

# MOBILE FOOD FACILITY INSPECTION GUIDE



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## I. INTRODUCTION

### Background

The California Retail Food Code (CRFC) defines a “Mobile Food Facility” (MFF) as any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. The California Legislature recently passed legislation that created a new type of Mobile Food Facility, called a Compact Mobile Food Operation (CMFO). The Department of Public Health (DPH), as the local enforcement agency, is required to provide regulation oversight of these food facilities.

A copy of this Mobile Food Facility Inspection Guide is available on the Environmental Health (EH) website at: <http://publichealth.lacounty.gov/eh/docs/business/mobile-food-facility-marking-guide.pdf>

### Authority

The CRFC establishes requirements for food safety for all retail food facilities, including hygiene, cooking, and holding temperatures for food, cleaning and sanitizing of equipment and utensils, food storage, and janitorial facilities. Under the CRFC, the Los Angeles County Department of Public Health, as the local enforcement agency, has the responsibility for the enforcement of this law.

Senate Bill (SB) 972 included CMFOs within the CRFC definition of a Mobile Food Facility and defines a CMFO as a Mobile Food Facility that operates from an individual or from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack or other nonmotorized conveyance, which must report to a commissary for daily cleaning and storage.

### Purpose

This guide is intended to assist the Environmental Health Specialist (EHS) and Mobile Food Facility and Compact Mobile Food Operations business operators in understanding the inspection process. It guides the EHS in documenting the Mobile Food Facility Official Inspection Report to identify violations and record observations.

This guide may not address all circumstances or violations that may be observed in the field during the inspection, but in those cases where an operator does not understand the observed violation, the EHS will remain approachable to discuss the violation and provide an opportunity to educate the business operator on the public health significance of a requirement.

This guide is subject to change. As such, the Division will make every effort to update the guide and inform industry stakeholders of significant changes in a timely manner.

If you have questions regarding the inspection process, violations marked on the inspection report, actions taken by an EHS, or any applicable law or regulation, please contact the Mobile Food Program at (626) 430-5500. For questions regarding mobile food facility construction approval, please contact the Plan Check Program at (626) 430-5560.

## II. DEFINITIONS

**Commissary** means a food facility that services Mobile Food Facilities, mobile support units, or vending machines where any of the following occur: (a) food containers or supplies are stored, (b) food is prepared or prepackaged for sale or service at other locations. (c) Utensils are cleaned. (d) Liquid and or solid wastes are disposed and provides potable water to refill holding tanks.

**Compact Mobile Food Operation** means a Mobile Food Facility that operates from an individual or from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance.

**Compact Mobile Food Operation - Low Risk** means an individual, stand, showcase, rack, display, pushcart, peddle driven cart, wagon, or other non-motorized conveyance approved for the sale and display of more than 25 square feet of prepackaged non-potentially hazardous food, and whole, uncooked produce or a pushcart, peddle driven cart, wagon, or other non-motorized conveyance that is approved for sale and display of prepackaged, frozen ice cream bars and frozen fruit bars.

**Compact Mobile Food Operation - Moderate Risk** means an unenclosed, non-motorized conveyance, such as a pushcart, peddle driven cart, or wagon that is approved for sale and display of prepackaged potentially hazardous foods and/or limited food preparation that does not include raw meat, raw poultry, or raw fish.

**Compact Mobile Food Operation - High Risk** means an unenclosed, non-motorized conveyance or vehicle, that is approved for limited food preparation as defined CRFC Section 113818, including the preparation of raw meat, raw poultry, or raw fish.

**Compact Mobile Food Operation Home Endorsement** means an evaluation that grants approval of the private home for the storage of a compact mobile food operation and prepackaged, non-potentially hazardous food and whole produce after a determination that the storage does not pose a public health hazard and the CMFO is stored in a manner that protects the equipment from contamination. A Cottage Food Operation Class B or a private home may be endorsed by the DPH to store up to two (2) Compact Mobile Food Operations.

**Mobile Food Facility** means any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. Mobile Food Facility does not include a transporter used to transport packaged food from a food facility, or other approved sources to the consumer.

**Mobile Support Unit** means a vehicle used in conjunction with a commissary or other permanent food facility, that travels to, and services, mobile food facilities as needed to replenish supplies, including food and potable water, clean the interior of the unit, or dispose of liquid or solid wastes.

**Single Operating Site Mobile Food Facilities** means at least one, but not more than four, unenclosed Mobile Food Facilities, and their auxiliary units, that operate adjacent to each other at a single location.

### III. PERMITS AND REGISTRATION

Every food vehicle or CMFO must qualify for a permit to operate and must be evaluated and inspected before selling food to the public. All new food vehicles and CMFO carts must go through the Plan Check process for approval.

#### APPLYING FOR A PUBLIC HEALTH PERMIT

1. For general information on obtaining a Public Health Permit, visit the DPH EH website and select the "Get a Public Health Permit/License icon: <http://publichealth.lacounty.gov/eh/>.

For detailed information on how to obtain a permit for a new, custom built CMFO, change the ownership of a previously permitted CMFO or a obtain a permit for a CMFO that was built to an approved Standard Plan, please visit the DPH EH website at:

<http://publichealth.lacounty.gov/eh/business/compact-mobile-food-operation.htm>.

Additional resources for obtaining a permit for a food truck can be found on the DPH EH website at: <http://publichealth.lacounty.gov/eh/business/food-trucks-carts.htm>.

All applications and forms can be found on the DPH EH website, Get a Permit:

<http://publichealth.lacounty.gov/eh>

2. Contact your local city or county planning department to determine if there are any additional permits or licenses that are required.
3. If you plan to offer liquor (beer, wine, or spirits), contact the California Department of Alcoholic Beverage Control for permitting requirements <https://www.abc.ca.gov>
4. If you plan to use an alternate kitchen as your commissary, such as a restaurant, commercial church kitchen or commercial community kitchen; or if you plan to use a private home to store a CMFO, a separate site evaluation will be required to determine if the location can support the storage and/or operation of the CMFO.
5. Visit [www.dir.ca.gov](http://www.dir.ca.gov) for a list of Frequently Asked Questions if you plan to hire an employee.

## **IV. INSPECTION SERVICES**

**1. High-risk Mobile Food Facilities (MFF) and CMFOs are scheduled to receive two (2) inspections per year, all others are scheduled to be inspected once per year.**

- The EHS shall begin the inspection by introducing themselves and showing their County Identification and presenting a business card.
- The EHS shall determine compliance with all violation categories on the Mobile Food Facility Official Inspection Report.
- Upon completion of the inspection, the EHS shall discuss the findings with the operator/owner.
- Violation categories marked OUT shall be corrected by the reinspection date.
- Violations resulting in an 11 point violation must be corrected prior to the end of the inspection or the MFF's or CMFO's Public Health Permit shall be suspended.
- Those critical violations that are not corrected will be addressed by an administrative hearing.
- Note: All after hours inspections due to permit suspensions will be conducted at the overtime hourly rate, including those requested by an owner/ operator.

**2. Additional investigations will be conducted in response to complaints.**

**3. An Owner Initiated inspection is available for those operators who are not satisfied with their score.**

## V. UNDERSTANDING THE OFFICIAL INSPECTION REPORT

The Mobile Food Facility Official Inspection Report (MFFOIR) is the official document that is used by the inspector to mark the violations observed during an inspection. Our goal is to fairly represent the compliance status of the food vehicle or food operation at the time of the inspection.

For each inspection category on the report, the inspector is required to select the applicable compliance status.

- **IN** indicates that the item is in compliance with the code.
- **OUT** indicates that the item is not in compliance and warrants correction by the reinspection date.
- **N/A** indicates that the item is not applicable to the establishment.
- **N/O** indicates that the item was not observed at the time of the inspection.
- **COS** is marked to indicate the item was not in compliance and was corrected and verified before the completion of the inspection. The corrective action is to be documented on the inspection report.
- ✓ indicates additional action is required beyond the current inspection.

The Reference Guide follows the three (3) sections of the MFFOIR, depicted on the following:

**Critical Risk Factors** would be marked if high risk violations are observed. A violation in this section can be considered **major**, with a 4 point deduction or **minor**, with a 2 point deduction. A major violation poses an imminent health hazard that warrants immediate correction and may require closure of the food facility. A minor violation does not pose an imminent health hazard but does warrant correction.

***Please note, if two or more major Critical Risk Violations are marked, an additional three (3) points will be deducted from the mobile food facility inspection score. If the mobile food facility's permit is suspended due to no water available, sewage, or vermin infestation, an additional seven (7) points will be deducted for each of the three specified closure types marked.***

**Good Retail Practices** would be marked for low risk violations that do not require an immediate action. Violations observed in this category result in a 1 point deduction.

