



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-1719

**Type:** Staff Briefing - Without Ordinance

**In control:** Neighborhoods and Livability Committee

**On agenda:** 2/15/2016

**Title:** Briefing and update on proposed changes to Chapter 13 on a new food inspection scoring system ("Food and Food Handlers" for "ABC" Grade Placards). [Erik Walsh, Deputy City Manager; Vincent R. Nathan, PhD, MPH, Interim Director, Health]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Health

**DEPARTMENT HEAD:** Vincent R. Nathan, PhD, MPH

**COUNCIL DISTRICTS IMPACTED:** City Wide

### SUBJECT:

Proposed Changes to Chapter 13 "Food and Food Handlers" for "ABC" Grade Placards

### SUMMARY:

On January 22<sup>nd</sup> 2016, the San Antonio Metropolitan Health District (Metro Health) presented to the Neighborhoods and Livability Committee of the San Antonio City Council, a briefing on proposed changes to Chapter 13 regarding a new placard display program and the new Texas Food Establishment Rules.

At this session, Committee members recommended that Metro Health continue to work with its stakeholders on a compromise solution to the placard system and of the adoption of the new Texas Food Establishment rules. This briefing will provide the Committee with an update regarding discussions that have taken place since that time.

### BACKGROUND INFORMATION:

As part of a review and recommendations made by the City's Office of Innovation and Reforms in 2015, Metro Health's Food and Environmental Health program formed a workgroup to research food establishment scoring methods used by other cities within and outside of Texas. Research has shown that using an ABC grade card or color coded placard system has reduced the number of restaurant re-inspections needed to gain compliance as well as improving long term compliance with the food rules.

The cities researched were New York, NY, Los Angeles, CA, Santa Clara, CA, Maricopa County, AZ, Longview, TX, Converse, TX and Kerrville, TX. Larger cities like New York City and Los Angeles have seen the following benefits:

- A year-over-year increase in "A" grades and decrease in "B" and "C" grades
- Decrease in major violations
- Decrease in re-inspection rates
- Decrease in food-borne illness cases
- Establishments that maintained "A" food safety standards saw revenues increase
- Saved money and resources by reducing the number of inspections for restaurants that consistently achieved an "A" grade

After multiple meetings with stakeholders and an informal survey conducted amongst City employees, Metro Health brought forth a recommendation to the Neighborhoods and Livability Committee on November 16, 2015 to implement a new color coded ABC graded placard system for food establishments. At that briefing, Metro Health staff also discussed several concerns that had been raised at a November 10th meeting held with SARA. It was determined that the department would need additional time to continue meeting with stakeholders to reach a compromise regarding the look and display requirements for the new placards.

During the latter part of 2015 and early 2016, Metro Health attended 5 additional meetings with stakeholders to discuss revised recommendations on the following dates:

November 19, 2015 - San Antonio Hotel and Lodging Association (SAHLA) Board Briefing  
 November 23, 2015 - Meeting w/ SARA Executive Director, Board President and Executive Committee Member  
 December 2, 2015 - Meeting w/ SARA Executive Director and Executive Committee  
 December 7, 2015 - Meeting w/ SARA Board  
 February 4, 2016 - Meeting with SARA Board and SAHLA Board Members

The side by side comparison below provides an overview of the original and revised recommendations developed with input from stakeholders:

	Original Proposal	Revised Proposal
<b>Type of placard</b>	ABC letter grade	ABC letter grade with numerical score based on 100 pt. scale
<b>Placard Placement</b>	5 feet from entrance of establishment	<ul style="list-style-type: none"> <li>▪ 5 feet from entrance of establishment <b>OR</b></li> <li>▪ Be highly visible to the public entering the establishment <b>OR</b></li> <li>▪ In a location determined by the regulatory authority</li> </ul>

<b>Placard Pilot Program Start Date</b>	January 1, 2016	July 1, 2016
<b>Placard Full Implementation Date</b>	April 1, 2016	October 1, 2016
<b>Color of letters on placard</b>	A - Green B - Yellow C - Red	All letters and placards will be black and white only
<b>Letter grade demerit range</b>	A - 0 to 9 demerits B - 10 to 19 demerits C - 20 or more demerits	A - 0 to 10 demerits B - 11 to 20 demerits C - 21 or more demerits
<b>Re-grade process</b>	<ul style="list-style-type: none"> <li>▪ Formally requested by restaurant</li> <li>▪ Must correct all marked demerit items from original inspection</li> <li>▪ Fee for re-grade must be paid</li> <li>▪ Only allowed for "C" grades</li> <li>▪ Can only move up one letter grade to a "B"</li> </ul>	<ul style="list-style-type: none"> <li>▪ Formally requested by restaurant</li> <li>▪ Must correct all marked demerit items from original inspection</li> <li>▪ Fee for re-grade must be paid</li> <li>▪ Allowed for "B" and "C" grades</li> <li>▪ Can only move up one letter grade</li> <li>▪ Re-grade will be done within 5 working days</li> </ul>

At the February meeting Metro Health proposed a grading system that would translate the current demerit score into a scoring system based upon 100 points that would correspond to a voluntary placard system which would display the actual score and the letter grade earned. Also, the new food establishment inspection sheet would be changed to carry the establishment score earned using a hundred point scoring system instead of the demerit total in an enlarged score block. The Texas Food Establishment rules would be adopted with an effective date of 1 April, 2016 with a six month phase in period which the Department would use to educate food establishment owners on the new food rules changes rather than use strict enforcement. Also, all food facilities would be required to have all employee certified as food handlers by 1 October, 2016.

## ISSUE:

Metro Health staff recommends adoption of the proposed changes to Chapter 13 to implement the new Texas Food Establishment Rules with the accompanying form. Also recommend the adoptions of mandatory employee food handler training by 1 October, 2016 inspection scoring system. At the request of key stakeholders, City Council Committee members recommended to delay full City Council action on this issue to allow the department additional time to reach a compromise. This briefing is to provide an update to the Committee on discussions that have taken place thus far.

## ALTERNATIVES:

No alternatives are recommended at this time. This memo is for briefing purposes only.

## FISCAL IMPACT:

There is no fiscal impact associated with this item. This memo is for briefing purposes only.

**RECOMMENDATION:**

Staff recommends adoption of the Texas Food Establishment Rules with an effective date of 1 April, 2016 and mandatory employee food handler certification by 1 October 2016. The Department will also encourage food establishment owner to participate in a voluntary grade placard program for an indefinite period of time. Lastly, that the Committee recommend this item to full council for consideration