Understanding Food Establishment Inspections



**Updated Wednesday, August 23, 2023**

This document is intended to provide guidance and assistance to those who review the food safety inspections of food establishments in the NET Health jurisdiction.

**What are health inspection reports?**

The District’s food inspection report online database contains a searchable range of inspections conducted by the Environmental Health Department from August 2021 through current. The selected inspection will appear in the form of a HTML document under a particular facility and by PDF. The PDF files are inspection checklists issued to the establishment for posting visible to the public. The HTML report inspections are divided into two categories: The observations & corrective actions, and the Additional Comments. The HTML format is intended to provide the reader with a clearly visible understanding of the inspection conducted.

**What is the purpose of an online database?**

Beginning August of 2021, the Environmental Health Department began entering inspections from the Cloud Based database system called HS Gov Tech. The inspections conducted by the Environmental Health Department are public documents that are required to be posted visibly to the public. The online inspections database is being made available to help the public access these public records for easy viewing online. Inspections are made available online immediately after completion of the report.  Complainant information is not available for public view by law.

**What information is included in an inspection report?**

The health inspection form contains the following information:

*Establishment Information*: The establishment name, contact or owner name, address, phone number, establishment type, type of inspection, date and time of inspection, permit number, risk category and if a follow-up inspection is required will appear in the top portion of the inspection sheet.

The top right-hand portion of the inspection sheet will give a total number violation points based on violations found during the inspection. The total number of points on the report total 100.

0-10 Demerits = A

11-20 Demerits = B

21-25 Demerits = C

26-30 Demerits = D

31 + Demerits = F

The number of Repeat Violations indicates a violation that has been found in most recent prior inspections. Repeat Violations can pose an increased risk to public health. The Corrected On Site (COS) portion indicates that the violation was corrected on site during the course of the inspection and thus does not count towards a possible reinspection. A violation that can not be corrected on site will result in a reinspection or correction notice. A 3-day reinspection is generated when a food establishment has a Priority item that was not corrected on site during the initial inspection. A 10 day correction notice is generated when a Priority Foundation Item can not be corrected during the inspection and a 90 day correction notice or reinspection is generated when a food establishment has a CORE violation left uncorrected during the original inspection.

**What types of inspections do health inspectors conduct?**

**Routine:** An unannounced periodic inspection conducted as a part of an ongoing regulatory scheme based on the establishment’s risk category.

**Follow-up Inspection:** This is an inspection for the specific purpose of re-inspecting items that were not in compliance at the time of the routine inspection. These may occur either 5-days or 1- days after the initial findings.

**Complaint:**This is an inspection conducted as a result of a complaint received by the health department. The specifics of the complaint will be evaluated and discussed with the person in charge.

**Other:**Other inspections would include Inspections such as the following:

**Training Inspections.** training inspections and joint inspections with other agencies such as FDA and USDA.

**HACCP:** This is an inspection where it is determined whether the critical limits of critical control points are being met. This inspection focuses on those portions of the regulations where violations could directly cause foodborne illness.

**Pre-Operational:**This type of inspection ensures that a facility is “up to code” with respect to the placement of sinks, refrigeration and heating elements and other items found in a facility. The inspection is conducted prior to the facility opening for business. An extensive menu and plan review are also conducted prior to receiving approval to open.

**What are the types of food establishment violations?**

**Types of Violations:**

**Imminent Health Hazards:** Violations that are a significant threat or danger to health. These violations require immediate correction or immediate closure of the establishment. These violations can range from operating without hot water, severe temperature abuse of food, or severe vermin infestation to the failure of a certified food manager to be on duty during hours of operation.

**Foodborne Illness Risk Factors:** Centers for Disease Control and Prevention (CDC) identified the most frequently reported contributing factors to foodborne illness. The five categories are: *food from approved sources*, *inadequate cooking temperatures*, *improper holding temperatures*, *cross-contamination*, and *poor personal hygiene*.

**Good Retail Practices:** Systems to control basic operational and sanitation condition within a food establishment. Some examples are pest control, equipment maintenance, plumbing, water, and physical facilities.

**Priority Violations:**  provision in the Food Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, of hazards associated with foodborne illness or injury when there is no other provision that more directly controls the hazard, as well as items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, and handwashing. Such items must be corrected onsite or within a time frame not to exceed 3 calendar days after the inspection.