**Compliance & Enforcement** would be marked to identify an action of the Health Inspector such as a sample is collected, or food equipment is impounded.

Within each of the three sections are violation categories. Each violation category is further divided into subcategories. It is these subcategories that are the focus of this reference guide. Samples of possible violations that would warrant marking a subcategory are described.

## VI. VIOLATION CATEGORIES

### CRITICAL RISK FACTORS

#### EMPLOYEE HEALTH, HYGIENE & KNOWLEDGE

##### 1. Demonstration of knowledge

This category is marked when the Person in Charge (PIC) or food workers are not able to demonstrate food safety knowledge. PIC and food workers shall be knowledgeable and be properly trained in the following areas:

- Major contributing factors for foodborne illness
- Relationship between time and temperature
- Relationship between personal hygiene and food safety
- Methods of preventing food contamination
- Procedures for cleaning and sanitizing equipment and utensils

The PIC shall have adequate knowledge of food allergens, food identified as major allergens, and symptoms that a major food allergen could cause. The following are recognized as the major food allergens:

- Milk
- Eggs
- Fish, including but not limited to, bass, flounder, and cod
- Crustacean shellfish, including but not limited to, crab, lobster, and shrimp
- Tree nuts, including but not limited to, almonds, pecans, and walnuts
- Wheat
- Peanuts
- Soybeans
- A food ingredient that contains protein derived from the above

A highly refined oil (ex. Peanut oil) derived from one of the above is not included in the definition of a major food allergen as the refining process removes the allergen particles.

**NOTE:** PIC may answer questions with the use of job aids (posters, SOP's, cue cards, etc.).

**Minor** violations include:

- Certified Food Protection Manager (CFPM) does not know when to exclude ill employees from their assigned job duties.
- Food employee not knowing the requirements for the job they are performing. Examples include a cook not knowing required cooking temperatures or an employee washing utensils does not know the procedure for manually washing, rinsing, and sanitizing dishes.
- PIC is unable to answer questions about food allergens even with the use of job aids (posters, SOP's, cue cards).

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**Authority: California Retail Food Code, Sections: 113947**

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## **2. Food protection manager and food handler certification**

This category is marked when there is not at least one owner or food worker with a valid Certified Food Protection Manager (CFPM) certificate or when only person with a CFPM is the CFPM at another food facility. This category is also marked if all food workers do not have a Food Handler Card.

If a food facility prepares, handles, or serves non-prepackaged potentially hazardous foods, (except Temporary Food Facilities and Compact Mobile Food Operations) then at least one person, the owner or a food worker, must have a **Certified Food Protection Manager** certificate. In addition, all food workers that handle or have the responsibility of handling non-prepackaged potentially hazardous foods must have a **Food Handler Card**.

**Minor** violations include:

- No one at the facility possess a valid Certified Food Protection Manager (CFPM) certificate and one of the following occurred more than 60 days prior: the prior CFPM left employment; the food facility experienced a change of ownership; or the food facility began operation.
- One or more food workers lack a valid food handler card, and the food worker(s) began employment more than 30 days prior.

**N/O** - This category is marked N/O either if there is no Certified Food Protection Manager and 60 days have not elapsed or a food worker lacks a food handler card and 30 days have not elapsed.

**N/A** - This category is marked N/A if the facility does not prepare, handle, or serve non-prepackaged potentially hazardous foods.

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**Authority: California Retail Food Code, Sections: 113947.1, 113947.2, 113948**

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## **3. Communicable disease; reporting, restrictions, and exclusions**

This category is marked when a food worker does not inform the Person-In-Charge (PIC) of an illness, or a wound on hands, wrists, or exposed parts of the arm and food worker does not comply with restrictions / exclusions.

**Major** violations include:

- The PIC is aware of a food worker who has been diagnosed with an “illness” as listed in Section 113949.1 and has not notified the enforcement agency.
- The PIC has not excluded a food worker with an “illness” as required.
- The PIC has been made aware of a food worker who is suffering from an acute gastrointestinal illness and has not restricted the duties of the food worker.
- The PIC removes a restriction / exclusion of a food worker prior to verifying no signs of symptoms of acute gastrointestinal illness or receiving written clearance.
- A food worker does not inform the PIC of a lesion or wound on their hand that is exposed and not properly protected with an impermeable cover and single use glove.

**“Illness” includes a condition caused by any of the following infectious agents: *Salmonella typhi*, *Salmonella* spp., *Shigella* spp., *Entamoeba histolytica*, *Enterohemorrhagic* or *shiga toxin-* producing *Escherichia coli*, *Hepatitis A* virus, *Norovirus*, or other communicable diseases that are transmissible through food.**

Additional Violations:

- Contamination of food by an infected food worker will result in disposal of the food and is also marked in category #14 (*Food in good condition, safe and unadulterated*).
- Contamination of food-contact surfaces by an infected food worker is also marked in category #15 (*Food-contact surfaces: clean and sanitized*).
- Contamination of nonfood-contact surfaces (e.g., door handles of refrigerator) by an infected food worker is also marked in category #35 (*Nonfood-contact surfaces clean*).

**NOTE:** A food worker is required to report to the PIC when he/she has been diagnosed with an “illness” or has an open lesion on the hands, wrists, or exposed portion of the arms. The food facility may be closed until, in the opinion of the Enforcement Agency, identified danger of disease outbreak has been addressed.

If two (2) or more major critical risk violations are marked, category # 56 (*Multiple Major Critical Violations/Increased Risk to Public Health*) is also marked and additional three (3) points will be deducted.

- **Exception:** If a food facility’s permit is suspended for no water, sewage, vermin infestation or lack of a commissary contract AND two or more major critical risk violations are also marked, then category #56 is not marked.

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**Authority: California Retail Food Code, Sections: 113949.1, 113949.2, 113949.4, 113949.5, 113950, 113950.5, 113973(a), 113975**

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#### 4. No discharge from eyes, nose, and mouth

This category is marked when food worker is persistently sneezing, coughing, or has a runny nose.

**Minor** violation include:

- Food worker is experiencing persistent sneezing, coughing, or runny nose that is associated with discharges from the eyes, nose, or mouth (that cannot be controlled by medication) and is working with exposed food, clean equipment, clean utensils, or clean linen.

**N/O** - This item is marked **N/O** for food facilities only in the **RARE** case when there are no food workers present at the time of inspection.

Additional Violations:

- Contamination of food by a food worker that is experiencing persistent sneezing, coughing, or runny nose that is associated with discharges from the eyes, nose, or mouth will result in disposal of the food and is also marked in category #14 (*Food in good condition, safe and unadulterated*).
- Contamination of food-contact surfaces by a food worker that is experiencing persistent sneezing, coughing, or runny nose that is associated with discharges from the eyes, nose, or mouth is also marked in category #15 (*Food-contact surfaces: clean and sanitized*).
- Contamination of nonfood-contact surfaces (e.g., handle of microwave oven) by an infected food employee is also marked in category #35 (*Nonfood-contact surfaces clean*).

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**Authority: California Retail Food Code, Sections: 113947**

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## **5. Proper tasting, eating, drinking, or tobacco use**

This category shall be marked when a food worker is eating, drinking, etc. in areas where contamination of non-prepackaged food can result.

**Minor** violations include:

- A food worker eating in the food preparation area rather than the employee break room.
- A food worker drinking from an open cup in the food preparation area.
- A food worker smoking or chewing gum / tobacco and spitting into nearby cup while preparing food.
- A waitress eating at a serving station.
- A customer found smoking/using tobacco in dining area.

**N/O** - This category is marked **N/O** for retail operations only in the **RARE** case when there are no food workers present at the time of inspection.

**NOTE:** A food worker may drink from a closed beverage container if the container is handled to prevent contamination of workers hands, the container, non-prepackaged food, and food-contact surfaces. In general, a food worker beverage container should not be placed on or directly above a food-contact surface.

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**Authority: California Retail Food Code, Sections: 113967, 113977**

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## **PREVENT CONTAMINATION BY HANDS**

### **6. Hands clean and properly washed; proper glove use**

This category shall be marked **Major** when food workers fail to wash their hands as required or improperly use single-use gloves.

