

# Food Safety Updates

Bureau of Food Safety  
and Community Sanitation

# Outdoor Dining Setup Requirements

- If you have a **combined** total of 20 or more indoor and outdoor seats, a customer bathroom is required.
- Dogs are allowed **only in outdoor** dining setup.
  - [Outdoor Dining With Dogs requirements](#)
- Pest management contract must include outdoor dining setup.
  - [How to Reduce Rats Around Outdoor Dining](#)

# Outdoor Dining Setup Requirements

- No smoking or vaping of any substance.
  - [Smoke Free Air Act](#)
- Utensils, equipment and food may not be processed or stored in the outside seating area.
- Floors must be made of durable, nonabsorbent materials that are easy to clean.

## **Dining Out NYC program contact:**

NYC Department of Transportation at [diningoutnyc@dot.nyc.gov](mailto:diningoutnyc@dot.nyc.gov)

212-839-4500

# New Requirements for Food Allergen Posting

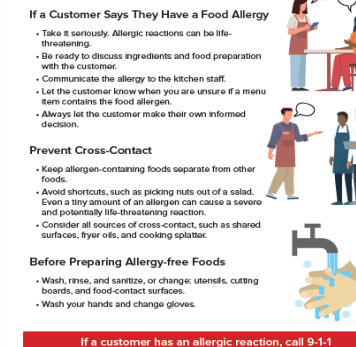
## New York State Law requirement:

- All menus, including menus online, must include one of the following statements:
  - If you have a food allergy, please notify us. **OR**
  - Allergen information for menu items is available. Ask an employee for details.
- Menu statement must be in the same language as the menu.
- Online menus and ordering allow customers to inform the establishment of any food allergies.



# New Requirements for Food Allergen Posting

- **New York City Health Department will accept:**
  - NYC Health Department's [Food allergies can be serious.](#)
  - Or New York State [Food Allergies.](#)
- **Posting must be:**
  - Visible and accessible to employees involved in food preparation and service.
  - Available in languages that are understood by all food workers in the establishment.
- **How to order posters:**
  - [Online at NYC Health Department's required signs](#) or by calling 311.



# Top Violations

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1. Improper non-food surface (General violation 10F)
2. Facility not vermin proof (General violation 08A)
3. Improper cold holding (Critical violation 02G)
4. Improper food contact surface (Critical violation 06D)
5. Evidence of mice (Critical violation 04L)
6. Inadequate food protection (Critical violation 06C)
7. Improper hot holding (Critical violation 02B)
8. Plumbing not properly installed/ maintained (General violation 10B)
9. Flies in facility (Critical violation 04N)
10. FPC not held by supervisor (Critical violation 04A)
11. Improper utensil sanitization (General violation 10G)

# Types of Violations

- Critical violations are more likely to contribute to food-borne illness:
  - Pre-permit Serious violations. Must be corrected before the permit can be issued
  - Public health hazards are critical violations that can have an immediate health threat.
    - Cannot be corrected at time of inspection.
    - Establishment may be closed.
- General violations are less likely to contribute directly to food borne illness but identify sanitary problems.



# Examples of Violation Types

- **General violation:** Accurate thermometer not provided or properly located in refrigerated or hot holding equipment.
- **Critical violation:** Meat, fish, poultry, eggs or molluscan shellfish served or offered raw or undercooked without written consumer advisory.
  - **Public health hazard:** Food preparation area, food storage area, or other area used by employees or patrons, contaminated by sewage or liquid waste.
    - Cannot be corrected at time of inspection.
    - Establishment may be closed.
  - **Pre-permit Serious+** Toilet facility not provided for employees or for patrons when required.
    - Permit will not be issued until the violation is corrected.