**Priority Foundation Violations:** provisions in the Food Code where the application supports, facilitates or enables one (1) or more priority items and an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or recordkeeping, and labeling.   Such items must be corrected onsite or within a time frame not to exceed 10 calendar days after the inspection.

**Core Violations:** provisions in the Food Code that are not designated as a priority item or a priority foundation item; and that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.   Such items must be corrected onsite or within a time frame not to exceed 90 calendar days after the inspection or by the next inspection, whichever is first.

**What are the Different Compliance Status Options?**

The Compliance Status describes the observations made during the inspection for each of the 47 different violation items.

OUT – If an item observed is in violation of the FOOD CODE it is a risk to the health and safety of the consumer. When an item is in violation the inspector is demerit points allocated for violations on the inspection report. (Priority Items are 3 points, Priority Foundation Items are 2 points and Core Items are 1 point)

IN – When an item is marked IN it has been observed by the inspector during the inspection as in compliance with FOOD CODE requirements.

NO – An item marked NO means that the establishment performs this activity, but this activity or this item was not observed during the time of the inspection.

NA – Items marked NA mean that this activity is not performed at this Food Establishment and it is not applicable.

COS – This means that a violation was observed during the inspection but the food establishment was able fix the problem, therefore the violation was Corrected On Site.

R – When and item is found in violation during an inspection and the inspector marks the item as OUT of compliance, the inspector will also place a check mark in the box to the right of the violation item if this type of violation was also marked on recent prior inspections. This R indicates a Repeat Violation.

**What types of food establishments are inspected?**

**Restaurant** - This classification applies if you provide food services to patrons who order and are served while seated (i.e., waiter/waitress service) and pay after eating. These foods are commonly more complex prep steps such as cook, cool and reheat.

Fast Food - This classification applies if you provide food services to patrons with seating and any combination of other services such as drive through or carryout. These foods are commonly cook and serve with no hold over.

**Caterer**- Any person or business that provides and prepares food, drink, or refreshments, with utensils to serve them, for use and consumption on premises other than where they’re prepared. Banquet halls with catering staff are included. Caterers serving alcoholic beverages must also apply for TABC licenses.

**Convenience Store** - This classification applies if you sell “prepackaged” food items prepared on a licensed premise including foods typically found in convenience stores, grocery stores, and gasoline station food marts such as cereals, snack foods, packaged sandwiches, and other similar items. Commonly includes open beverages such as coffee, fountain drinks and other vended beverages.

**Grocery** - Any food establishment which sells retail grocery type foods such as: milk, milk products, eggs, meat, poultry, fish, canned goods, flour, sugar, vegetables, and other foods in their original state - not cooked or prepared.

**School Cafeteria** - This classification applies to public, private and charter school cafeterias K -12. Meals are prepared and/or served on the premises to students.

**Bakery** - This classification applies if you sell retail baked goods, typically not for consumption onsite

**Continental Breakfast at a Hotel**- This classification applies if you have any lodging rooms are reserved exclusively for transient guests larger than a Bed & Breakfast with 7 rooms or less, and where foods are prepared in a kitchen on the premises -- to be eaten in a dining room with the lobby.

**Mobile Food Vehicle** - Any person who operates a vending business that sells any product or substance (including beverages) intended for human consumption while occupying public space in that portion of a street or highway that is improved, designed, or ordinarily used for vehicular travel.

This listing is of the most common types of food establishments. There are other categories of retail food establishments that may be listed on the inspection form.

**How often are food establishments inspected, and what is the criterion that determines the frequency of inspections?**

**Risk Category Assignments**

The frequency of inspections conducted depends on the risk category of any particular establishment. The risk category is largely determined by the function and scope of any particular food establishment. Unannounced routine inspections are conducted more frequently at higher risk facilities than lower risk facilities. A complaint will generate an inspection regardless of the assigned risk category.

The risk categories are as follows:

***High-Risk #3***- Extensive handling of raw ingredients. Preparation processes typically include the cooking, cooling and reheating of foods that require time or temperature control for safety. Food processes include advanced preparation for next day service. Food processing at the retail level, e.g., smoking and curing; reduced oxygen packaging for extended shelf life. Extensive handling of raw ingredients. The category would include facilities whose primary population would include immunocompromised.