**Major** violations include:

- Food workers in a food facility handling open food are unable to wash their hands due to the lack of soap or paper towels and handwashing supplies are not available by the end of the inspection. (**PERMIT SUSPENSION**)
- A food worker not washing their hands after using the toilet and continues working with food or handles food, equipment, utensils, linen, or tableware.
- A food worker preparing raw chicken fails to wash their hands prior to handling clean tableware or ready-to-eat food.
- A food worker handling raw animal product fails to wash their hands and rubs hands against soiled outer garment or towel.
- A food worker using hand sanitizer instead of washing their hands.
- A food worker switches from preparing food to a non-food task then back to preparing food and puts on new single-use gloves without first washing their hands (e.g., wearing gloves while preparing a sandwich, switching to cleaning customer tables, then switching back to preparing sandwiches, but not washing their hands before putting on new gloves).
- A food worker not washing their hands after sneezing, coughing, eating, drinking, or using tobacco products and either puts on gloves for working with food or resumes preparing food.
- A food worker with an open wound/lesion not wearing an impermeable cover and gloves for lesions at the hand or wrist, or an impermeable cover for lesions at the arms.
- A food worker washing hands while wearing single-use gloves or donning previously worn single-use gloves.
- A food worker fails to wash hands after touching bare human body parts and hair.

**NOTE:**

- A food worker shall use utensils including scoops, forks, tongs, paper wrappers, gloves, etc. to assemble ready-to-eat food or to place ready-to-eat food on tableware or in other containers. However, food workers may assemble or place on tableware or in other containers ready-to-eat food in an approved food preparation area without using utensils if hands are cleaned in accordance with Section 113953.3. Food that has been served to the consumer and then wrapped or prepackaged at the direction of the consumer shall be handled only with utensils. These utensils shall be properly sanitized before reuse.

If two (2) or more major critical risk violations are marked, *category # 56 (Multiple Major Critical Violations/Increased Risk to Public Health)* is also marked and additional three (3) points will be deducted.

- **Exception:** If a food facility's permit is suspended for no water, sewage, vermin infestation or lack of a commissary contract AND two or more major critical risk violations are also marked, then *category #56* is not marked.

This category shall be marked **Minor** for improper use single-use gloves. **Minor** violations include:

- A food worker handling non-ready-to-eat food not wearing gloves while he/she has artificial nails, nail polish and/or rings (other than plain band).
- A food worker handles customer leftover food with bare hands when placing the food in a to-go container (food worker did not minimize bare hand contact by using a utensil).
- Food worker washing hands for less than 10 seconds.
- Food worker handling non-ready-to-eat food with fingernails that are not trimmed, cleanable, and smooth.
- Food worker washing hands with cold water (less than 100°F).
- Food worker washing hands in an unapproved sink (i.e., food preparation/janitorial sink).
- A food worker using latex gloves with direct contact with food.

**NOTE:** When a food facility does not have a handwashing sink and the food facility was constructed or remodeled prior to January 1996, the food facility may use the 1<sup>st</sup> compartment of the ware-washing sink to wash their hands.

**N/O** – This category is marked **N/O** for retail operations only in the **RARE** case when there are no food workers present at the time of inspection.

**Additional Violations:**

- Contamination of food by a food worker that has open lesions will result in disposal of the food is also marked in category #14 (Food in good condition, safe and unadulterated).
- Contamination of a food-contact surface by a food worker that has open lesions is also marked in category #15 (Food-contact surfaces: clean and sanitized).
- Contamination of nonfood-contact surfaces by a food worker that has open lesions is also marked in category #35 (Nonfood-contact surfaces clean).
- A food worker with an open wound or lesion on a hand or arm without a glove does not inform the PIC of the condition, category #3 (Communicable disease; reporting, restrictions & exclusions) is also marked.
- Contamination of outer garment by food worker failing to properly wash hands is also marked in category #27 (*Personal cleanliness and hair restraints*).

**Exception:**

- Food workers in a pre-packaged food facility are unable to wash their hands due to the lack of soap or paper towels, and hand washing supplies are not available by the end of the inspection is only marked in category #7 (*Adequate handwashing facilities; supplied accessible*).

## **7. Adequate handwashing facilities; supplied and accessible**

This category shall be marked when handwashing facilities are insufficient in number, in an unapproved location, improperly installed, inaccessible, and/or not supplied with soap/hand towels.

**Minor** violations include:

- Empty, missing, or non-functioning soap or towel dispenser.
- Use of bar soap or cloth towels.
- No soap or single-use towels are available on the premises but are provided by the end of inspection.
- Lack of handwashing supplies on the premises of a pre-packaged food facility.
- Lack of handwashing sinks that are sufficient in number and conveniently located in a food preparation area or ware-washing area (if food facility was constructed after January 1, 1996).
- One (1) handwashing sink is clogged in the food preparation area, but facility has an additional operable handwashing sink(s) in the food preparation area.
- Handwashing sink is not separated from a ware-washing sink by a six (6) inch high metal splashguard or twenty-four (24) inch separation.
- Obstructed, inaccessible, improper use of, or unclean handwashing sink.
- Non-functional heated-air hand drying device.
- Non-functional soap and/or towel dispenser.
- Handwashing sinks are not an integral part of the primary unit or in an immediately adjacent auxiliary conveyance containing all the utility connections in an unenclosed mobile food facility.

**Exception:**

- If soap or paper towels are not available on the premises at a food facility with non-prepackaged food and are not provided by the end of inspection, *category #6 (Hands clean and properly washed; proper glove use)* is marked. (**PERMIT SUSPENSION**)

## **TIME AND TEMPERATURE RELATIONSHIP**

### **8. Proper hot and cold holding temperatures**

This category is marked when potentially hazardous food (PHF) is not received/stored/held at the specified holding temperatures.

**Major** violations include:

- Multiple servings of PHF in hot or cold holding equipment held in the range of 50°F – 130°F.
- Multiple PHF found in the range of 50°F – 130°F exceeding 2-hour preparation time.
- Multiple PHF found in the range of 50°F – 130°F exceeding 30-minute transport to the facility.
- During thawing process, PHF in the range of 50°F – 130°F in excess of 2 hours.
- Pooled eggs held at temperatures of 50°F – 130°F that has exceeded the 2-hour limit for food preparation.
- Korean rice cake stored above room temperature and/or exceeded 24-hour time period or is missing the required label/label information.

- Vietnamese rice cake is held at 70°F or above and/or exceeded 24-hour time period.
- Dairy-base cheese held in the range of 50°F – 130°F.
- Potentially hazardous foods filled pastries held in the range of 50°F – 130°F.

If two (2) or more major critical risk violations are marked, *category # 56 (Multiple Major Critical Violations/Increased Risk to Public Health)* is also marked and additional three (3) points will be deducted.

- **Exception:** If a food facility's permit is suspended for no water, sewage, vermin infestation or lack of a commissary contract AND two or more major critical risk violations are also marked, then *category #56* is not marked.

#### **Minor** violations include:

- Multiple servings of PHF holding in the range of 131°F – 134°F in hot holding equipment.
- Multiple servings of PHF holding in the range of 42°F/46°F – 49°F in a refrigeration unit.
- Multiple servings of PHF held at room temperature exceeding two hours preparation time and are in the range of 42°F – 49°F or 131°F – 134°F.
- During the thawing process, multiple servings of PHF in the range of 42°F – 49°F in excess of 2 hours.
- Previously refrigerated raw shell eggs stored at 46°F – 134°F.
- Raw shell eggs held at room temperature past 2 hours for preparation at the grill line.
- Single serving of PHF in the range of 42°F/46°F - 134°F.
- Asian rice-based noodle found in the range of 42°F – 49°F or 131°F – 134°F AND has exceeded the 4-hour time period or is missing the required label/label information.

#### **NOTES:**

- Korean rice cakes or Vietnamese rice cakes that have exceeded time/temperature requirements or are unlabeled shall be disposed.
- Asian rice-based noodle found in the range of 50°F – 130°F AND has exceeded the 4-hour time period or is missing the required label/label information shall be disposed.
- Pasteurized milk products in original sealed containers, raw shell eggs, and un-shucked live molluscan shellfish may be held at an ambient temperature of 45°F or less per 114002(e). A roast, cooked per 114004(b), may be held at 130°F.

#### Additional Violations:

- Faulty equipment causes PHF to be out of temperature, *category #37 (Equipment/utensils approved; installed; good repair; capacity)* is also marked.

#### **CORRECTIVE ACTION:**

For improper holding violations use the Food Temperature Holding Chart below.

