



## Fort Wayne-Allen County Department of Health

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# Frequently Asked Questions about Restaurant Inspections & Closures

The Food & Consumer Protection Division of the Fort Wayne-Allen County Department of Health is responsible for ensuring that retail food establishments meet the minimum food safety standards in order to protect the health of the public. We do that by educating food establishment operators in safe food handling practices and ensuring those practices are being followed by operators and their employees by providing routine inspections at these facilities. If a violation is found upon inspection, health inspectors explain the public health significance behind each violation and work with the operator to correct the violation. Our primary goal is to ensure food is handled, prepared and served safely and we focus our attention on risk factors such as employee hygiene, proper food storage, proper holding and cooking temperatures and safe food handling.

### **Why have there been so many food establishment closures in 2014?**

There is no single explanation for why there has been an increase in restaurant closures since the start of 2014. However, there are likely two significant factors at play.

First, in late 2013 the Department of Health began posting a notice of closure sign whenever it required a facility to close due to an imminent health hazard. This was an effort to be as transparent as possible. As people began to notice the sign, it drew more attention to the closures and the reasons for them.

Second, as a result of the publicity surrounding some recent closures, we have been receiving a higher number of complaints than is typical, particularly complaints involving live rodents and other pests. We have a duty to respond to those complaints in a timely fashion. If we find evidence to substantiate the complaint in the course of our inspection, we will take the required action, which may be an immediate closure in order to protect the public's health.

That has been the case so far in 2014.

### **For what reasons will you close a food establishment?**

The Indiana State Food Protection Rule (410 IAC 7-24) requires that retail food establishments cease operations due to an imminent health hazard. An imminent health hazard is defined in the code as "a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness based on the number of potential injuries or illnesses and the nature, severity and duration of the anticipated injury or illness."

Those hazards include:

- Fire
- Flood

- An extended interruption of electrical or water service
- A sewage backup
- A misuse of poisonous or toxic materials
- An onset of an apparent foodborne illness outbreak
- A gross insanitary occurrence or condition (which could include a pest infestation)
- Other circumstances that may endanger public health

**Have inspectors changed the way they conduct their inspections? Are they looking for reasons to close restaurants?**

No, we have not changed how we conduct inspections. We have simply been responding to a larger volume of consumer complaints in recent weeks. We attempt to respond to complaints within 24 hours whenever possible to determine if a violation truly exists. Since we accept anonymous complaints, it can sometimes be difficult to know if the complaint is legitimate. But if we do find evidence of an imminent health hazard upon inspection, we have a responsibility to protect the public's health. To do that, we may have to close the facility until the problem is corrected.

**Do inspectors shut down restaurants just for finding dead pests or droppings?**

No. We do not close a facility for a pest issue unless we observe live pests upon inspection. Evidence of pests such as droppings and harborage conditions provide clues to the inspector that there may be live pests within the facility and we work with the operators to eliminate harborage conditions that lead to the presence of live pests.

**Do you require closure if you find just one mouse or one live cockroach in the establishment?**

Yes. Live pests (not just dead pests or droppings) are considered an imminent health hazard because live pests can spread disease, such as Salmonella and E. Coli. Since cockroaches and other pests are mainly nocturnal, finding even one live pest in a facility during the daytime can be an indication of a significant pest infestation for which professional pest control would be needed. It is also likely that there are harborage conditions that are contributing to the presence of pests that would also need to be corrected.

**Does Fort Wayne/Allen County have a pest control problem in its restaurants?**

The extremely cold weather and recent road and sewer construction projects may contribute to some of the pest infestation issues that we are currently seeing. Poor cleanliness and sanitation practices in food establishments can also contribute to pest issues. However, it is unlikely that Fort Wayne is experiencing a pest problem more or less significant than any other metropolitan city of its size.

Because we are receiving more consumer complaints, it is prompting more inspections. In some cases, those complaints are substantiated upon inspection, and in other cases there's no evidence found to support the complaint.

**How is it that a food establishment can re-open within 24-48 hours after being closed for pests or other significant sanitation issues?**

As is the case with any inspection, we document what was observed during the inspection and provide a list of tasks that must be accomplished before we will approve the facility to re-open. The list will vary depending on the conditions and what was found during the inspection. Generally, this list will include things like performing a thorough cleaning of the facility or utilizing a professional pest control service.

Once an owner or operator can show that these tasks have been accomplished and that the problems that led to closure have been corrected, we work with the operator to re-open the establishment as soon as possible. Depending on what corrections have to be made and how much cleaning needs to occur, that could be anywhere from a day or two to several days or even a week or more. We will respond 24-hours a day to requests for a re-opening inspection.

Our primary concern is always to bring the establishment into compliance with the public health standards in place.

**Are inspection reports public records?**

Yes. By state law, a food establishment inspection report is a public record. This is why the Department of Health will provide copies of an inspection report upon request and why it publishes a summary of inspection results on its website.

**What about the photos from the restaurant inspections that appeared on *WANE-TV NewsChannel 15's* website? How did they get them?**

The Department of Health did not release these photos to the media unprompted. We received a records request for the pictures from a news reporter with WANE-TV NewsChannel 15 and were obliged to comply with the request as these pictures are considered part of the inspection report, which is a public record.

**Do inspectors always have to write a violation during an inspection?**

No. Some establishments receive no violations upon inspection. When this occurs, it's usually because employees are properly trained in food safety and the establishment's operators perform their own internal audits to ensure equipment is working properly, food is stored correctly and foods are maintained at desired internal temperatures.

**Why doesn't the health department have a letter grade system for food establishment inspections like other cities?**

We are currently studying this issue and hope to put together a plan for implementing such a grading system within our current inspection program in the coming year. However, we would first want to share our plan with our Board members and with the food establishment operators in Allen County to ensure it was widely understood and supported.