because of shortages of money, manpower, or authority, Food and Drug Administration, State, and local food sanitation programs are not effective in insuring that restaurants maintain the sanitary conditions required by the statutes.

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COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

B-164031(2)

a To the President of the Senate and the  
Speaker of the House of Representatives

This report points out that the Food and Drug Administration's support for restaurant sanitation is largely ineffective. The Administration is part of the Department of Health, Education, and Welfare.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

We are sending copies of this report to the Director, Office of Management and Budget, and the Secretary of Health, Education, and Welfare.

  
Comptroller General  
of the United States

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ABBREVIATIONS

|          |  |
|----------|--|
| FDA      | Food and Drug Administration                 |
| FD&C Act | Federal Food, Drug, and Cosmetic Act         |
| FSSP     | Food Service Sanitation Program              |
| GAO      | General Accounting Office                    |
| HEW      | Department of Health, Education, and Welfare |
| PHS      | Public Health Service                        |

COMPTROLLER GENERAL'S  
REPORT TO THE CONGRESS

FEDERAL SUPPORT FOR RESTAURANT  
SANITATION FOUND LARGELY INEFFECTIVE  
Department of Health, Education,  
and Welfare

1 148  
2 22

D I G E S T

GAO made this review to determine, on a basis of random sampling, sanitary conditions in restaurants. It concluded that many of the restaurants are insanitary. (See p. 4.)

At GAO's request, the Food and Drug Administration, a unit in the Department of Health, Education, and Welfare, inspected, from January through March 1974, 185 restaurants selected at random from 14,736 restaurants in 9 metropolitan cities. (See ch. 6.)

On the basis of the inspection results, GAO estimates that about 90 percent of the 14,736 restaurants were insanitary.

Since these inspections were made, according to a Food and Drug Administration official, sanitation conditions in restaurants have not greatly improved. (See p. 8.)

Earlier inspections by the Food and Drug Administration and State or local health departments show that sanitation conditions of restaurants in the United States have been a persistent problem. (See p. 8.)

The Federal Food, Drug, and Cosmetic Act prohibits the adulteration of food shipped in interstate commerce, including food held in restaurants. The Food and Drug Administration is responsible for administering the act.

The agency relies on State and local governments to regulate restaurants. To help State governments carry out their regulatory activities, the agency has established an advisory and voluntary food service sanitation program that, for reasons shown in this report, is not effectual. (See ch. 3.)

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The Food and Drug Administration's assistance includes encouraging States to adopt uniform sanitation ordinances and codes, evaluating the effectiveness of State programs, and certifying State sanitation officers. Its role has been to advise States that want help on improving their regulatory programs.

The States in turn guide and assist local governments wishing to improve the effectiveness of their food service sanitation programs. However, local governments generally have been ineffective in regulating restaurant sanitation and, generally, the States' monitoring of these programs has been minimal.

Thus, the Food and Drug Administration program has not improved State and local food service sanitation programs significantly. The agency believes additional money, manpower, and authority are needed but has no data to show the extent that, or how, such additional resources could be used effectively. (See p. 21.)

GAO recommends that the Secretary of Health, Education, and Welfare direct the Commissioner, Food and Drug Administration, to strengthen the program to encourage States more vigorously to improve their food service sanitation programs. If the agency determines additional resources are needed to strengthen its program, it should bring this matter to the attention of the Congress.

The Department of Health, Education, and Welfare agreed with GAO's recommendation and said the agency is taking or plans several steps to improve the food service sanitation program. (See pp. 21 to 23.)

## CHAPTER 1

### INTRODUCTION

About 350,000 restaurants in the United States prepare and serve food to the public. The public relies on these restaurants to serve wholesome and pure food that has been prepared under sanitary conditions.

According to health authorities, the incidence of illness associated with food exceeds that of any illness caused by other environmental factors. Based on the latest figures available from the Center for Disease Control, Department of Health, Education, and Welfare (HEW), in 1970 about 100,000 persons became ill from foodborne diseases contracted in restaurants. Since then, the potential for foodborne illnesses has increased because the restaurant industry and the number of travelers and working public that eat away from home have grown rapidly.

Section 301(k) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) prohibits the adulteration of food which is held for sale after being shipped in interstate commerce, including food held in restaurants (21 U.S.C. 331(k)). A food is considered adulterated under the FD&C Act if it has been prepared, packed, or held under insanitary conditions where it may have become contaminated with filth or rendered injurious to health (21 U.S.C. 342(a) (4)). HEW's Food and Drug Administration (FDA) is responsible for administering the FD&C Act.

Because of their large number, FDA relies on State and local governments to inspect and regulate restaurants and other food service establishments.

This differs from FDA's role under the National Shellfish Sanitation Program, another voluntary, cooperative Federal-State program. FDA annually reviews each State's compliance with the shellfish program requirements and either does or does not endorse a State's program. Member States must refuse shellfish shipments from States that do not have FDA's endorsement.

According to an FDA Bureau of Foods official, direct regulation of restaurants by FDA could cost \$156 million annually.

FDA, however, has a voluntary, cooperative Food Service Sanitation Program (FSSP) to help State health agencies regulate the sanitation of food service establishments. FDA's role under FSSP has been primarily to advise States that want help.

Food service establishments covered by FSSP include restaurants, school lunchrooms, hospitals, State institutions, industrial plants, summer camps, caterers, taverns or bars, and vending machine operations.

FSSP's primary functions include:

- Promoting State adoption of the Public Health Service (PHS) 1962 Food Service Sanitation Ordinance and Code (1962 PHS Code).
- Certifying State food service sanitation officers.
- Evaluating and assisting in upgrading State food service sanitation programs.
- Sponsoring training programs for people involved in State and local food service programs.

FSSP was administered by PHS under title III of the Public Health Service Act, as amended (42 U.S.C. 241), until PHS was reorganized in 1968. At that time FDA assumed that responsibility.

FDA's programs are directed at protecting the consumer. FDA is administered by a Commissioner under the direction of HEW's Assistant Secretary for Health. Policies and procedures are established at FDA's headquarters in Rockville, Maryland.

FDA milk and food consultants carry out FSSP activities at 10 FDA regional offices in the United States. These consultants are responsible for providing technical and consultative assistance to the States and for inspecting the sanitation conditions of food service establishments when evaluating State food service sanitation programs. The funds and staffing FDA provided since fiscal year 1968 for FSSP are shown on the next page.

| <u>FY</u> | <u>Funding</u> | <u>Personnel positions</u> |              |
|-----------|----------------|----------------------------|--------------|
|           |                | <u>Headquarters</u>        | <u>Field</u> |
|           | (000 omitted)  |                            |              |
| 1968      | \$ (a)         | 3.5                        | 22           |
| 1969      | (a)            | 3.5                        | 22           |
| 1970      | 534            | 2.5                        | 22           |
| 1971      | 534            | 3.5                        | 22           |
| 1972      | 611            | 3.5                        | 22           |
| 1973      | 623            | 8.0                        | 22           |
| 1974      | 756            | 7.0                        | 13           |
| 1975      | <u>b/2,419</u> | 8.0                        | 13           |
| 1976      | <u>533</u>     | <u>8.0</u>                 | <u>13</u>    |
| Total     | <u>\$6,010</u> | <u>47.5</u>                | <u>171</u>   |

a/Not available.

b/Includes \$1.8 million to assist three cities in their food service sanitation surveillance activities before, during, and immediately after the Bicentennial Celebration.

We made this review to determine the sanitary conditions in a sample of restaurants in 9 metropolitan cities and the impact FSSP has had on State and local restaurant sanitation programs. We used FDA's definition of the term "restaurant," which includes: (1) restaurants, (2) cafeterias, (3) coffee shops, (4) luncheonettes, (5) short-order cafes, (6) grills, (7) drive-ins, and (8) similar food-serving establishments.

CHAPTER 2

RESTAURANT SANITATION

To assess the sanitation conditions of restaurants, we asked FDA to inspect 185 restaurants selected randomly on a statistical sampling basis from about 14,736 1/ restaurants in 9 metropolitan cities. The nine cities were in States that participated in FSSP in varying degrees.

We accompanied FDA milk and food consultants who inspected the restaurants during the period January 28, 1974, through March 27, 1974. On the basis of the inspection results, we estimate that 13,233 restaurants 2/, or about 90 percent, were insanitary.