Time in Temp. Danger Zone (TDZ)	FOOD TEMPERATURE HOLDING CHART		
	42°F to 49°F	50°F to 130°F	131°F to 134°F
<2 hrs	Cool to 41°F or below within 2 hrs	PHF must be disposed	Reheat to 165°F within 2 hrs
2 – 3 hrs	Cool to 41°F or below within 1 hr	PHF must be disposed	PHF must be disposed

3 – 4 hrs	Immediately cool to 41°F or below		
>4 hrs		PHF must be disposed	

**Authority: California Retail Food Code, Sections: 113996, 113998, 114037, 114343(a), 114429, 114429.3, 114429.5, California Health & Safety Code 111223**

## 9. Time as a public health control; procedures & records

This category shall be marked when a food facility is using Time as a Public Health Control (TPHC) and requirements are not met.

**Major** violations include:

- Time marked on food has been exceeded. (**Dispose food**)
- TPHC is used for food, but the food has not been marked or otherwise identified and the food has been out of temperature control for more than four (4) hours. (**Dispose food**)
- Food facility is not executing proper TPHC practices and does not have written procedures.

If two (2) or more major critical risk violations are marked, *category # 56 (Multiple Major Critical Violations/Increased Risk to Public Health)* is also marked and additional three (3) points will be deducted.

- **Exception:** If a food facility's permit is suspended for no water, sewage, vermin infestation or lack of a commissary contract AND two or more major critical risk violations are also marked, then *category #56* is not marked.

**Minor** violations include:

- A written procedure is not maintained and available for food that has been time marked and is less than a 4 hour period when using time as TPHC.
- Written procedure is missing pertinent information / steps.
- Food facility is executing proper TPHC practices but lacking a formal written procedure.

**NOTE:** Time as a public health control cannot be used for raw eggs in a licensed health facility, or in a public or private school.

**Authority: California Retail Food Code, Sections: 114000**

## 10. Proper cooling methods

This category is marked when food is not cooled by one of the approved methods.

**Major** violations include:

- PHF is not cooled rapidly from 135°F to 70°F within two (2) hours.
- After heating or hot holding, PHF is not cooled rapidly from 135°F to 41°F or below within six (6) hours.
- PHF is not cooled within four (4) hours to 41°F if prepared from ingredients at ambient temperature.
- Deliveries of PHF not cooled to below 41°F within four (4) hours if received between 41°F to 45°F.

If two (2) or more major critical risk violations are marked, category # 56 (*Multiple Major Critical Violations/Increased Risk to Public Health*) is also marked and additional three (3) points will be deducted.

- **Exception:** If a food facility's permit is suspended for no water, sewage, vermin infestation or lack of a commissary contract AND two or more major critical risk violations are also marked, then category #56 is not marked.

**Minor** violations include:

- PHF is cooling in an unapproved method but is still within time & temperature parameters.

#### **CORRECTIVE ACTION:**

The corrective actions will depend on the time & temperature parameters while food is in the cooling process:

- If the method of cooling is unapproved and the temperature of the potentially hazardous food does not fall within the time & temperature parameters, category #10 **Major** is marked, and the food shall be disposed.
- If the method of cooling is unapproved, yet the temperature of the potentially hazardous food falls within the time & temperature parameters, category #10 Minor shall be marked, and the food facility must use an approved cooling method to complete the cooling process.

When this category is marked, training shall be provided on proper cooling methods:

- Placing food in shallow pans.
- Separating food into smaller or thinner portions.
- Using rapid cooling equipment.
- Using containers that facilitate heat transfer.

#### Additional Violations:

- Faulty equipment results in a cooling violation, category #37 (*Equipment/utensils-approved; installed; good repair; capacity*) is also marked.

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#### **Authority: California Retail Food Code, Sections: 114002, 114002.1**

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### **11. Proper cooking time and temperature**

This category is marked when raw or incompletely cooked food of plant and animal origin is not cooked to the required temperature / time:

**Major** violations include:

- Cooking process did not meet required cooking temperatures and a food worker attempts to further process food by placing it in a hot holding unit.

Whenever this violation is marked, training shall be provided on proper cooking temperatures:

- Cooked fruits and vegetables for hot holding: 135°F;
- Eggs prepared for immediate service, fish, single pieces of meat: 145°F or above for 15 seconds;
- Communed meats, ratites, eggs prepared from pooled eggs or for hot holding: 155°F for 15 seconds;
- Poultry, communed poultry, stuffed meats, stuffing containing meats: 165°F for 15 seconds.

#### **CORRECTIVE ACTION:**

If required cooking temperatures are not met, the EHS should have the operator continue cooking the food

until the proper temperature is reached. Additionally, the EHS should explain the public health significance of inadequate cooking to PIC and food workers.

**Additional Violations:**

- A food facility intentionally undercooks meat or eggs, and fails to disclose that fact, *category #20 Consumer advisory provided for raw/undercook food*) is also marked.

**NOTES:**

- Cooked food prepared for immediate service in response to an individual customer order may be served at any temperature.
- A raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form if all the following conditions apply:
  - Food facility serves a population that is not a highly susceptible population.
  - Steak is labeled to indicate that it meets the definition of "whole-muscle, intact beef".
  - Steak is cooked on both the top and bottom to a surface temperature of 145 °F or above and a cooked color change is achieved on all external surfaces.

If two (2) or more major critical risk violations are marked, *category # 56 (Multiple Major Critical Violations/Increased Risk to Public Health)* is also marked and additional three (3) points will be deducted.

- **Exception:** If a food facility's permit is suspended for no water, sewage, vermin infestation or lack of a commissary contract AND two or more major critical risk violations are also marked, then *category #56* is not marked.

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**Authority: California Retail Food Code, Sections: 114004, 114008, 114010, 114014, 114093**

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## **12. Proper reheating procedures for hot holding**

This category is marked when PHF is not reheated to at least 165°F for 15 seconds within 2 hours for hot holding and ready-to-eat commercially processed food is not heated to at least 135°F for hot holding.

**Major** violations include the reheating of PHF for hot holding:

- PHF is not rapidly reheated within two (2) hours to 165°F for 15 seconds PHF is reheated in a microwave and the food is not rotated or stirred to assure it reaches 165°F, covered, and not allowed to stand covered for two minutes after reheating.
- Commercially processed ready-to-eat PHF is not reheated to 135°F.
- Remaining unsliced portions of roasts are not reheated to the required minimum temperature.

### **CORRECTIVE ACTION:**

Non-commercially processed PHF observed between 41°F – 165°F which have exceeded the 2-hour time period allowed for reheating will be disposed.

**NOTE:** Food that is reheated for immediate service in response to an individual customer order may be served at any temperature.

**Exception:** Using a unit not designed to reheat food for hot holding has not exceeded time / temperature, **ONLY** *category #37 (Equipment, utensils, and linens: storage and use)* is marked.

If two (2) or more major critical risk violations are marked, *category # 56 (Multiple Major Critical Violations/Increased Risk to Public Health)* is also marked and additional three (3) points will be deducted.

- **Exception:** If a food facility's permit is suspended for no water, sewage, vermin infestation or lack of a commissary contract AND two or more major critical risk violations are also marked, then *category #56* is not marked.

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**Authority: California Retail Food Code, Sections: 114014, 114016**

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## PROTECTION FROM CONTAMINATION

### 13. Returned and re-service of food

This category is marked when food is returned by the consumer and the food facility re-serves or offers the food for human consumption.

**Minor** violations include:

- Re-served tortilla chips, salsa, or unpackaged bread.
- Popcorn, nuts, or snack mix left on bar for communal service.
- Previously served steamed rice used in the preparation of fried rice.

**NOTE:** Containers of non-potentially hazardous foods such as ketchup, steak sauce, or hot sauce can be reused by different customers if the food is protected from contamination and the container is closed between uses. Food in unopened original packages in sound condition such as crackers or sugar can also be re-served.

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**Authority: California Retail Food Code, Sections: 114079**

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### 14. Food in good condition, safe and unadulterated

This category is marked when food is intentionally or unintentionally contaminated/adulterated. The following examples of major violations require food disposal or impoundment. In the event of securing evidence, consult supervision.

**Major** violations include:

- Sulfites added to PHF or fresh fruits/vegetables for raw consumption.
- Foreign object is found in food product.
- Food products adulterated by rodent, cockroach, or fly.
- Open food products stored inside and in direct contact with the handwashing/janitorial sink.
- Food worker using a utensil to taste food more than once without utensil being properly washed, rinsed, and sanitized between uses.
- Food worker with illness or open lesion on hands or arm touching food items/preparing food.
- Raw oysters from the Gulf of Mexico are offered for sale during the period from April 1st – October 31st.
- Unapproved wet storage of shell-stock (i.e., stored or displayed in standing water and/or ice melt).
- Refrigerator condensate leaking into open pan of ready-to-eat food.
- Re-using a chemical container for food storage.