# Scored Violations

**Level I**, carries the fewest points, signifies a minimal observation of a violation

**Level II, III and IV** signifies a more serious or more frequently observed violation

**Level V**, carries the most points, signifies the most serious level of a violation that can not be corrected at the time of inspection

FSE Inspection Scoring System Summary						
Violation Types		Conditions				
		I	II	III	IV	V
CRITICAL	*Public Health Hazards	7	8	9	10	28
	Critical Other	5	6	7	8	28
	Critical Other (7A)	—	—	—	—	28
	+Pre-Permit Serious Items	—	—	—	10	28
	Food Protection Certificate	—	—	—	—	10
General		2	3	4	5	28

# Unscored Violations

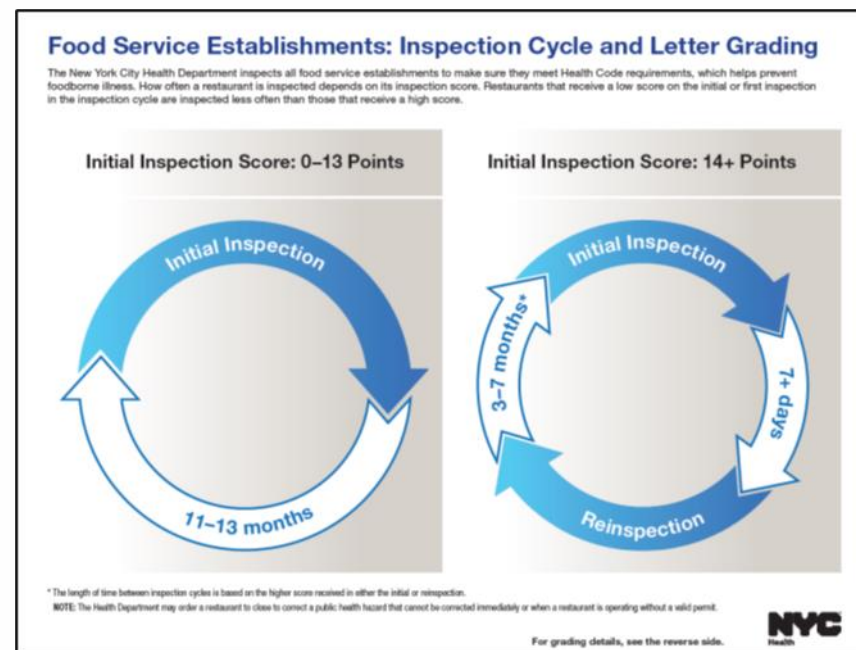
- Some cited violations may result in a Notice of Violation, fine and/or follow-up inspection, but are not counted toward the inspection score.
- **Examples:**
  - Healthy Eating Messaging poster
  - No Smoking sign
  - No permit



# Support Services

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- Consultative Inspections
- Health Academy
- Inspection History Report
- Customer Service Office
- Educational Materials
- Food Safety Workshops



The Ombuds Office is a new service from the New York City Health Department. The office:

- Accepts feedback about inspectors and the food service inspection process
- Investigates complaints about the inspection process
- Answers questions about the inspection process
- Suggests ways to improve the inspection process

To contact the Ombuds office:

Call 646-632-6253

Email [info@ofcs@health.nyc.gov](mailto:info@ofcs@health.nyc.gov)

To submit confidential feedback, visit: [nyc.gov/health/foodservice](http://nyc.gov/health/foodservice)

The Health Department thanks you for your comments.

Please note that the Ombuds Office does not settle Notices of Violation.

If you are a customer and wish to file a complaint about a food service establishment, please call 311.

**NYC**  
Health

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Health

# Food Protection Certificate Course

- A supervisor with a Food Protection Certificate must be on duty whenever your establishment is operating.
- You can earn a Food Protection Certificate by passing the NYC Health Department's Food Protection Course, which is offered online or at the Health Academy.



**Food Protection Certificate**

# Inspection History Report

Violation history for **Restaurant** between 9/15/2012 and 9/15/2015

Note: The table includes general & critical violations cited during gradable initial, re-inspections, compliance, and second compliance inspections. Orange box with "X" means violation was cited during inspection. If the same violation is cited more than once during a restaurant inspection then it is counted only once in the number of times cited calculation. Report generated on 9/15/2015