During inspection, FDA gave restaurants one to six demerits for each sanitation violation, depending on its seriousness. The total demerits determined the restaurant's demerit score; the maximum demerit score possible was 298. Inspection results were recorded on the FSSP Food Service Establishment Inspection Report. (See app. II.) On the basis of the demerit score, the sanitation of restaurants is classified as follows:

| <u>Demerit score</u> | <u>Classification</u>   |
|----------------------|---|
| 0-20                 | Excellent   |
| 21-30                | Acceptable  |
| 31-40                | Marginal--In many instances immediate attention is necessary.   |
| Over 40              | Inadequate--Significant public health violations exist. Restaurants could be operating under conditions where food may have become contaminated with filth or rendered injurious to health. Deficiencies should be corrected immediately. |

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1/The 185 restaurants were selected from inventory lists dated variously from Nov. 1971 through Aug. 1973, furnished by the 9 cities. Although the lists contained about 35,000 establishments, we adjusted them to exclude (1) bars and lounges, (2) establishments not in operation, and (3) establishments such as hospitals and State institutions which generally are not open to the public. See table 1 in app. I for additional information concerning the sample selection.

2/Estimate is accurate within plus or minus 432 restaurants at the 95-percent level of confidence. See table 2 in app. I for computation of sample projection.

On the basis of FDA inspections, 185 restaurants were classified as follows:

| <u>Classification</u> | <u>Sample</u> |                | <u>Projected results</u> |                         |
|-----------------------|---------------|----------------|--------------------------|-------------------------|
|                       | <u>Number</u> | <u>Percent</u> | <u>Number</u>            | <u>Percent (note a)</u> |
| Excellent             | 11            | 6              | 273                      | 1.9                     |
| Acceptable            | 14            | 8              | 565                      | 3.8                     |
| Marginal              | 21            | 11             | 665                      | 4.5                     |
| Inadequate            | <u>139</u>    | <u>75</u>      | <u>13,233</u>            | <u>89.8</u>             |
| Total                 | <u>185</u>    | <u>100</u>     | <u>14,736</u>            | <u>100.0</u>            |

a/Percents in this column differ from percents in "Sample" column because of weighting. See table in app. I.

### SANITARY DEFICIENCIES

Food may become contaminated in restaurants from insanitary food handling and processing. The safety and wholesomeness of food, according to FDA, is important for protecting the consumer's health. During restaurant inspection FDA noted inadequate food protection, unclean equipment and utensils, inadequate facilities, and poor hygienic practices that could cause food contamination and violate sanitation codes. (App. III summarizes the specific violations by frequency of occurrence.)

#### Food protection

Food protection measures are necessary to eliminate food contamination from any source within a restaurant while the food is being stored, prepared, displayed, served, or sold. Proper food protection measures include (1) storing perishable foods at temperatures necessary to protect against spoilage, (2) applying proper sanitation practices in storing, preparing, displaying, and serving food, and (3) properly safeguarding food from poisonous and toxic materials, such as cleaning compounds and bactericides.

The most frequent food protection violations were:

| <u>Violation</u>   | <u>Percent of restaurants</u> |
|--|-------------------------------|
| Food not protected from contamination                              | 73                            |
| Proper temperatures not maintained for potentially hazardous foods | 60                            |
| Food containers stored on floor                                    | 53                            |
| Suitable thermometers not properly located                         | 51                            |

Other violations included improperly storing poisonous and toxic materials, including the storage of bactericides and cleaning compounds with food, and inadequately using suitable utensils to lessen manual contact with food during preparation and serving.

### Equipment and utensils

Equipment and utensils that are not thoroughly cleaned, sanitized, and maintained in good repair can harbor accumulations of food and other residues that support harmful bacterial growth, which may be transmitted to customers and employees. The accumulations may stink and attract pests. The most frequent violations involving unclean equipment and utensils were:

| <u>Violation</u>  | <u>Percent of restaurants</u> |
|---|-------------------------------|
| Dirty nonfood-contact surfaces of equipment                             | 73                            |
| Dirty kitchenware and food-contact surfaces                             | 65                            |
| Single-service articles not properly stored                             | 63                            |
| Utensils and equipment not properly stored and sanitized                | 63                            |
| Inadequate facilities for washing and sanitizing equipment and utensils | 54                            |
| Food-contact surfaces of equipment in poor condition                    | 52                            |

Other violations involving items such as dirty grills and tableware and chipped, pitted, or cracked utensils that can harbor accumulations of food and other substances were found in many of the restaurants.

### Hand-washing facilities

Restaurant employees' hands can become soiled with various contaminants that can be transferred to food, equipment, utensils, and single-service articles. Adequate and conveniently located hand-washing facilities, including a lavatory equipped with hot and cold running water, hand cleansers, and sanitary towels or other hand-drying devices, are essential to employee cleanliness and food safety. FDA's inspection showed that (1) 39 percent of the restaurants did not have adequate or conveniently located lavatories, (2) 44 percent did not have hand cleansers or hand dryers, and (3) 23 percent did not have hot and cold running water.

### Hygienic practices

Clean personnel with clean habits are essential to sanitary food preparation and service. Clean hands, clean clothing, and sanitary personal habits can reduce the likelihood of contaminating food; drink; and food-contact surfaces of equipment, utensils, or single-service articles. Violations involving hygienic practices included dirty clothes and/or no hair restraints (61 percent) and insanitary personal habits (29 percent).

### Other violations

Some additional violations included dirty ice, uncontrolled vermin, and improper garbage disposal.

If ice is manufactured from contaminated water or is handled in an insanitary manner, it may contaminate the food or beverage with which it comes in contact and, thus, may transmit diseases. This violation was found in 43 percent of the restaurants.

Insects and rodents can transmit several diseases to man through contamination of food and food-contact surfaces. Insects and rodents were found in 20 percent of the restaurants.

Storing garbage and rubbish properly is necessary to minimize odors, prevent wastes from becoming a harborage or breeding place for vermin, and reduce the sources of food equipment and utensil contamination. Violations involving garbage and rubbish storage occurred in 45 percent of the restaurants.

### Conditions found

Some conditions, noted during the inspections, which contributed to the various sanitation violations discussed above include:

- Roaches crawling on bread and food-contact surfaces.
- Rat and cockroach infestations.
- Insecticides and cleaning compounds stored with food.
- Dirty meat-cutting block, which could promote the growth of harmful bacteria.
- Hotdogs thawing in a sink partially filled with dirty and greasy water.

- Foreign particles in uncovered chocolate syrup container.
- Dirty stove hoods and dirty air filters over food preparation areas.
- Dirty kitchenware and equipment.
- Fresh bread stored on top of a dirty garbage can.
- Food stored in open containers in dirty refrigerator.
- Decomposed meat in freezer.
- Dishwasher clogged.
- Beetles in food.
- Mouse droppings on shelves.

In most cases FDA consultants discussed their inspection results with the restaurant operator, so corrective action, where necessary, could be taken. FDA consultants also discussed the results of their inspections with local health officials, for appropriate followup action by them.

On September 22, 1975, the Director, FDA Bureau of Foods, Division of Food Service, told us that, based on FDA's evaluation of State food service sanitation programs, restaurant sanitation has not greatly improved since FDA's inspection for us.

INSANITARY CONDITIONS NOTED IN  
PRIOR FDA, STATE, OR LOCAL INSPECTIONS

The following data obtained from FDA, State, or local records show that the sanitation condition of restaurants has been a continuing problem.

- A 1970 local health department survey of restaurants in 1 city disclosed serious violations in 1,278 (86 percent) of those surveyed.
- A 1970 sample of 201 restaurants in 1 State showed that 71 (36 percent) were insanitary.
- Inspections of restaurants during surveys of 44 county health programs by another State from 1959 through 1971 showed that restaurants in 38 counties were insanitary.

- From 1964-73 FDA/PHS inspected 1,662 food service establishments, including restaurants, in 31 States, for the purpose of certifying State sanitation officers or training FDA personnel. Fifty-five percent of the food service establishments inspected were insanitary.
- Surveys of 5 cities by a State from April 1970 through March 1974 showed that 71 percent of the restaurants in these cities were insanitary.
- FDA's evaluation of a State program in 1974 included inspections of 200 restaurants which disclosed that 165 (83 percent) of them were insanitary.

RESTAURANT OPERATORS'  
KNOWLEDGE OF SALMONELLA

In our report to the Congress, entitled, "Salmonella in Raw Meat and Poultry: An Assessment of the Problem," (B-164031(2), July 22, 1974) we pointed out that:

- Salmonella is a bacteria which often causes food poisoning.
- Salmonellosis, the infection caused by the salmonella bacteria, is considered by some authorities to be a major communicable disease problem, of bacterial origin, in the United States.
- Meat and poultry are among the foods most likely to carry salmonella, because animals are frequently infected with the bacteria.
- If salmonella contaminated meat and poultry are handled, salmonella could be spread to other foods not normally cooked and to utensils.
- Equipment, utensils, cutting boards, and hands should be washed after they come in contact with raw meat and poultry and before they contact other food products to minimize the spread of salmonella.
- Most women did not know how to minimize the spread of salmonella that might be present in raw meat and poultry brought into the home.