- Food stored on floor in contact with overflowing sewage or wastewater.
- Food worker washing hands over defrosting meat.
- Ground sirloin/round/hamburger exceeds 30% fat content/ground chuck exceeds 26% fat content/ground pork exceeds 50% fat content.
- Food prepared with unapproved additives.
- Acidic foods capable of leaching found stored in lead glazed, copper, or copper alloy (brass) containers.
- Food prepared using reduced oxygen packaging (ROP) (other than for immediate cooking and removal from the package within 48 hours) and the facility does not have or is not adhering to an approved Hazard analysis and critical control points (HACCP) plan.
- Washing produce in a ware-washing compartment without first washing and sanitizing the compartment.
- Numerous raw shell eggs are broken, unclean, or do not meet Grade B standards.
- Food cans are leaking or swelling.
- Food worker using latex gloves or latex utensils with direct contact with food.
- Foods found to contain Delta-8 THC/CBD shall be red tagged and a Compliance Review will be issued.

**NOTE:** Food shall be disposed of in all cases, except when ground sirloin, ground round, or hamburger exceed 30% fat or ground pork exceeds 50% fat. The operator shall be allowed to add lean meat and regrind to meet fat content limits.

If two (2) or more major critical risk violations are marked, *category # 56 (Multiple Major Critical Violations/Increased Risk to Public Health)* is also marked and additional three (3) points will be deducted.

➤ **Exception:** If a food facility's permit is suspended for no water, sewage, vermin infestation or lack of a commissary contract AND two or more major critical risk violations are also marked, then *category #56* is not marked.

#### **Minor** violations include:

- Ice that has been used for cooling the exterior surfaces of canned beverages and is used as food.
- Linen used as lining in the breadbasket is not changed between customers.
- PHF in reduced oxygen package exceeds a "use by" date.
- Infant formula or baby food exceeds "sell by" date.
- Food infesting insects (e.g., beetles, moths, larvae), ants, gnats in food.
- Fruit flies in liquor bottle.
- Condensate from refrigerator dripping onto raw meat/poultry.
- Lining food containers with newspaper.
- Food with visible signs of spoilage.
- Liquor store packs ice on site without ware washing sink.

#### Additional Violations:

- Raw Gulf oysters missing certification tag and unable to determine if the oysters have been treated to reduce pathogenic bacteria is also marked in category #16 (Food obtained from approved source).
- Operating without an approved HACCP plan is also marked in category #19 (Compliance with variance, specialized process & HACCP).
- Storing food in unapproved containers such as lead glazed, copper, or copper alloy (brass) containers is also marked in category #37 (Equipment/utensil-approved; installed; good repair; capacity).
- Using latex gloves to handle utensils, is also marked in category #37 (Equipment/utensil-approved; installed; good repair; capacity).

**NOTES:**

- Sell by or expiration dates of food products, other than infant formula or baby food, are not enforced by this Department and are not marked in any subcategory. Instead, the EHS will recommend that the owner/operator discontinue the sale of the food based on the expiration date.
- Spoilage is a naturally occurring process that changes the characteristics (e.g., fragrance, taste, texture, and appearance) of the food by natural organisms rendering the food unfit for consumption.

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**Authority: California Retail Food Code, Sections: 113967, 113976, 113980, 113988, 113990, 114035, 114094.5, 114041, 114254.3, 114355; California Code of Regulations, Title 17, Section 13675; Sherman Food, Drug, And Cosmetic Law, Article 6, Section 110805**

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## 15. Food-contact surfaces: clean and sanitized

This category is marked when food contact surfaces and multiservice utensils are not properly cleaned and sanitized.

**Major** violations include:

### Food-contact Surfaces

- Failure to clean and sanitize food-contact surfaces every four (4) hours or as required when changing from raw food of animal origin to ready-to-eat food, between species of raw food of animal origin, between unwashed produce and PHF.
- Dirty equipment in direct contact with food.
- A food worker with dirty hands, or open lesion on hands or arm touching food-contact surfaces.
- Sanitizer level is not detectable or below 50 ppm for Chlorine or below 100 ppm for Quaternary Ammonia in bucket used to store wiping cloths.
- Food worker using soiled wiping cloth to clean food contact surfaces.
- A non-food grade lubricant used on food-contact surfaces of equipment.
- Returning a dirty utensil to a clean storage area.
- PIC/dishwasher unable demonstrate how to prepare SaniSave (Ecolab) “wash, rinse properly, and sanitization process,” and sanitizer levels were also inadequate.
- Improper usage of SaniSave (Ecolab) on food contact surfaces, per manufacture specification.
- Temperature measured <100°F in the first compartment of the 3-compartment sink at the time of active manual ware washing and the legible instructions indicating the detergent is capable of working at below 100°F are not available and the water temperature is not restored by the end of the inspection (**PERMIT SUSPENSION**).

### Manual Warewashing

- Ware-washing sink is missing, non-functional, or clogged and no other approved means of cleaning and sanitizing is available (**PERMIT SUSPENSION**).
- Sanitizer level is not detectable or below 50 ppm for Chlorine or below 100 ppm for Quaternary Ammonia during active manual ware-washing and sanitizer is not corrected by the end of the inspection (**PERMIT SUSPENSION**).
- Ware-washing sink water temperature is below 100°F and the detergent is not identified and being effective at temperatures below 100°F (**PERMIT SUSPENSION**).
- Sanitizing rinse for manual heat sanitizing measures below 171°F.
- No approved detergent-sanitizer used during ware-washing at a two-compartment sink.
- Children food trays are not cleaned and sanitized as required.
- Highchairs found unclean.

If a manual warewashing sanitizing violations is marked, training must be provided on the manual sanitizing process, required sanitizer concentration, contact time during manual sanitization:

- Chlorine = 100ppm for 30 seconds
- Quaternary Ammonia = 200ppm for one minute
- Iodine = 25ppm for one minute

### **Mechanical Ware-washing**

- Sanitizer level in the final sanitizing rinse is below 50 ppm for Chlorine, below 100 ppm for Quaternary Ammonia, or below required concentration as indicated on the manufacturer's data plate during active mechanical ware-washing.
- Utensil temperature at a heat sanitizing mechanical ware-washer measures below 154°F during active ware-washing.

### Additional violations:

- Non-food grade lubricant used on food-contact surfaces of equipment is also marked in *category #31 (Toxic substances properly identified, stored, and used)*.

If two (2) or more major critical risk violations are marked, *category # 56 (Multiple Major Critical Violations/Increased Risk to Public Health)* is also marked and additional three (3) points will be deducted.

- **Exception:** If a food facility's permit is suspended for no water, sewage, vermin infestation or lack of a commissary contract AND two or more major critical risk violations are also marked, then *category #56* is not marked.

**Minor** violations include:

### **Food-Contact Surfaces**

- Food-contact surface in contact with non-PHF (i.e., cutting board, soda dispenser nozzle) is not cleaned and sanitized as required.
- Sanitizer level is above 50 ppm but below 100 ppm for Chlorine or above 100 ppm but below 200 ppm for Quaternary Ammonia in bucket used to store wiping cloths.
- Consumer-owned containers intended for filling with food or beverages are not cleaned prior to being filled or is in contact with clean containers.
- Equipment and utensils are not allowed to adequately drain or air dry before reuse.
- Reusable condiment containers not properly washed and sanitized prior to being refilled.

### **Manual Ware-washing**

- Sanitizer level is above 50 ppm but below 100 ppm for Chlorine or above 100 ppm but below 200 ppm for Quaternary Ammonia during active manual ware-washing.
- Sanitizer for manual ware-washing is unavailable but obtained at the end of inspection (no active ware-washing at time of observation).
- Inadequate contact time with an approved sanitizer.

### **Mechanical Ware-washing**

- Utensils are not properly scraped or flushed of food debris, pre-soaked, or scrubbed as necessary.
- During active mechanical ware-washing the water temperature at a heat sanitizing mechanical ware-washer measures between 155°F - 159°F and can be readily adjusted at time of inspection.

**N/O** - This item is marked **N/O** if there are no cleaning and sanitizing operations taking place at the time of inspection. However, the EHS should ask how food-contact surfaces are cleaned and sanitized to ensure they are using appropriate methods.

**N/A** – This item is marked N/A if no open foods are handled.

#### **CORRECTIVE ACTIONS:**

- A food facility that prepares food shall not operate if there is no method to properly clean and sanitize equipment or utensils. The food facility shall cease operation immediately. The food facility shall remain closed until a method to clean and sanitize equipment or utensils is provided.
- If a food facility is found operating with gross contamination of food-contact surfaces that may result in the contamination of food products, the EHS will suspend the permit to operate until the food facility is able to properly clean and sanitize equipment or utensils. The EHS will require that all equipment and utensils be cleaned and sanitized prior to reinstating the permit.