***Medium Risk # 2*** – Handling of raw ingredients. Preparation process typically includes the cooking, holding and service of foods that require time or temperature control for safety. A variety of processes require the hot and cold holding of foods that require time or temperature control for safety. Food processes include advanced preparation for next day service is limited to 2 or 3 menu items. Retail food operations include deli and seafood departments, establishments doing food processing at retail. Pre-packaged raw ingredients are cooked or prepared to order. Retail food operations exclude deli or cooked/prepared and served immediately. Hot and cold holding of foods that require time or temperature control for safety is restricted to single-meal service. Preparation processes require cooking, cooling, and reheating are limited to 1 or 2 foods that require time or temperature control for safety.

***Low-Risk # 1*** – Primarily prepackaged non-foods that require time or temperature control for safety. Limited preparation of hot dogs and frankfurters. Mobile ice cream operations.
**Note:** An establishment’s risk level can be changed based on repeated deficiencies, a foodborne illness reported/confirmed and/or prior inspectional history.

**Under what conditions will a food establishment get shut down?**

The Environmental Health Department of NET Health closes food establishments under the following conditions:

Suspension of operating license for imminent health hazard: The business license is suspended and a directive is given to cease and desist using unsafe portions of the facility or the entire facility to ensure public health. The suspension remains in effect until the violation (s) are corrected. Grounds for closure due to imminent public health risks may include but are not limited to:

* No hot water
* Sewage backups or overflows
* No utilities
* Fire
* Vermin infestation
* Contaminated food
* Foodborne illness outbreak
* Inadequate refrigeration
* Flood

**Non-compliance:**A food establishment can be closed for not addressing and correcting problems identified in a previous inspection. The problems may have originally generated a 3 or 10-day notice. Failure to correct these items could result in a summary suspension or closure.

**What is the difference between a 3-day priority / 10 day priority foundation and a 90-day notice (core)? Examples below:**

**Types of Priority Violations – Correction immediately or within 3-days notices**
*- Employee Health*: A person in charge must know when to restrict or exclude an employee that demonstrates symptoms of foodborne illness. Some diseases are required to be reported to the health department.

*- Hands as a vehicle of contamination*: Hands must be properly washed in between tasks. The correct procedure and length of time must be followed. Avoid bare hand contact with ready-to-eat foods.

*- Approved Sources*: Food must come from approved sources from jurisdictions where regular inspections take place.

*- Plumbing requirements*: Backflow prevention and back siphonage issues are addressed under this violation. Leaky pipes or misplaced sinks may also be cited under this regulation.

*- Foods that require time or temperature control for safetys (PHF) Time and Temperature Control*: Proper temperature control must be observed during cooking, cooling, reheating, thawing and hot/cold holding. In addition, proper date marking and labeling must be present. When time is used as a public health control, written procedures must exist and be followed.

*- Highly susceptible populations*: Those establishments that serve individuals that are immunocompromised or highly susceptible to foodborne illness must have certain procedures in place. Pasteurized liquid, frozen or dry eggs must be substituted for raw shell eggs. Prepackaged juice must contain a warning label. HACCP could be implemented.

*- Poisonous or Toxic Materials*: Only approved chemical additives can be used. Chemicals used for cleaning or sale must be stored away from food products.
*- Protection from contamination*: Contamination can result from employees, customers or other environmental sources. Sanitation of food contact surfaces and equipment as well as following correct warewashing procedures can ensure compliance. Controlling pests and discarding unsafe food can also prevent food contamination.

**Types of Priority Foundation Violations – Correction immediately or within 10-day notices**

*- Consumer Advisory*: An establishment must provide notification for customers and patrons if they engage in the sale of raw or undercooked foods. The types of foods that would generate this type of notification would be sushi, steak tartar or “sunny side up” eggs. The notification is designed to inform customers of the increased risk of illness due to the consumption of these foods especially when prior medical conditions exist.

*- Demonstration of Knowledge*: A food protection manager and / or person in charge must demonstrate an acceptable level of understanding with respect to foodborne disease prevention and the requirements of the Food Code when an inspector poses questions throughout the inspection. This knowledge is generally obtained in food safety training certification courses.