Both HEW and the Department of Agriculture stress the importance of educating food handlers, including housewives and restaurant operators, about the potential health problems and about the precautions required in handling raw meat and

poultry. Because of this, we questioned the operators of the restaurants inspected to determine what they knew about salmonella. The operators' responses showed that:

--72 percent did not know that salmonella is a bacteria which may cause food poisoning.

--46 percent, after being informed that salmonella is a food poisoning bacteria, did not know how to minimize the spread of the bacteria possibly present in raw meat and poultry brought into the restaurant.

HEW said a proposed revision to the 1962 PHS Code would address the causes of foodborne contamination, including salmonella, in food service establishments and include procedures to reduce the risk of such contamination.

In addition, an FDA Bureau of Foods official said FDA is supporting a project designed to develop and test a training-testing-certification program for food service establishment operators. According to this official, if the program proves feasible, FDA intends to encourage States to require that at least one responsible person in each food service operation pass a prescribed test and be certified as knowing safe food handling practices and the provisions of the FSSP recommended food service sanitation ordinance.

### CHAPTER 3

#### FDA EFFORTS TO IMPLEMENT FOOD

##### SERVICE SANITATION PROGRAM

FDA, under the voluntary, cooperative FSSP, seeks to motivate State health departments to upgrade State and local food service sanitation programs as a means for improving restaurant sanitation.

The effectiveness of FSSP largely depends on how FDA and the States carry out the various program functions. FDA has had only limited success doing this; and, consequently, FSSP has not had a great impact on improving restaurant sanitation conditions.

##### PROGRAM IMPLEMENTATION

FSSP does not provide minimum criteria for State participation in the program. FDA cannot compel State health agencies to upgrade their food service sanitation programs and does not act independently to improve restaurant sanitation conditions. FDA regards its role as advisory and consultative.

The States decide what program functions they are interested in and the extent to which they wish to participate. Accordingly, the extent of State participation varies. Information on some of the more important FSSP functions follows.

##### Promote adopting the 1962 PHS Code

According to FDA's Food Service Sanitation Manual, food sanitation programs should be based on nationally accepted public health principles and standards. The manual, published by PHS in 1962, provides State governments with a comprehensive model ordinance (1962 PHS Code) for regulating food service sanitation. If States adopted uniform sanitation laws, the variance between States would be minimized concerning (1) criteria for restaurant sanitation, (2) enforcement measures to correct insanitary conditions, and (3) penalties imposed for failure to correct insanitary conditions. As a result, Federal training programs for State and local health inspectors would be developed more easily and interstate restaurant chains would have a means to establish consistent training procedures for individual operators.

FDA attempts, through discussion and correspondence with State officials, to persuade States to adopt the 1962 PHS Code. FDA does this primarily during (1) visits to State health departments, (2) evaluations of State programs and certifications of State sanitation officers, and (3) attendance at regional and State conferences and seminars.

As of July 1975, 30 States had adopted the 1962 PHS Code. (See app. IV.) The code applied to most local jurisdictions in these States, except in some States the local jurisdictions may adopt a more stringent code.

Of the 25 States within the geographical boundaries of the 5 FDA regional offices covered by our review, 11 had not adopted the 1962 PHS Code. FDA regional officials said States have not adopted the 1962 PHS Code due to:

1. Insufficient resources to enforce present State laws.
2. The cost of approving a new law.
3. Lack of funds for administering or staffing a strong sanitary program.
4. Local governments having responsibility for regulating food service establishments.
5. Some States viewing their food sanitation program as comparable to the 1962 PHS Code, hence needing no change.

According to an FDA Bureau of Foods official, FDA does not have the manpower to promote or the authority to force adoption and implementation of the 1962 PHS Code.

#### Certifying State food service sanitation survey officers

FSSP provides that at least one State food service sanitation survey officer be certified in each State and be responsible for the development, effectiveness, and future direction of the food service sanitation program within the State. Through the certification procedure, the survey officer demonstrates he knows about and can evaluate food service establishments and can administer a food service sanitation program in accordance with the 1962 PHS Code. Consequently, the State survey officer is responsible for implementing and improving the State program, for evaluating and upgrading local programs, and

for training local food service sanitation personnel how to properly inspect restaurants and to interpret sanitation requirements.

As of July 1975, FDA had certified sanitation officers in 44 States. According to an FDA Bureau of Foods official, three of the remaining six States have had certified officers but lost them because of personnel transfers. (See app. V.)

#### Evaluating State food sanitation programs

FSSP recommends that FDA evaluate State food sanitation programs at least once every 3 to 5 years. According to FSSP, the evaluations should (1) determine the sanitary status of restaurants in the State, based upon inspection of a sample number of restaurants and (2) assess whether the State's administrative organization can adequately carry out its program. Such evaluations should provide information on the extent of the State's involvement in food service sanitation programs, identify weaknesses that need to be corrected, and provide FDA with necessary information on trends and direction of State food service sanitation programs.

Since 1968 FDA has evaluated only 12 State programs. An FDA Bureau of Foods official said States are receptive to FDA evaluations of their food service sanitation programs; however, FDA has not had enough staff to evaluate the programs in each State. This official estimated that, if FDA began a program to evaluate all State food service programs once every 3 years, the cost would be about \$100,000 annually, requiring five more food consultants.

#### Sponsoring training programs for State and local food service program personnel

To increase the knowledge and competency of State and local food sanitation personnel, FSSP provides that FDA should hold, or participate in, training courses and annual regional seminars.

From fiscal years 1970 through 1973, FDA did not conduct training courses in 26 States. In the remaining 24 States, FDA conducted a total of 42 training courses--about 1 course every 2 years in each of the 24 States. Also, FDA had not conducted the number of annual regional seminars contemplated by FSSP. From 1970 through 1973 the 10 FDA regions should have held a total of 40 seminars; only 12 were held.

According to an FDA Bureau of Foods official, the demand for such training from State and local agencies is much greater than can be met with available resources; and, thus, FDA has not been able to provide sufficient training to State and local sanitation personnel.

Developing information concerning  
the trends and direction of State  
and local food service programs

Information on the trends and direction of State and local food service programs called for under FSSP could provide FDA a basis for making realistic recommendations relating to problem identification, program direction, and uniform application of national standards. State and local health departments are not required to submit inspection and other program data to FDA.

An FDA Bureau of Foods official said some data identifying trends in State and local programs has been obtained through regional seminars, reports, and personal contacts; however, the lack of adequate staff has limited the quantity of the data and information obtained from health departments. This official believed that the development of trend data would improve if evaluations of State programs were carried out.

About November 1971, FDA sent questionnaires to all States requesting information on their food service sanitation programs. FDA indicated that the information would be used to develop future national food protection activities and programs. However, according to an FDA Bureau of Foods official, the responses were of limited use to FDA, because the questionnaire was inadequately designed. Consequently, FDA is developing another one.

Because FDA does not have adequate data concerning trends and direction of State and local food service programs, it cannot make needed recommendations as contemplated by FSSP.

PROPOSED REVISION TO 1962  
MODEL ORDINANCE AND CODE

In an effort to provide State and local governments an up-to-date reference tool to enhance greater uniformity in Federal, State, and local food service regulations, FDA published a proposed revision to the 1962 PHS Code in the October 1974 Federal Register. Essentially, the proposed revision would change the method for recording sanitation violations and would establish a new scoring system for classifying restaurant sanitation.

Classifying restaurant sanitation under the current and proposed scoring systems, however, will generally be the same. The sanitation requirements that must be complied with under the proposed system will be no less stringent. Under the proposed scoring system, weighted values will be assigned to each violation similar to the current system; however, the restaurant score--maximum 100--will be based on sanitation requirements which have been met, rather than on total demerits for violations. Accordingly, under the proposed system, the lower the score, the more serious the inspection findings. Presently, lower scores indicate less serious findings.

According to an FDA Bureau of Foods official, the final version of the 1962 PHS Code will be published in the Federal Register around March 1976. Although the proposed revisions would refine the 1962 PHS Code, properly implementing the existing code, including vigorous enforcement of either the present or revised version of the code, could provide an adequate basis for effectively regulating restaurants.

## CHAPTER 4

### STATE AND LOCAL FOOD SERVICE SANITATION PROGRAMS

We reviewed the food service sanitation programs in six of the nine cities where FDA made restaurant inspections for us and in the six States in which the cities are located. Although the six States participated to some extent in FSSP, all generally relied on the local governments to inspect and regulate restaurant sanitation. As contemplated by FSSP, the States are to monitor the programs by guiding and assisting the local governments to improve the effectiveness of local food service sanitation programs. Local governments generally have been ineffective in regulating restaurant sanitation and, generally, the States have monitored the programs only minimally.