**NOTE:** If a food facility is unable to properly clean and sanitize equipment or utensils by the end of the inspection, then the EHS will suspend the permit. **Closure is not necessary** for prepackaged facility scooping ice without a utensil washing sink. Food facility will be allowed to revert prepackage only.

#### Additional Violations:

- During active ware-washing a mechanical ware-washing machine cannot be readily adjusted to effectively sanitize (ppm of chemical/contact time/temperature), category #36 (Warewash facilities: adequate, installed, maintained, properly used; test equipment; approved location) is also marked.
- A food worker who has been diagnosed with an illness or has an open lesion on the hands/wrist/portion of arms exposed is contaminated food contact surfaces, category #3 (Communicable disease; reporting, restrictions & exclusions) is also marked.
- PIC/dishwasher unable to demonstrate how to prepare SaniSave (Ecolab) “wash, rinse properly, and sanitization process”.

#### **Exceptions:**

- When excessive sanitizer level is observed (sanitizer level is above 200 ppm for Chlorine or 400 ppm for Quaternary Ammonia), category #36 (Warewash facilities: adequate, installed, maintained, properly used; test equipment; approved location) is marked.
- While there is no active ware-washing, the mechanical ware-washing machine is tested and found to be non-functional or does not effectively sanitize, and an approved alternate method of sanitizing is available, ONLY category #36 (Warewash facilities: adequate, installed, maintained, properly used; test equipment; approved location) is marked.
- If no water is available, ONLY category #22 (Water Available) is marked and 11 points will be deducted. **(PERMIT SUSPENSION)**
- If a ware-washing sink is missing, in disrepair/non-functional, or clogged but an approved alternate method of cleaning and sanitizing is available (e.g., mechanical ware-washer), ONLY category #36 (Warewash facilities: adequate, installed, maintained, properly used; test equipment; approved location) is marked.
- Water temperature throughout the facility measured between 100°F-119°F will ONLY be marked in category #21 (Hot water available-Minor).

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**Authority: California Retail Food Code, Sections: 113984(e), 114097, 114099, 114099.1, 114099.2, 114099.4, 114099.6, 114099.7, 114101, 114105, 114109, 114111, 114113, 114115, 114117, 114118, 114121, 114125(b), 114141, 114185**

## FOOD FROM APPROVED SOURCES

### 16. Food obtained from approved source

This category is marked when food is not obtained from an approved source and when egg products and frozen milk products are not obtained pasteurized.

**Major** violations include:

- PHF or ice is prepared in a private home, not from an approved food source.
- Molluscan shellfish are not received from source listed in the Interstate Certified Shellfish Shippers list.
- Raw Gulf oysters missing certification tag and unable to determine if oysters are from a source listed in the Interstate Certified Shellfish Shippers list.
- A game animal from an unapproved source, and/or listed in 50 CFR 17 Endangered and Threatened Wildlife and Plants, is sold/served at a food facility.
- Liquid, frozen, and dry egg products are not obtained pasteurized.
- Frozen dairy products, such as ice cream, are not pasteurized.
- Fish is not commercially and legally caught or harvested.
- Prepared food is served, but no invoices or cooking equipment is available on the premises.
- Retail food facility manufacturing yogurt/ice cream without required State Dairy Service approval.
- Invoices for PHFs suspected of being from an unapproved source are not available on site.

If two (2) or more major critical risk violations are marked, *category # 56 (Multiple Major Critical Violations/Increased Risk to Public Health)* is also marked and additional three (3) points will be deducted.

- **Exception:** If a food facility's permit is suspended for no water, sewage, vermin infestation or lack of a commissary contract AND two or more major critical risk violations are also marked, then *category #56* is not marked.

**Minor** violations include:

- Baked goods prepared in a private home with Class A Cottage Food Operation permit.
- Invoices for non-PHF suspected of being from an unapproved source are not available on site.

**NOTE:** When invoice copies are not available to verify the source of the PHF item during the inspection, *category #16 (Food obtained from approved source - Major)* is marked, food item is red tagged, and a Compliance Review notice is issued. If the source cannot be verified at the Compliance Review, then the food is disposed.

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**Authority:** California Retail Food Code, Sections: **113980, 114021, 114023, 114024, 114025, 114027, 114029, 114031, 114035, 114041(b)**

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### 17. Compliance with shell stock tags, condition, display

This category is marked when shell stock is not received in good condition; not maintained in container/properly displayed; and/or properly tagged or labeled.

**Minor** violations include:

- Identity of shell stock is not maintained after removal from original container by: (1) failing to keep records, (2) commingling shell stock, (3) repackaging shell stock without shell stock tag or approved labeling.

- Molluscan shellfish life support system display tanks are operated in a manner that allows water used for other fish to flow into the tank or the safety of the shellfish as they are received is compromised by use of the tank.
- Shell stock is not obtained with proper tags or labels.
- Shell stock received is not discarded when they are not reasonably free of mud, dead shellfish, or broken shells.
- Shell stock tags/labels are not maintained in chronological order.

**NOTE:** When commingling shell stock from different lots/harvest areas, even when oysters have been treated (**Dispose food**).

Additional violations:

- Molluscan shellfish life support system display tanks not operated and maintained in accordance with HACCP plan is also marked in *category # 14 (Food in good condition, safe and unadulterated)* **Major** and *violation # 19 (Compliance with variance, specialized processes & HACCP)*.
- Molluscan shellfish life support system display tanks were installed without Plan Check approval is also marked in *category #38 (Equipment/utensils and linens; storage and use)*.

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**Authority: California Retail Food Code, Sections: 114039, 114039.1, 114039.2, 114039.3, 114039.4, 114039.5**

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## 18. Compliance with Gulf Oyster Regulations

This category is marked when the food facility does not comply with raw gulf oyster requirements which includes, written warning signs and verification letter.

**Minor** violations include:

- Raw Gulf Oysters are offered for sale, without evidence of approved treatment, between the months of April 1st – October 31st.
- Raw Gulf Oyster warning signs are not posted for untreated oysters between the months of November 1<sup>st</sup> - March 31st (Title 17 CCR 13675).
- Required warning signs do not conform to size/language specifications.
- Missing a copy of verification certification letter for one year after the date that the verification expires.

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**Authority: California Retail Food Code, Sections: 113707, 114090; Title 17 CA Code of Regulations § 13675**

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## ADDITIONAL CRITICAL RISK FACTORS

### 19. Compliance with variance, specialized processes & HACCP

This category is marked when a food facility does not have a HACCP plan for specialized processes, does not have a HACCP plan approved by the California Department of Public Health for required activities, or violates the conditions of a HACCP plan or variance.

**Minor** violations include:

- Food facility did not submit a HACCP plan for approval by the enforcement agency for smoking, curing, using vinegar or other additives for food preservation, custom slaughtering, or for a molluscan shellfish tank.

- Food facility did not submit a HACCP plan for approval by the California Department of Public Health for ROP, using acidification or water activity to prevent the growth of Clostridium botulinum or preparing unpasteurized juice to be sold at other location.
- Food facility does not have or not following a HACCP plan for smoking food for method of preservation, curing food, using food additives as a method of preservation or to render food as non-PHF, operating a molluscan shellfish life support system, custom processing animals for personal use, or preparing food by other method determined by health officer to require a HACCP plan.
- If the facility that utilizes a HACCP plan is unable to provide the required documentation.
- A food facility using a ROP food after 48 hours after packaging without a HACCP plan.
- Food facility with a HACCP plan doesn't have a food worker trained in the 7 principles of HACCP and contents of plan, training records not available.
- Food facility is unable to provide a copy of HACCP plan.
- Preparing and packaging food for sale at another location without a Processed Food Registration issued by California Department of Public Health.
- Specific food facilities not complying with variance, e.g., Chicken Par Cook, sous vide cooking process, Chinese-style Roast Pig.

Additional violations:

- Food facility is unable to provide variance documentation for cooling methods of potentially hazardous food, *category #10 (Proper cooling methods)* is also marked, and the food item(s) is red tagged, and a Compliance Review is issued. If the variance documentation is not provided at the Compliance Review, then the food is disposed.

**N/A** - This item is marked **N/A** if the facility is not required by the regulatory authority to have a variance or HACCP plan.

**NOTE:** ROP food is not required to have a HACCP plan if the food facility complies with the following standards with respect to packaging the ROP food: The food is labeled with the production time and date; the food is held at 41°F or lower during refrigerated storage; the food is removed from its package in the food facility within 48 hours after packaging.