Viol. Code	Violation Summary	# of Times Cited	Inspection Date, Program / Type, and Pre-Adjudicated Total					
			2/27/2013	3/16/2013	8/22/2013	9/28/2013	3/1/2014	3/13/2015
			FS / A	FS / B	FS / A	FS / B	FS / A	FS / A
06D	Food contact surface not properly washed, rinsed or sanitized after each use and following any activity when contamination may have occurred	4	X	X	X		X	
06C	Food not protected from potential source of contamination	3	X	X			X	
02B	PHF held below 140°F	2	X		X			
02G	Cold food item held above 41°F (smoked fish and reduced oxygen packaged foods above 38°F)	2	X			X		
04L	Evidence of mice in facility	2	X					X
08A	Facility not vermin-proof. Harborage conditions exist	2	X					X
10B	Plumbing not properly installed or maintained; anti-siphonage or backflow prevention device not provided where required; equipment or floor not properly drained; sewage disposal system in disrepair or not functioning properly	2		X				X
10F	Non-food contact surface not properly maintained or equipment not properly maintained; Flooring improperly constructed/maintained; Walls/ceiling/fixtures improperly constructed/maintained	2				X	X	
04M	Evidence of roaches in facility	1	X					
06E	Sanitized equipment or utensil, including in-use food-dispensing utensil, improperly used or stored	1	X					
09C	Food cutting surface improperly constructed/maintained	1	X					
10E	Accurate thermometer not provided in refrigerated or hot holding equipment	1	X					
10H	Proper sanitization not provided for utensil ware washing operation	1	X					
04H	Food is adulterated/contaminated/cross contaminated or not discarded in accordance with HACCP plan	1		X				
06F	Wiping cloth improperly stored	1			X			

## NYC Health Recommendations to Improve Food Safety Practices and Prevent Repeat Violations

### Hot Foods Not Held At Adequate Temperatures (02B)

#### Why Is This Important?

Controlling temperature reduces growth of germs that can make people sick.

#### How to Comply

- Educate staff on the required hot holding temperatures.
- Food workers must have access to a metal stem thermometer.
- Check food temperatures with a clean, sanitized and calibrated thermometer.
- Check food temperatures at least every 2 hours. Record temperatures in a log.
- Place thermometers in the coolest part of hot holding units and check them often to ensure units are working.
- Preheat hot holding equipment before placing food in unit.
- Cook or reheat food to the required minimum temperatures before placing in hot holding units. If removing food from a refrigerator for hot holding, the food must be reheated to 165°F before being placed in the hot holding unit.
- Transfer hot foods directly to hot holding units immediately after cooking or reheating.
- Keep a cover on foods to keep the heat inside. This is especially important with dry food products, because the temperature of a dry food product will fall more rapidly than a product being held within a gravy or sauce.
- Stir foods frequently to keep the food on top hot.
- Use adequately sized holding equipment for hot food, making sure that food is not double stacked into the unit.
- If food in a holding unit falls below 140°F and it was held for less than 2 hours, reheat food to 165°F and return food to holding unit at 140°F or above.
- Ensure water levels are adequate if the unit requires water. The food container should at least be ¾ submersed in the water of the steam table.
- Establish a plan for what to do if the hot holding unit is not working or if it is not maintaining the temperature.

### Vermin Activity and Harborage Conditions (04K, 04L, 04M, 04N, 08A)

#### Why Is This Important?

Roaches, rats, mice and flies can contaminate food as they move around an establishment.

#### How to Comply



# Customer Service Office

- Information about compliance with health code regulations
  - Food safety, Letter grading, Smoke free air act
  - Menu posting requirements (calorie labeling, sodium warning)
  - Consultative inspections
- Guidance regarding applying for or renewing a permit or license
- Reopening guidance and recommendations
- Plan review
- Replace a letter grade card
- Provide required signs, posters and other educational materials
- Review and approval of Hazard Analysis and Critical Control Point (HACCP) plans
- Provide inspection history reports
- Meet with Ombudsperson (by appointment only)



# Contact Information- Customer Service Office

212-676-1600

[infobfscs@health.nyc.gov](mailto:infobfscs@health.nyc.gov)

## Hours:

Monday to Thursday, 9 a.m. 4 p.m.,  
and Friday, 9 a.m. to 2 p.m.

[nyc.gov/health/foodservice](http://nyc.gov/health/foodservice)



# Ombuds Office

- Investigates and replies to questions, comments, complaints, or compliments from food service establishments about inspections or inspectors.
- Makes recommendation to the Commissioner of Health regarding improvements to the food services establishment inspection process.
- Annual Report submitted to City Council and Mayor's Office



# Contact Information – Ombuds Office

Magda Desdunes, MPH

646-632-6253

[mcadet1@health.nyc.gov](mailto:mcadet1@health.nyc.gov)

[nyc.gov/health/foodservice](https://nyc.gov/health/foodservice)



# Questions?



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