#### REGULATING RESTAURANTS

Restaurant sanitation depends largely on the capability and willingness of local health departments to carry out an effective restaurant inspection and enforcement program. With only slight variations, the local ordinances, as recommended in the 1962 PHS Code, provide the local health departments with authority to (1) issue health permits, (2) make restaurant inspections, (3) issue a written notice requiring a restaurant operator to correct violative sanitation conditions, (4) conduct hearings if violations are not corrected upon reinspection, (5) suspend or revoke health permits, and (6) seek remedial action through the courts.

The cities inspected each restaurant one to six times annually. One city aggressively enforced the sanitation ordinances. Many restaurants in the remaining five cities repeatedly violated sanitation ordinances, and in most cases the local health departments did not aggressively enforce the ordinances. For example, health departments in four cities were reluctant to revoke or suspend health permits of repetitive violators, although retention of such permits depended upon the restaurant's compliance with local food sanitation ordinances. Usually the health departments reinspected the restaurants, rather than initiate enforcement action, when sanitation violations were not corrected. Although the health permits for some restaurants in the cities were revoked or suspended, according to the director of one local health department, half of the food and drink establishments in his city would face shutdown if the health inspectors "went strictly by the book."

Examples of inadequately enforced local food service sanitation ordinances follow.

--Sanitation regulations of one local health department require that, when an inspection is completed, a written notice be given the restaurant operator to correct any sanitation violations noted. If, upon reinspection, sanitation violations are not corrected, the owner is to be directed to appear for an administrative hearing to show why the health permit for the restaurant should not be revoked. From March 1972 to February 1974, one restaurant was inspected by the local health department eight times, and on six inspections the restaurant was found to be insanitary. The required written notice to correct the violations was not sent to the restaurant operator until January 1974, after the fifth inspection showed its sanitation condition was unacceptable. The restaurant was inspected in February 1974 and again was found to be insanitary but was never summoned to appear for a hearing. At the time of our review, no further action had been taken.

--In another city, one restaurant was inspected seven times by the local health department between June 1970 and October 1973. On each inspection numerous sanitation violations were found; some were repetitive. The restaurant operator did not correct the various violations until he was summoned to a hearing in November 1973.

--From October 1971 through September 1973, one restaurant was inspected five times by the local board of health and two times by the State health department. The State, on one inspection, reported "filthy conditions throughout the premises." The local inspectors found many violations during their inspections. Although it was the policy of the local health department to require corrective actions within 2 weeks of the inspection date, the restaurant was allowed to continue operating 30 to 60 days after each inspection before correcting the violations.

Health permit requirements were not always complied with. According to health officials in three of the six cities, although restaurant operators must get health permits before operating a restaurant, each year during inspections they find some restaurants operating without a permit. These officials said restaurants found complying with sanitation ordinances are generally allowed to continue operating until health permits have been applied for and issued.

The health department records in one city showed that in 1973 an average of 53 restaurants a month were operating without health permits. In another city, many restaurant operators did not apply for health permits; consequently, the local health department did not know these restaurants were operating, and, therefore, did not schedule them for inspections. According to local health officials in this city, monitoring new restaurant openings is a problem to the local health department. New restaurants that fail to obtain a permit are difficult to identify.

Health officials in most of the States covered by our review said they were not able to effectively oversee food service sanitation because of funding and/or manpower shortages.

#### QUESTIONABLE PRACTICES INVOLVING RESTAURANT INSPECTIONS

We found the following questionable practices contributing to the restaurant sanitation problem.

--In one city, a local health inspector had falsified reports of inspections for four restaurants. During our discussion with the managers of the four restaurants, we were told that the purported inspections upon which the reports were based had not been made. We brought this matter to the attention of the local health officials who made a department-wide review to determine the extent of the practice and took other steps to prevent a recurrence of the incident. The local inspector admitted he did not make the inspections; he was suspended without pay for 30 days.

--On three separate occasions during the FDA restaurant inspections for us in another city, the persons in charge of the restaurants being inspected approached the FDA Milk and Food Consultant making the inspection with what the consultant interpreted as a bribe offer.

After the inspections, the local health inspector, who was present during the inspection, asked the FDA Milk and Food Consultant if any bribe offers were made. The consultant described what had happened. Subsequently, FDA officials discussed the matter with a local health department official who said the city intended to look at the bribery question citywide and that an investigation would be made at the restaurants where the alleged bribe offers were made. In addition,

FDA referred the matter to the Department of Justice to consider whether Federal criminal statutes had been violated. According to FDA, the Department of Justice investigated the matter but declined prosecution as the matter was returned to the local health department for action.

#### PUBLICIZING INSPECTION RESULTS

Publicizing restaurant inspection results has been surrounded by some controversy. Health officials in five of the six States covered by our review opposed publicizing inspection results, because they believed (1) it unjustly "tried" the restaurant in the newspapers and could falsely imply that the sanitation condition would remain unchanged after such publication or (2) inspection results are administratively confidential and should not be made public. Others felt that publicizing inspection results might be a means to insure compliance from a restaurant operator.

A health official in the remaining State believed inspections should be publicized but care be taken to insure that a restaurant operator's livelihood is not maliciously destroyed by such publicity.

Only two of the six local health departments visited published the names of insanitary restaurants. One only recently began to publicize the inspection results and, therefore, did not have sufficient experience to comment on the advantages or disadvantages of the practice. However, officials of another health department believed that the practice had proven beneficial to restaurant sanitation. The other four local health departments did not publish inspection results, for various reasons, including:

- A lack of resources to publish the results.
- Concern that friction with local pressure groups would ensue.
- Disinterest on the part of the news media to publish such information.
- A belief that insanitary restaurants should be closed rather than publicized.

FDA officials provided us the following views for and against this practice.

For

- Restaurant customers would have a basis for comparing restaurants for sanitary quality.
- Restaurant operators would tend to improve and maintain sanitation standards to avoid having a low rating published.

Against

- The average consumer probably does not know enough to judge the significance of the results of restaurant inspections.
- Conditions found on inspection date may change greatly (degrade or improve) on later days; hence, the published rating may either give the customer a false sense of security or unjustly downgrade the restaurant.
- Published inspection results may reach only a small part of the affected population.
- A restaurant is either safe or it is not, and unsafe ones should be closed until they become safe.
- Publicizing inspection results that show a restaurant is violating sanitation ordinances may impair subsequent legal action against that restaurant or its operator.

## CHAPTER 5

### CONCLUSIONS, RECOMMENDATION, AND AGENCY COMMENTS

#### CONCLUSIONS

The sanitation of many of the Nation's restaurants is unacceptable and needs to be improved. Inspections by FDA and/or State and local health departments show that sanitation conditions of restaurants have been a persistent problem.

Local governments, which have assumed primary responsibility for regulating restaurants, have generally not aggressively enforced local sanitation ordinances and regulations to insure that restaurant operators follow good sanitation practices.

FDA's voluntary FSSP has not had a great impact on improving State and local food service sanitation programs. FDA officials indicated that if the FSSP is to be more workable and effective, more resources are needed. However, FDA has not developed data to show what additional resources would be required and how such resources should be used to effectively achieve FSSP objectives.

We believe FDA should take the necessary measures to strengthen the program. Such measures should include a determination of the additional resources needed, if any, and how much such resources would be used.

#### RECOMMENDATION

We recommend that the Secretary of HEW direct the Commissioner of FDA to take the necessary measures to strengthen the program. In this regard, FDA should more vigorously encourage States to improve their food service sanitation programs. If FDA determines additional resources are needed to strengthen its program, this matter should be brought to the attention of the Congress.

#### AGENCY COMMENTS

HEW agreed with our recommendation (see app. VI) and said FDA is taking steps to improve the FSSP. According to HEW, several conditions influence the ability to achieve effective sanitation in food service establishments.

The food service industry embraces an estimated 600,000 food service establishments; thousands move in and out of

the national inventory monthly. These establishments employ an estimated 4 million persons, with probably the highest turnover rate of any major industry in the United States. Past experience indicates that these factors contribute to a lack of employee education and training in good sanitation practices. In addition, State and local governments allocate environmental health resources on the basis of estimated or known risks and associated program priorities. The food service sanitation function is rarely allocated sufficient resources for effective control of food service operations.

HEW said this combination of industry and government characteristics indicates that increased Federal assistance will not in itself guarantee significant improvement in sanitation conditions but that the collective effort of Federal, State, and local governments, as well as the industry itself, is needed.

For example, HEW stated that during fiscal year 1976, FDA is surveying State programs to determine individual State program needs, which will provide a national data base for developing program plans. This data, according to HEW, will permit FDA to concentrate on assisting individual States in correcting program deficiencies while simultaneously pursuing projects of national importance.