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**Authority:** California Retail Food Code, Sections: 114039.5, 114057, 114057.1, 114067, 114417-114417.7, 114419-114423

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## 20. Consumer advisory provided for raw/undercook food

This category is marked when a food facility does not provide a consumer advisory (in writing with a disclosure and reminder) when serving raw or undercooked food.

**Disclosure – is a written statement that clearly includes either of the following:**

- 1) A description of the animal-derived FOODs, such as “oysters on the half shell (raw oysters),” “raw-EGG Caesar salad,” and “hamburgers (can be cooked to order).”
- 2) Identification of the animal-derived FOODs marked by an asterisk denoting a footnote that states that the items are served raw or undercooked or contain or may contain raw or undercooked ingredients.

**Reminder – is a written statement that identifies the animal-derived FOODs by an asterisk that denotes a footnote that includes either of the following disclosure statements:**

- 1) Written information regarding the safety of these FOOD items is available upon request.
- 2) Consuming raw or undercooked meats, POULTRY, seafood, shellfish, or EGGS may increase your

risk of foodborne illness, especially if you have certain medical conditions.

**Minor** violations include:

- Pasteurized eggs or pasteurized egg products are not substituted for raw shell eggs in food such as Caesar salad dressing or hollandaise sauce and no consumer warning is provided.
- If the food facility serves raw or undercooked food and fails to provide an advisory (in writing) on the menu, menu board, a brochure, on the deli case menu, a label statement, table tent, placard, or other effective written means that a food item is being served less than thoroughly cooked (i.e., hamburgers are routinely and/or intentionally served medium rare without notifying the consumer).

**N/A** - This category is marked N/A when the food facility does not serve raw/undercooked animal foods.

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**Authority: California Retail Food Code, Sections: 114012, 114093-114093.1**

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**21. Hot water available**

This category is marked when hot water temperature measures below 120°F at food preparation/ware-washing/janitorial sinks or water temperature at handwashing sink is less than 100°F or exceeds 108°F.

**Major** violations include:

- Water temperature measures less than 100°F **ONLY** at the faucet of the ware-washing sink .
- Water is measured less than 100°F throughout the food facility.
- Water temperature is measured less than 100°F throughout the facility; however, it is restored between 100-119°F by the end of the inspection, facility is given 24 hours to correct the violation.
- Temperature of water at handwash sink is not adjustable and exceeds 108°F.

**CORRECTIVE ACTION:**

A mobile food facility that prepares food shall not operate if there is no hot water (below 100°F). The mobile food facility shall voluntarily cease operation immediately and remain closed until hot water is restored. If found operating and hot water is not available, the EHS will suspend the permit to operate until hot water is available. When hot water is restored, the food facility's permit will be re-instated by the EHS prior to the food facility operating.

If there is no hot water (below 100°F) available to the entire food facility and this cannot be immediately corrected (e.g., relighting a pilot light) by the end of the inspection, the EHS shall suspend the permit. If only prepackaged food is handled, the operation may be allowed to continue, (not to exceed 24 hours) to repair or install a new water heater.

If two (2) or more major critical risk violations are marked, *category # 56 (Multiple Major Critical Violations/Increased Risk to Public Health)* is also marked and additional three (3) points will be deducted.

- **Exception:** If a food facility's permit is suspended for no water, sewage, vermin infestation or lack of a commissary contract AND two or more major critical risk violations are also marked, then *category #56* is not marked.

**Minor** violations include:

- Water throughout the restaurant is measured at 100°F - 119°F.
- Hot water at the janitorial/food preparation sink is measured at 100°F - 119°F.
- Lack of warm water (100°F) at a handwashing sink.

- Water at the janitorial sink is less than 120°F at a pre-packaged food facility (24 hours to abate).
- The capacity of the water heater does not meet 4 gallons for a mobile food facility that has a warewashing sink.
- The capacity of the water heater does not meet ½ gallon for a mobile food facility that only utilizes water for handwashing purposes.

**Additional Violations:**

- Water temperature measures less than 100°F ONLY at the faucet of the ware washing sink and the detergent instructions don't indicate that it is effective at low temperature. (**PERMIT SUSPENSION**)

**NOTES:**

- A CMFO conducting limited food preparation and does not handle raw meat, raw poultry, or raw fish, may operate without warm water (100°F) at a handwashing sink.
- A food facility may provide only warm water if the water supply is used solely for handwashing as required by section 113953.
- A food facility shall obtain prior approval from Plan Check and Building and Safety when replacing hot water heater.

**Authority: California Retail Food Code, Sections: 113941, 113953(c), 114099.2 (b), 114192, 114195(b)**

## 22. Water available

This category is marked when no potable water is available throughout a food facility with open food. MFFs and CMFOs selling only pre-packaged foods are not required to have potable water.

**Major** violations include:

- Water supply is contaminated or unapproved. (**PERMIT SUSPENSION**)
- No adequate, protected, pressurized, potable water is available to a facility with open food. (**PERMIT SUSPENSION**)

**Minor** violation include:

- Insufficient capacity and unapproved material potable water tank.
- Unenclosed potable water tank.
- Unidentified water hoses that used for different purposes.
- Identified potable water hoses used for other purposes.
- Inlet and outlet fittings on potable water tank have no protective covers on when not in use.
- Potable water tank pump and hoses are not flushed after construction, repair, modification, or periods of non-use.
- Water tank inlet is more than ¾ inch.
- Potable water tanks don't have adequate access port for inspection and cleaning or an approve written procedure for cleaning and sanitizing.

### CORRECTIVE ACTION:

A mobile food facility that prepares food shall not operate if there is no water or the water supply is contaminated. The mobile food facility shall cease operation immediately and remain closed until potable water is restored. If found operating, the EHS will suspend the permit to operate until a potable supply of water is available. The EHS will ensure that any food items prepared using non-potable water are disposed of and ice machines are cleaned and sanitized.

If a facility's permit is suspended for **no water available, sewage, vermin infestation** or **lack of a commissary contract**, eleven (11) points will be deducted for each of the specified closure types marked.

**Authority: California Retail Food Code, Sections: 114189, 114192, 114192.1, 114195(a)**

### **23. Sewage and wastewater properly disposed**

This category is marked when sewage/wastewater/liquid waste is not properly disposed of through an approved plumbing system.

**Major** violations include:

- Overflow or backup of floor sinks/drains of sewage/wastewater onto floors in the food preparation areas. **(PERMIT SUSPENSION)**
- Overflowing or clogged grease trap/interceptor. **(PERMIT SUSPENSION)**
- Sewer line or wastewater holding tank discharging to the outside of the facility/MFF. **(PERMIT SUSPENSION)**
- No wastewater tank or other means of properly disposing of wastewater when wastewater is generated by the MFF. **(PERMIT SUSPENSION)**

If a facility's permit is suspended for **no water available, sewage, vermin infestation**, or **lack of a commissary contract**, eleven (11) points will be deducted for each of the specified closure types marked.

**Minor** violations include:

- Floor sinks clogged with standing water, but sewage not backing up.
- Liquid waste (condensate) is not disposed of through the approved plumbing system or does not discharge into the public sewer system or an approved private disposal system.
- Cold holding buffet serving table, ice/coffee machine, or steam table is draining onto the floor surface of the MFF or into a bucket/pan.
- Mop bucket is emptied outside of the food facility.

#### **CORRECTIVE ACTION:**

A food facility shall not operate if there is sewage overflowing onto the ground surface or backing up inside the food facility. The food facility shall cease operation immediately and shall remain closed until the sewage disposal system is operational and all contaminated surfaces have been cleaned and sanitized. Any adulterated food product shall be disposed.

If the overflow from the food facility is occurring outside, the source of the discharge must immediately cease. All food preparation must cease, and the food facility must close until the connection to approved sewage disposal has been repaired.

#### Additional Violations:

- Sewage observed on floors is also marked in category #47 (*Floors, walls, and ceiling: maintained, clean*).
- Sewage observed on non-food contact surface is also marked in category #35 (*Nonfood contact surfaces clean*).
- Sewage observed on food-contact surface is also marked in category #15 (*Food contact surfaces: clean and sanitized*).

- Sewage observed on food is also marked in category #14 (*Food in good condition, safe and unadulterated*).
- A holding tank missing a cover on the drain shall also be marked in category #43.

**Exceptions:**

- A drain line from a walk-in refrigerator which drains onto the ground outside of the food facility will be marked **ONLY** in category #43 (*Plumbing: fixtures, backflow devices, drainage*).