- Conformance with a HACCP plan: When a HACCP plan is in place, monitoring will be conducted to ensure that the procedures are being followed and corrective actions are implemented when necessary.

**Types of Core Violations – 90-day or next inspection notices**

*- Physical Facilities*: The structural requirements of a building must be met under this violation. Items included would be proper lighting, closure of holes into the facility, floors, walls, ceilings and other issues associated with the structure itself.

*- Toilet facilities*: An establishment must have adequate and appropriate toilet facilities for both sexes. Bathrooms must have self-closing doors and proper garbage disposal.

*- Refuse (trash/garbage) and extermination contracts*: An establishment must supply the inspector with proof of trash pickup, extermination and grease collection (where necessary). This information can usually be deemed from invoices or contracts with the companies.

*- Good Hygienic Practices*: No tasting, smoking, eating or drinking are allowed in direct contact with food production or food preparation areas. Certain restrictions apply to the drinking of coffee and tea. No personal food should be stored in direct contact with food served to the customers.

Note: All areas of a typical inspection are not covered under these guidelines. Keep in mind that any inspection report is a "snapshot" of the day and time of the inspection. On any given day, a food establishment could have fewer or more violations than noted in the report. An inspection conducted on any given day may not be representative of the overall, long-term cleanliness of an establishment. Also, at the time of the inspection violations are recorded but are often corrected on-the-spot prior to the inspector leaving the establishment.

What types of heating and cooling regulations must be followed by food establishments?

**Food Code Specifications**
*Minimum Cooking Temperatures*: Cooking foods to the proper temperature is one of the few ways to reduce the presence and growth of pathogens. Temperatures should be routinely checked to ensure that the requirements are being met.

| **Minimum Cooking Temperature** | **Food / Description** |
| --- | --- |
| 165°F for 15 seconds | Poultry live caught or field dressed, wild game, stuffed fish, meat, pork, pasta, poultry or ratites and stuffing containing fish, meat, poultry or ratites. Meat includes cattle, swine, goat, etc. |
| 165°F with a 2-minute post cooking hold | Microwave cooking for raw animal foods: covered, rotated or stirred throughout or midway through the cooking process, and held for 2 minutes covered. |
| 155°F for 15 seconds | Ratites, pooled raw eggs, injected meats; ground raw animal foods such as fish, meat, commercially raised and processed game animals, exotic animals, rabbits |
| 145°F for 15 seconds | Raw shell eggs prepared for immediate service |
| 145°F surface temperature(Color change indicating cooking) | Whole Muscle Intact Beef Steak |
| 145°F for 3 minutes | Whole roasts of beef, corned beef, pork or cured pork. |

**Hot holding Requirement**
Hot foods shall be maintained at 135°F or above.

**Cold Holding Requirement**
Cold foods shall be maintained at 41°F or below.

**Reheating For Hot Holding**
Leftovers: 165°F
Commercially processed: 135°F within 2 hours

**Cooling of Foods that require time or temperature control for safetys**
**Hot foods**: from 135°F to 70°F within 2 hours and from 70°F to 41°F within 4 hours. Ambient room temperatures: cooled to 41°F within 4 hours reconstituted foods, canned tuna.

**Cold Receiving**: law allowing shipping temperatures for certain food items above 41°F shall be cooled to 41°F within 4 hours. Shell eggs should be stored at 45° F.

**Thawing**
Should be performed in one of three ways:
a) Under refrigeration at 41°F or below.
b) As part of the uninterrupted cooking process. This includes microwave cooking.
c) Under running water 70°F or below.

**Date Marking, Ready to Eat Foods, Foods that require time or temperature control for safety**
Refrigerated ready to eat, foods that require time or temperature control for safety prepared on site AND commercially processed foods opened for service must have date marking if they will be consumed after 24 hours. The products can be held for up to 7 days if kept at 41°F or below. If foods are subsequently frozen, when food is thawed, the food should be:

* Consumed within 24 hours

Or

* Marked with a new “consume by” date accounting for the time it was out before freezing.

Foods that require time or temperature control for safety with expired “consume by” dates shall be discarded immediately.

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