In addition, HEW said FDA has developed a model program for use by the States in training owners and managers of food service establishments in good sanitation practices. HEW believes that training food service establishment managers offers the greatest potential for improving restaurant sanitation.

According to HEW, FDA has also developed a model data processing system for use in food service sanitation program administration at the State level. FDA's primary objective in developing this system is to encourage better visibility and control of food service programs. Basically, the system is designed to collect, store, and retrieve inspection information on food service establishments. HEW said the system can be used to monitor matters such as performance of inspectors in the field, sanitation level of eating establishments, and effectiveness of training programs. FDA believes this system will provide an effective tool for program analysis and management planning. During this fiscal year, FDA expects at least three States to adopt this system.

HEW said that although FDA will carry out these initiatives within current resource constraints, FDA can substantially help State and local governments improve their programs by identifying program deficiencies and by developing innovative methods which enhance program administration.

## CHAPTER 6

### SCOPE OF REVIEW

To assess restaurant sanitation, we asked FDA to inspect 185 restaurants selected at random from about 14,736 restaurants in 9 metropolitan cities. The inspections were made in Atlanta, Boston, Dallas, Detroit, Minneapolis, New York, Norfolk, San Francisco, and Tucson during the period January through March 1974. The inspection results obtained from this statistical sample are not reflective of the sanitation conditions of restaurants in any one city, but are indicative of the sanitation conditions of the 14,736 restaurants in the 9 cities. In addition, we questioned the restaurant owners/operators about their knowledge of salmonella and the means necessary to control it.

We also reviewed FDA headquarters' policy; the monitoring roles of five FDA regional offices and the State health departments of Arizona, California, Georgia, Massachusetts, New York, and Texas; and the adequacy of restaurant inspections and enforcement procedures by the local health departments for Atlanta, Boston, Dallas, New York, San Francisco, and Tucson.

TABLE 1Sample Selection Methodology

|  |           |                      |
|--|-----------|----------------------|
| Original inventory   |           | <u>35,324</u>        |
| Establishments initially selected at<br>random for inspection                      |           | 457                  |
| Establishments excluded:   |           |                      |
| Bars, lounges, taverns   | 64        |                      |
| Not in operation   | 112       |                      |
| Hospitals, schools, etc.   | <u>96</u> | <u>272</u>           |
| Establishments accepted for<br>inspection  |           | <u>185</u>           |
| Percent of establishments accepted<br>for inspection (185 divided<br>by 457 x 100) |           | <u>41.7</u>          |
| Adjusted inventory (35,324<br>multiplied by 41.7)                                  |           | <u><u>14,736</u></u> |

TABLE 2Computation of Sample Projection

| <u>City</u> | <u>Estimated<br/>universe</u> | <u>Sample<br/>size</u> | <u>Number<br/>found<br/>inadequate</u> | <u>Percent<br/>inadequate<br/>(note a)</u> | <u>Estimated<br/>number<br/>inadequate<br/>(note b)</u> |
|-------------|-------------------------------|------------------------|--|--|---|
| A           | 674                           | 20                     | 14                                     | 70   | 472   |
| B           | 820                           | 20                     | 17                                     | 85   | 697   |
| C           | 369                           | 16                     | 14                                     | 88   | 322   |
| D           | 785                           | 20                     | 16                                     | 80   | 628   |
| E           | 8,927                         | 35                     | 35                                     | 100  | 8,927   |
| F           | 1,305                         | 20                     | 14                                     | 70   | 914   |
| G           | 1,254                         | 16                     | 13                                     | 81   | 1,019   |
| H           | 315                           | 20                     | 4                                      | 20   | 63  |
| I           | <u>287</u>                    | <u>18</u>              | <u>12</u>                              | 67   | <u>191</u>  |
| Total       | <u>14,736</u>                 | <u>185</u>             | <u>139</u>                             |  | <u>c/13,233</u>   |

a/Column 3 divided by column 2 multiplied by 100.

b/Column 1 multiplied by column 4.

c/(Column 5)  $\frac{13,233}{14,736}$  multiplied by 100 = 89.8 percent.

INSPECTION REPORT  
FOOD SERVICE ESTABLISHMENTS

Permit No. \_\_\_\_\_  
Type \_\_\_\_\_ NSD \_\_\_\_\_

APPENDIX I I

|                          |                       |         |                   |
|--------------------------|-----------------------|---------|-------------------|
| CITY, COUNTY OR DISTRICT | NAME OF ESTABLISHMENT | ADDRESS | OWNER OR OPERATOR |
|--------------------------|-----------------------|---------|-------------------|

Sir: Based on an inspection this day, the items marked below identify the violation in operation or facilities which must be corrected by the next routine inspection or such shorter period of time as may be specified in writing by the health authority. Failure to comply with this notice may result in immediate suspension of your permit (or downgrading of the establishment). \* An opportunity for an appeal will be provided if a written request for a hearing is filed with the health authority within the period of time established in this notice for the correction of violations.

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| SECTION B. Food                        |                | SECTION D. Food Equipment and Utensils (Continued)  |                              |                              |                        |                 |                     |  | SECTION E. Sanitary Facilities and Controls (Continued) |   |                |
|--|----------------|---|------------------------------|------------------------------|------------------------|-----------------|---------------------|--|---|---|----------------|
| Item                                   | Demerit points | Specify:  | Bakery products              | Poultry and poultry products | Meat and meat products | Frozen desserts | Shellfish           | Milk and milk products                 | Demerit points  | Item  | Demerit points |
| 1                                      | 6              | Approved source   |                              |                              |                        |                 |                     |  | 6   | 37  | 2              |
| 2                                      | 6              | Wholesome—not adulterated   |                              |                              |                        |                 |                     |  | 6   | 38  | 4              |
| 3                                      | 2              | Not misbranded  |                              |                              |                        |                 |                     |  | 2   | 39  | 2              |
| 4                                      | 2              | Original container, properly identified   |                              |                              |                        |                 |                     |  | 2   | 40  | 2              |
| 5                                      | 6              | Approved dispenser  |                              |                              |                        |                 |                     |  | 6   | 41  | 2              |
| 6                                      | 6              | Fluid milk and fluid milk products pasteurized  |                              |                              |                        |                 |                     |  | 6   | 42  | 2              |
| 7                                      | 6              | Low-acid and non-acid foods commercially canned   |                              |                              |                        |                 |                     |  | 6   | 43  | 2              |
| 2. FOOD PROTECTION                     |                | Preparation   | Storage                      | Display                      | Service                | Transportation  |                     |  |   | 44  | 4              |
| 8                                      | 4              | Protected from contamination  |                              |                              |                        |                 |                     |  | 4   | 45  | 4              |
| 9                                      | 2              | Adequate facilities for maintaining food at hot or cold temperatures  |                              |                              |                        |                 |                     |  | 2   | 46  | 4              |
| 10                                     | 2              | Suitable thermometers properly located  |                              |                              |                        |                 |                     |  | 2   | 47  | 2              |
| 11                                     | 2              | Perishable food at proper temperature   |                              |                              |                        |                 |                     |  | 2   | 48  | 2              |
| 12                                     | 6              | Potentially hazardous food at 45° F. or below, or 140° F. or above as required                                |                              |                              |                        |                 |                     |  | 6   | 49  | 2              |
| 13                                     | 2              | Frozen food kept frozen; properly thawed  |                              |                              |                        |                 |                     |  | 2   | 50  | 2              |
| 14                                     | 4              | Handling of food minimized by use of suitable utensils  |                              |                              |                        |                 |                     |  | 4   | 51  | 2              |
| 15                                     | 6              | Hollandaise sauce of fresh ingredients; discarded after three hours   |                              |                              |                        |                 |                     |  | 6   | 52  | 2              |
| 16                                     | 6              | Food cooked to proper temperature   |                              |                              |                        |                 |                     |  | 6   | 53  | 2              |
| 17                                     | 2              | Fruits and vegetables washed thoroughly   |                              |                              |                        |                 |                     |  | 2   | 54  | 2              |
| 18                                     | 2              | Containers of food stored off floor on clean surfaces   |                              |                              |                        |                 |                     |  | 2   | 55  | 2              |
| 19                                     | 2              | No wet storage of packaged food   |                              |                              |                        |                 |                     |  | 2   | 56  | 2              |
| 20                                     | 2              | Display cases, counter protector devices or cabinets of approved type   |                              |                              |                        |                 |                     |  | 2   | 57  | 6              |
| 21                                     | 2              | Frozen dessert dispensers properly stored   |                              |                              |                        |                 |                     |  | 2   | 58  | 2              |
| 22                                     | 2              | Sugar in closed dispensers or individual packages   |                              |                              |                        |                 |                     |  | 2   | SECTION E. Sanitary Facilities and Controls |                |
| 23                                     | 4              | Unwrapped and potentially hazardous food not re-served  |                              |                              |                        |                 |                     |  | 4   | 1. WATER SUPPLY                             |                |
| 24                                     | 6              | Poisonous and toxic materials properly identified, colored, stored and used, poisonous polishes not present   |                              |                              |                        |                 |                     |  | 6   | 59  | 6              |
| 25                                     | 6              | Bactericides, cleaning and other compounds properly stored and non-toxic in dilutions                         |                              |                              |                        |                 |                     |  | 6   | 60  | 4              |
| SECTION C. Personnel                   |                |   |                              |                              |                        |                 |                     |  |   | 61  | 6              |
| 1. HEALTH AND DISEASE CONTROL          |                |   |                              |                              |                        |                 |                     |  |   | 62  | 6              |
| 26                                     | 6              | Persons with boils, infected wounds, respiratory infections or other communicable disease properly restricted |                              |                              |                        |                 |                     |  | 6   | 63  | 2              |
| 27                                     | 6              | Known or suspected communicable disease cases reported to health authority                                    |                              |                              |                        |                 |                     |  | 6   | 64  | 2              |
| 2. CLEANLINESS                         |                |   |                              |                              |                        |                 |                     |  |   | 65  | 2              |
| 28                                     | 6              | Hands washed and clean  |                              |                              |                        |                 |                     |  | 6   | 2. SEWAGE DISPOSAL                          |                |
| 29                                     | 2              | Clean outer garments; proper hair restraints used   |                              |                              |                        |                 |                     |  | 2   | 66  | 6              |
| 30                                     | 4              | Good hygienic practices   |                              |                              |                        |                 |                     |  | 4   | 3. PLUMBING                                 |                |
| SECTION D. Food Equipment and Utensils |                | Food repair; no cracks  | No chips, pits or open seams | Cleanable; smooth            | Approved material      | No corrosion    | Proper construction | Accessible for cleaning and inspection |   | 67  | 2              |
| 31                                     | 2              | Food-contact surfaces of equipment  |                              |                              |                        |                 |                     |  | 2   | 68  | 1              |
| 32                                     | 2              | Utensils  |                              |                              |                        |                 |                     |  | 2   | 69  | 6              |
| 33                                     | 2              | Non-food-contact surfaces of equipment  |                              |                              |                        |                 |                     |  | 2   | 70  | 2              |
| 34                                     | 2              | Single-service articles of non-toxic materials  |                              |                              |                        |                 |                     |  | 2   | 71  | 2              |
| 35                                     | 2              | Equipment properly installed  |                              |                              |                        |                 |                     |  | 2   | 4. TOILET FACILITIES                        |                |
| 36                                     | 2              | Existing equipment capable of being cleaned, non-toxic, properly installed, and in good repair                |                              |                              |                        |                 |                     |  | 2   | 72  | 6              |
|  |                |   |                              |                              |                        |                 |                     |  |   | 73  | 2              |
|  |                |   |                              |                              |                        |                 |                     |  |   | 74  | 2              |
|  |                |   |                              |                              |                        |                 |                     |  |   | 75  | 2              |
|  |                |   |                              |                              |                        |                 |                     |  |   | 5. HAND-WASHING FACILITIES                  |                |
|  |                |   |                              |                              |                        |                 |                     |  |   | 76  | 6              |
|  |                |   |                              |                              |                        |                 |                     |  |   | 77  | 4              |
|  |                |   |                              |                              |                        |                 |                     |  |   | 78  | 2              |
|  |                |   |                              |                              |                        |                 |                     |  |   | 6. DRESSING ROOMS AND LOCKERS               |                |
|  |                |   |                              |                              |                        |                 |                     |  |   | 108   | 1              |
|  |                |   |                              |                              |                        |                 |                     |  |   | 109   | 1              |
|  |                |   |                              |                              |                        |                 |                     |  |   | 110   | 2              |
|  |                |   |                              |                              |                        |                 |                     |  |   | 5. HOUSEKEEPING                             |                |
|  |                |   |                              |                              |                        |                 |                     |  |   | 111   | 2              |
|  |                |   |                              |                              |                        |                 |                     |  |   | 112   | 2              |
|  |                |   |                              |                              |                        |                 |                     |  |   | 113   | 2              |
|  |                |   |                              |                              |                        |                 |                     |  |   | 114   | 2              |
|  |                |   |                              |                              |                        |                 |                     |  |   | 115   | 2              |
|  |                |   |                              |                              |                        |                 |                     |  |   | 116   | 2              |
|  |                |   |                              |                              |                        |                 |                     |  |   | 117   | 1              |
|  |                |   |                              |                              |                        |                 |                     |  |   | 118   | 2              |

\* Applicable only where grading form of ordinance is in effect.

DEMERIT SCORE OF THE ESTABLISHMENT \_\_\_\_\_ Date \_\_\_\_\_ Health Authority \_\_\_\_\_

REMARKS: (Use Reverse Side)

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Washington, D.C., 20402

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BEST DOCUMENT AVAILABLE

APPENDIX I I

SUMMARY OF SANITATION VIOLATIONS  
NOTED BY FDA DURING RESTAURANT INSPECTIONS

|   | Item  | Number of violative restaurants   | Percent of violation |     |
|---|---|---|----------------------|-----|
| FOOD SUPPLIES                                     | Approved source   | 1   | 0.5                  |     |
|   | Wholesome-not adulterated   | 8   | 4.3                  |     |
|   | Not misbranded  | 2   | 1.0                  |     |
|   | Original container, properly identified   | 28  | 15.1                 |     |
|   | Approved dispenser  | 5   | 2.7                  |     |
|   | Fluid milk and fluid milk products pasteurized  | 1   | 0.5                  |     |
|   | Low-acid and non-acid foods commercially canned   | 0   | 0.0                  |     |
|   | Protected from contamination  | 135   | 72.9                 |     |
|   | Adequate facilities for maintaining food at hot or cold temperatures  | 11  | 5.9                  |     |
|   | Suitable thermometers properly located  | 95  | 51.3                 |     |
| FOOD PROTECTION                                   | Perishable food at proper temperature   | 0   | 0.0                  |     |
|   | Potentially hazardous food at 45° F. or below, or 140° F. or above as required                              | 111   | 60.0                 |     |
|   | Frozen food kept frozen; properly thawed  | 22  | 11.9                 |     |
|   | Handling of food minimized by use of suitable utensils  | 27  | 14.5                 |     |
|   | Hollandaise sauce of fresh ingredients; discarded after three hours   | 0   | 0.0                  |     |
|   | Food cooked to proper temperature   | 0   | 0.0                  |     |
|   | Fruits and vegetables washed thoroughly   | 0   | 0.0                  |     |
|   | Containers of food stored off floor on clean surfaces   | 98  | 52.9                 |     |
|   | No wet storage of packaged food   | 14  | 7.5                  |     |
|   | Display cases, counter protector devices or cabinets of approved type                                       | 1   | 0.5                  |     |
|   | Frozen dessert dippers properly stored  | 33  | 17.8                 |     |
|   | Sugar in closed dispensers or individual packages   | 10  | 5.4                  |     |
|   | Unwrapped and potentially hazardous food not re-served  | 1   | 0.5                  |     |
|   | Poisonous and toxic materials properly identified, colored, stored and used; poisonous polishes not present | 63  | 34.0                 |     |
|   | Bactericides, cleaning and other compounds properly stored and non-toxic in use dilutions                   | 26  | 14.0                 |     |
|   | PERSONNEL   | Persons with boils, infected wounds, respiratory infections or other communicable disease properly restricted | 0                    | 0.0 |
|   |   | Known or suspected communicable disease cases reported to health authority                                    | 0                    | 0.0 |
| Hands washed and clean                            |   | 18  | 9.7                  |     |
| Clean outer garments; proper hair restraints used |   | 112   | 60.5                 |     |
| Good hygienic practices                           |   | 53  | 28.6                 |     |

|   | Item   | Number of violative restaurants | Percent of violation |
|---|--|---------------------------------|----------------------|
| FOOD EQUIPMENT AND UTENSILS   | Food-contact surfaces of equipment   | 97                              | 52.4                 |
|   | Utensils   | 87                              | 47.0                 |
|   | Non-food-contact surfaces of equipment   | 70                              | 37.8                 |
|   | Single-service articles of non-toxic materials   | 0                               | 0.0                  |
|   | Equipment properly installed   | 4                               | 2.1                  |
|   | Existing equipment capable of being cleaned, non-toxic, properly installed, and in good repair                                 | 82                              | 44.3                 |
|   | Tableware clean to sight and touch   | 24                              | 12.9                 |
|   | Kitchenware and food-contact surfaces of equipment clean to sight and touch  | 121                             | 65.4                 |
|   | Grills and similar cooking devices cleaned daily   | 33                              | 17.8                 |
|   | Non-food-contact surfaces of equipment kept clean  | 135                             | 72.9                 |
|   | Detergents and abrasives rinsed off food-contact surfaces  | 1                               | 0.5                  |
|   | Clean wiping cloths used; use properly restricted  | 40                              | 21.6                 |
|   | Utensils and equipment pre-flushed, scraped or soaked  | 2                               | 1.0                  |
|   | Tableware sanitized  | 52                              | 28.1                 |
|   | Kitchenware and food-contact surfaces of equipment used for potentially hazardous food sanitized                               | 58                              | 31.3                 |
|   | Facilities for washing and sanitizing equipment and utensils approved, adequate, properly constructed, maintained and operated | 100                             | 54.0                 |
|   | Wash and sanitizing water clean  | 9                               | 4.8                  |
|   | Wash water at proper temperature   | 7                               | 3.7                  |
|   | Dish tables and drain boards provided, properly located and constructed  | 44                              | 23.7                 |
|   | Adequate and suitable detergents used  | 2                               | 1.0                  |
|   | Approved thermometers provided and used  | 21                              | 11.3                 |
|   | Suitable dish baskets provided   | 2                               | 1.0                  |
|   | Proper gauge cocks provided  | 8                               | 4.3                  |
|   | Cleaned and sanitized utensils and equipment properly stored and handled; utensils air-dried                                   | 116                             | 62.7                 |
|   | Suitable facilities and areas provided for storing utensils and equipment  | 77                              | 41.6                 |
|   | Single-service articles properly stored, dispensed and handled   | 117                             | 63.2                 |
|   | Single-service articles used only once   | 3                               | 1.6                  |
| Single-service articles used when approved washing and sanitizing facilities are not provided | 0  | 0.0                             |                      |

BEST DOCUMENT AVAILABLE

APPENDIX III

|                   | Item  | Number of violative restaurants | Percent of violation |
|-------------------|---|---------------------------------|----------------------|
| WATER SUPPLY      | From approved source; adequate; safe quality  | 0                               | 0.0                  |
|                   | Hot and cold running water provided   | 1                               | 0.5                  |
|                   | Transported water handled, stored, dispensed in a sanitary manner   | 0                               | 0.0                  |
|                   | Ice from approved source, made from potable water   | 0                               | 0.0                  |
|                   | Ice machines and facilities properly located, installed and maintained  | 20                              | 10.8                 |
|                   | Ice and ice handling utensils properly handled and stored; block ice rinsed   | 79                              | 42.7                 |
|                   | Ice-contact surfaces approved; proper material and construction   | 7                               | 3.7                  |
| PLUMBING          | Into public sewer, or approved private facilities   | 1                               | 0.5                  |
|                   | Properly sized, installed and maintained  | 24                              | 12.9                 |
|                   | Non-potable water piping identified   | 0                               | 0.0                  |
|                   | No cross connections  | 1                               | 0.5                  |
|                   | No back siphonage possible  | 58                              | 31.3                 |
| TOILETS           | Equipment properly drained  | 20                              | 10.8                 |
|                   | Adequate, conveniently located, and accessible, properly designed and installed                                     | 43                              | 23.2                 |
|                   | Toilet rooms completely enclosed, and equipped with self-closing, tight fitting doors, doors kept closed            | 60                              | 32.4                 |
| HAND WASHING      | Toilet rooms, fixtures and vestibules kept clean, in good repair, and free from odors                               | 40                              | 21.6                 |
|                   | Toilet tissue and proper waste receptacles provided, waste receptacles emptied as necessary                         | 77                              | 41.6                 |
| GARBAGE & RUBBISH | Lavatories provided, adequate, properly located and installed   | 72                              | 38.9                 |
|                   | Provided with hot and cold or tempered running water through proper fixtures  | 43                              | 23.2                 |
|                   | Suitable hand cleanser and sanitary towels or approved hand-drying devices provided                                 | 81                              | 43.7                 |
|                   | Waste receptacles provided for disposable towels  | 11                              | 5.9                  |
| RODENTS VERMIN    | Lavatory facilities clean and in good repair  | 10                              | 5.4                  |
|                   | Stored in approved containers; adequate in number   | 84                              | 45.4                 |
|                   | Containers cleaned when empty; brushes provided   | 75                              | 40.5                 |
|                   | When not in continuous use, covered with tight-fitting lids, or in protective storage inaccessible to vermin        | 126                             | 68.1                 |
|                   | Storage areas adequate; clean, no nuisances, proper facilities provided   | 42                              | 22.7                 |
|                   | Disposed of in an approved manner, at an approved frequency   | 4                               | 2.1                  |
|                   | Garbage rooms or enclosures properly constructed, outside storage at proper height above ground or on concrete slab | 14                              | 7.5                  |
| RODENTS VERMIN    | Food waste grinders and incinerators properly installed, constructed and operated, incinerators areas clean         | 0                               | 0.0                  |
|                   | Presence of rodents, flies, roaches and vermin minimized  | 41                              | 22.1                 |
|                   | Outer openings protected against flying insects as required, rodent-proofed   | 38                              | 20.5                 |
|                   | Harborage and feeding of vermin prevented   | 37                              | 20.0                 |

APPENDIX III

|                            | Item  | Number of violative restaurants | Percent of violation |
|----------------------------|---|---------------------------------|----------------------|
| FLOORS, WALLS AND CEILINGS | Floors kept clean, no sawdust used  | 120                             | 64.8                 |
|                            | Floors easily cleanable construction, in good repair, smooth, non-absorbent; carpeting in good repair | 89                              | 48.1                 |
|                            | Floor graded and floor drains, as required  | 8                               | 4.3                  |
|                            | Exterior walking and driving surfaces clean; drained  | 5                               | 2.7                  |
|                            | Exterior walking and driving surfaces properly surfaced   | 1                               | 0.5                  |
|                            | Mats and duck boards cleanable, removable and clean   | 21                              | 11.3                 |
|                            | Floors and wall junctures properly constructed  | 41                              | 22.1                 |
|                            | Walls, ceilings and attached equipment clean  | 97                              | 52.4                 |
|                            | Walls and ceilings properly constructed and in good repair, coverings properly attached               | 74                              | 40.0                 |
|                            | Walls of light color; washable to level of splash   | 6                               | 3.2                  |
| LIGHTING                   | 20 foot-candles of light on working surfaces  | 51                              | 27.5                 |
|                            | 10 foot-candles of light on food equipment, utensil washing, hand-washing areas and toilet rooms      | 55                              | 29.7                 |
|                            | 5 foot-candles of light 30" from floor in all other areas   | 18                              | 9.7                  |
| VENTILATION                | Artificial light sources as required  | 3                               | 1.6                  |
|                            | Rooms reasonably free from steam, condensation, smoke, etc.   | 14                              | 7.5                  |
|                            | Rooms and equipment vented to outside as required   | 28                              | 15.1                 |
|                            | Hoods properly designed; filters removable  | 16                              | 8.6                  |
| LOCKERS                    | Intake air ducts properly designed and maintained   | 2                               | 1.0                  |
|                            | Systems comply with fire prevention requirements; no nuisance created                                 | 4                               | 2.1                  |
| HOUSEKEEPING               | Dressing rooms or areas as required; properly located   | 6                               | 3.2                  |
|                            | Adequate lockers or other suitable facilities   | 42                              | 22.7                 |
|                            | Dressing rooms, areas and lockers kept clean  | 22                              | 11.8                 |
| HOUSEKEEPING               | Establishment and property clean, and free of litter  | 102                             | 55.1                 |
|                            | No operations in living or sleeping quarters  | 2                               | 1.0                  |
|                            | Floors and walls cleaned after closing or between meals by dustless methods                           | 5                               | 2.7                  |
|                            | Laundered clothes and napkins stored in clean place   | 16                              | 8.6                  |
|                            | Soiled linen and clothing stored in proper containers   | 38                              | 20.5                 |
|                            | No live birds or animals other than guide dogs  | 10                              | 5.4                  |

REST DOCUMENT AVAILABLE

STATES WHICH HAVE AND HAVE NOT ADOPTED THE  
1962 PHS FOOD SERVICE SANITATION ORDINANCE AND CODE

| <u>Adopted</u>     | <u>Not adopted</u> |
|--------------------|--------------------|
| 1. Arizona         | 1. Alabama         |
| 2. Arkansas        | 2. Alaska          |
| 3. Florida         | 3. California      |
| 4. Georgia         | 4. Colorado        |
| 5. Hawaii          | 5. Connecticut     |
| 6. Idaho           | 6. Delaware        |
| 7. Illinois        | 7. Iowa            |
| 8. Indiana         | 8. Louisiana       |
| 9. Kansas          | 9. Maine           |
| 10. Kentucky       | 10. Mississippi    |
| 11. Maryland       | 11. Nebraska       |
| 12. Massachusetts  | 12. New Mexico     |
| 13. Michigan       | 13. North Carolina |
| 14. Minnesota      | 14. North Dakota   |
| 15. Missouri       | 15. Ohio           |
| 16. Montana        | 16. Oregon         |
| 17. Nevada         | 17. Tennessee      |
| 18. New York       | 18. Texas          |
| 19. New Hampshire  | 19. Vermont        |
| 20. New Jersey     | 20. Wisconsin      |
| 21. Oklahoma       |                    |
| 22. Pennsylvania   |                    |
| 23. Rhode Island   |                    |
| 24. South Carolina |                    |
| 25. South Dakota   |                    |
| 26. Utah           |                    |
| 27. Virginia       |                    |
| 28. Washington     |                    |
| 29. West Virginia  |                    |
| 30. Wyoming        |                    |

STATES THAT HAVE AND DO NOT HAVEFDA-CERTIFIED STATE FOOD SERVICESANITATION SURVEY OFFICERS

| <u>Having</u>      | <u>Not having</u> |
|--------------------|-------------------|
| 1. Alabama         | 1. Hawaii         |
| 2. Alaska          | 2. Kansas         |
| 3. Arizona         | 3. North Carolina |
| 4. Arkansas        | 4. North Dakota   |
| 5. California      | 5. Tennessee      |
| 6. Colorado        | 6. Wisconsin      |
| 7. Connecticut     |                   |
| 8. Delaware        |                   |
| 9. Florida         |                   |
| 10. Georgia        |                   |
| 11. Idaho          |                   |
| 12. Illinois       |                   |
| 13. Indiana        |                   |
| 14. Iowa           |                   |
| 15. Kentucky       |                   |
| 16. Louisiana      |                   |
| 17. Maine          |                   |
| 18. Maryland       |                   |
| 19. Massachusetts  |                   |
| 20. Michigan       |                   |
| 21. Minnesota      |                   |
| 22. Mississippi    |                   |
| 23. Missouri       |                   |
| 24. Montana        |                   |
| 25. Nebraska       |                   |
| 26. Nevada         |                   |
| 27. New Hampshire  |                   |
| 28. New Jersey     |                   |
| 29. New Mexico     |                   |
| 30. New York       |                   |
| 31. Ohio           |                   |
| 32. Oklahoma       |                   |
| 33. Oregon         |                   |
| 34. Pennsylvania   |                   |
| 35. Rhode Island   |                   |
| 36. South Carolina |                   |
| 37. South Dakota   |                   |
| 38. Texas          |                   |
| 39. Utah           |                   |
| 40. Vermont        |                   |
| 41. Virginia       |                   |
| 42. Washington     |                   |
| 43. West Virginia  |                   |
| 44. Wyoming        |                   |



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20201

OCT. 2, 1975

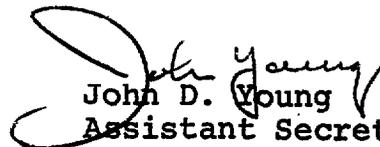
Mr. Gregory J. Ahart  
Director, Manpower and  
Welfare Division  
U.S. General Accounting Office  
Washington, D.C. 20548

Dear Mr. Ahart:

The Secretary asked that I respond to your request for our comments on your draft report to the Congress entitled, "Need to Improve the Sanitation Conditions in Restaurants." They are enclosed.

We appreciate the opportunity to comment on this draft report before its publication.

Sincerely yours,

  
John D. Young  
Assistant Secretary, Comptroller

Enclosure

DEPARTMENT COMMENTS ON THE GAO DRAFT REPORT TO CONGRESS ENTITLED  
"NEED TO IMPROVE THE  
SANITATION CONDITIONS IN RESTAURANTS"

GAO RECOMMENDATION:

We recommend that the Secretary, HEW, direct the Commissioner, FDA, to take the necessary measures to strengthen the program. In this regard we recommend that FDA more vigorously encourage States to improve their food service sanitation programs. If FDA determines additional resources are needed to strengthen its program, we recommend that it bring this matter to the attention of the Congress.

DEPARTMENT COMMENT:

We concur. The Food and Drug Administration is taking steps to improve its cooperative Food Service Sanitation Program which assists State and local governments in regulating the sanitation conditions in food service establishments.

Several conditions influence the ability to achieve effective sanitation in food service establishments. First, the food service industry embraces an estimated 600,000 commercial and institutional food service establishments and hundreds of thousands of vending machine sites, with thousands of these moving in and out of the national inventory monthly. These establishments employ an estimated 4 million persons, with probably the highest turnover rate of any major industry in the United States. Past experience indicates that these factors contribute to a lack of employee education and training in good sanitation practices. In addition, State and local governments allocate environmental health resources on the basis of estimated or known risks and associated program priorities, and the food service sanitation function is rarely allocated sufficient resources for effective control of food service operations.

This combination of industry and government characteristics indicates that increased Federal assistance will not in itself guarantee significant improvement in actual sanitation conditions. This problem clearly requires the collective efforts of Federal, State and local governments, as well as the industry itself. The Food and Drug Administration, through its voluntary cooperative Food Service Sanitation Program, will continue to assist and encourage State and local governments in their efforts to improve the effectiveness of their sanitation programs.

2.

During this fiscal year, for example, FDA is conducting a survey of State programs to determine individual State program needs. This survey will provide a national data base for development of program plans. These data will permit FDA to concentrate on assisting individual States in correcting program deficiencies while simultaneously pursuing projects of national significance.

FDA has also developed a model program for use by the States in training owners and managers of food service establishments in good sanitation practices. We believe that training food service establishment managers offers the greatest potential for improving sanitary conditions.

In addition, FDA has developed a model data processing system for use in food service sanitation program administration at the State level. FDA's primary objective in developing this system is to encourage better visibility and control of food service programs at the State level. Basically, the system is designed for collection, storage and retrieval of inspection information on food service establishments. The system can be utilized to monitor such matters as performance of inspectors in the field, the sanitation level of individual eating establishments or categories, and effectiveness of training programs. FDA believes this system will provide an effective tool for program analysis and management planning. During this fiscal year, FDA expects at least 3 States to begin implementation of this system.

Although the Food and Drug Administration will carry out these initiatives within current resource constraints, we believe FDA can substantially assist State and local governments to improve their programs by identifying program deficiencies and by developing innovative methods which enhance program administration.

BEST DOCUMENT AVAILABLE

PRINCIPAL OFFICIALS OF THE  
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
RESPONSIBLE FOR ADMINISTERING ACTIVITIES  
DISCUSSED IN THIS REPORT

|   | <u>Tenure of office</u> |           |
|---|-------------------------|-----------|
|   | <u>From</u>             | <u>To</u> |
| SECRETARY OF HEALTH, EDUCATION,<br>AND WELFARE: |                         |           |
| David Mathews                                   | Aug. 1975               | Present   |
| Caspar W. Weinberger                            | Feb. 1973               | Aug. 1975 |
| Frank C. Carlucci (acting)                      | Jan. 1973               | Feb. 1973 |
| Elliot L. Richardson                            | June 1970               | Jan. 1973 |
| Robert H. Finch                                 | Jan. 1969               | June 1970 |
| Wilbur J. Cohen                                 | Mar. 1968               | Jan. 1969 |
| John W. Gardner                                 | Aug. 1965               | Mar. 1968 |
| ASSISTANT SECRETARY FOR HEALTH<br>(note a):     |                         |           |
| Theodore Cooper                                 | May 1975                | Present   |
| Theodore Cooper (acting)                        | Jan. 1975               | May 1975  |
| Charles C. Edwards                              | Mar. 1973               | Jan. 1975 |
| Richard L. Seggel (acting)                      | Dec. 1972               | Mar. 1973 |
| Merlin K. Duval, Jr.                            | July 1971               | Dec. 1972 |
| Roger O. Egeberg                                | July 1969               | July 1971 |
| Philip R. Lee                                   | Nov. 1965               | Feb. 1969 |
| COMMISSIONER, FOOD AND<br>DRUG ADMINISTRATION:  |                         |           |
| Alexander M. Schmidt                            | July 1973               | Present   |
| Sherwin Gardner (acting)                        | Mar. 1973               | July 1973 |
| Charles C. Edwards                              | Feb. 1970               | Mar. 1973 |
| Herbert L. Ley, Jr.                             | July 1968               | Dec. 1969 |
| James L. Goddard                                | Jan. 1966               | June 1968 |

a/Until December 1972 the title of this position was  
Assistant Secretary (Health and Scientific Affairs).

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