**Authority: California Retail Food Code, Sections: 114123, 114197, 114250, 114276(a)**

## 24. No insects, rodents, birds, or animals present

This category is marked when the food facility has vermin and/or a non-service animal present in areas for food preparation, storage, or display.

**Major** violations include:

- A rodent infestation as evidenced by any of the following: fresh droppings, gnaw marks, nesting materials, grease marks, live or dead rodents within the enclosed mobile food facility food preparation, food storage, ware-washing areas, or within compartments or on surfaces of an unenclosed mobile food facility. **(PERMIT SUSPENSION)**.
- A cockroach infestation as evidenced by one or more live cockroaches within the enclosed mobile food facility food preparation, food storage, ware-washing areas, or within compartments or on surfaces of an unenclosed mobile food facility. **(PERMIT SUSPENSION)**.
- Fly infestation as evidenced by numerous flies contacting food, food-contact surfaces, or both, within an enclosed mobile food facility. Numerous flies observed contacting food, food-contact surfaces or both of an unenclosed mobile food facility serving open foods. **(PERMIT SUSPENSION)**.

If a facility's permit is suspended for **no water available, sewage, vermin infestation** or **lack of a commissary contract**, eleven (11) points will be deducted for each of the specified closure types marked.

**Minor** violations include:

- A food worker caring for or handling animal(s) that is present, such as patrol dogs, service animals, or pets, in areas that are used for food preparation, storage, or display.
- Old rodent droppings with no evidence of active infestation.
- One live cockroach with no other evidence of an infestation.
- Old dead cockroaches and/or fecal spots with no evidence of active infestation.
- An active infestation at exterior trash area or exterior dining area.
- Non-service animal allowed inside the food facility.
- A few flies in the food preparation area.
- Flies in a pre-packaged food facility.
- Flies in the delivery staging area only.
- Gnats in food facility.
- Ants found in the kitchen.
- Bird inside the food facility.
- Multiuse customer utensils used for animal(s).
- Nonservice animals found in food facility.

## **CORRECTIVE ACTION:**

If a vermin infestation is observed at a food facility, the permit shall be suspended, the food facility closed for a **minimum of 48 hours**, and a Compliance Review issued. The permit shall be reinstated, and the food facility allowed to resume operation only upon verification of complete abatement of the vermin infestation, and appropriate cleaning & sanitizing of all affected areas has been completed. Professional pest control should be utilized to prevent future reoccurrence of a vermin infestation.

## **NOTE:**

- Food workers shall not care for or handle animals that may be present, such as patrol dogs, service animals, or pets that are allowed as specified in subdivision (b) of Section 114259.5.
- Food workers with service animals may handle or care for their service animals if they wash their hands as required in this part.

## Additional Violations:

- If food is adulterated by insects, rodents, cockroaches, or fecal waste *category #14 (Food in good condition, safe and unadulterated)* is also marked.
- If food-contact surfaces are contaminated by insects, rodents, cockroaches, or fecal waste *category #15 (Food-contact surfaces: clean and sanitized)* is also marked.
- If non-food contact surfaces are contaminated by insects, rodents, cockroaches, or fecal waste *category #35 (Nonfood contact surfaces clean)* is also marked.
- If vermin on floors, walls, and/or ceilings *category #47 (Floors, walls, and ceiling: properly maintained, cleaned)* is also marked.

## **Exception:**

- Vermin proofing violations, such as a door with a gap greater than  $\frac{1}{4}$ " is **ONLY** marked in *category #46 (Premises; vermin proofing, second exit labeling)*.

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**Authority: California Retail Food Code, Sections: 114259, 114259.1, 114259.4, 114259.5**

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## **25. Compliance with Commissary**

This category is marked **OUT** when a commissary has inadequate facilities for food preparation, food and utensil/equipment storage. This category can also be marked when a mobile support unit or mobile food facility is operating out of an unapproved commissary.

### **Major** violation include:

- Mobile food facility or mobile support unit missing documentation that the mobile food facility or its mobile support unit is operating out of a permitted commissary. (**PERMIT SUSPENSION**)
- The mobile food facility is not stored in a location approved by the enforcement agency. (**PERMIT SUSPENSION**)
- CMFO is stored at a location other than a commissary, approved food facility, or location endorsed for home storage (**PERMIT SUSPENSION**).

If a facility's permit is suspended for **no water available, sewage, vermin infestation** or **lack of a commissary contract**, eleven (11) points will be deducted for each of the specified closure types marked.

**Minor** violations include:

- Inadequate facilities for storage of food, utensils, and other supplies
- Inadequate facilities for food preparation
- Inadequate servicing area
- Servicing area is not covered(overhead), sloped, and drained as appropriate
- Inadequate electrical power in servicing area
- A mobile support unit is servicing a mobile food facility that is engaged in food preparation, other than limited food preparation.

Additional violations:

- Mobile food facilities operating at community events need to provide alternative means to restock and clean their facilities during the community event.

**Exception:**

- This violation does not apply to mobile food facilities that operate at community events as defined in Section 113755 and that remain in a fixed position during food preparation and its hours of operation if potable water and liquid waste disposal facilities are available when required. 114295(b)

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**Authority: California Retail Food Code, Sections: 114295(a)(c)(d)**

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# GOOD RETAIL PRACTICES

## SUPERVISION

### 26. Person in charge present and performs duties

This category is marked **OUT** when Person-In-Charge (PIC) is not present to perform duties during hours of operation.

Violations include:

- A PIC is not present during operation hours.
- Food not inspected upon receipt (as soon as practical) and prior to any use, storage, or resale.
- Customer self-service display of prepackaged condiments and utensils are not checked periodically for (i.e., proper display of prepackaged condiments, storage of utensils, cleanliness, etc.) by food workers.

Additional violations:

- When food is not inspected upon receipt by PIC/designated food worker and food is not within the approved temperature, *category #8 (Proper hot and cold holding temperatures)* is also marked.
- When food is not inspected upon receipt by PIC/designated food worker and there is evidence of a vermin infestation, *category #24 (No insect, rodent, birds, or animals present)* is also marked.

**NOTE:** The permit holder or a person designated by the permit holder is the PIC. The PIC does not have to be the certified food protection manager.

**Exception:**

- PIC or food workers are not able to demonstrate adequate knowledge of major food allergens is ONLY marked in category #1 (Demonstration of knowledge).

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**Authority: California Retail Food Code, Sections: 113945, 113945.1, 113984.1, 114063(e), 114075**

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### 27. Personal cleanliness and hair restraints

This category is marked **OUT** when food workers are not wearing clean outer clothing and/or hair restraints when appropriate.

Violations include:

- Food worker preparing, serving, handling food or clean utensils without wearing hair restraints.
- Food worker working with soiled outer garments.
- Food worker wipes dirty hands on outer garment in lieu of proper hand washing.
- Food worker working without adequate clothing to protect food, clean equipment, utensils, or linen.

**NOTE:** There are three different requirements regarding hair restraints:

1. Food workers such as chefs or cooks actively involved in food preparation are required to restrain AND cover their hair (e.g., hats, hair nets).
2. Food workers who have limited contact with open foods are only required to restrain their hair (e.g., ponytail, hair pulled back from face and off shoulders).
3. Food workers with no visible hair, or who only serve wrapped/prepackaged foods do not require a hair restraint or cover.

Additional violations:

- When food worker fails to properly wash hands is also marked in category #6 (*Hands clean and properly washed; proper glove use*).

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**Authority: California Retail Food Code, Sections: 113969, 113971**

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## GENERAL FOOD SAFETY REQUIREMENTS

### 28. Approved thawing methods used, frozen food

This category is marked **OUT** when food is not thawed by one of the approved methods:

Violations include:

- PHF thawing using an unapproved method.
- Frozen foods displayed for sale are thawing in a display case.

When this violation is marked, training shall be provided on proper thawing methods:

- Under refrigeration that maintains the food temperature at 41°F or below.
- Completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain.
- In a microwave oven if immediately followed by immediate preparation.
- As part of a cooking process.

Additional Violations:

- Problems with a freezer that causes thawing is also marked in category #37 (*Equipment/utensils-approved; installed; ; good repair; capacity; serviced, cleaned*).

**Exceptions:**

- When improper thawing methods or excessive thawing time causes PHF to be in the temperature danger zone, **ONLY** category #8 (*Proper hot and cold holding temperatures*) is marked.

**NOTE:** Frozen foods shall be removed from their packaging when thawed under running water.

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**Authority: California Retail Food Code, Sections: 114018, 114020**

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### 29. Food separated and protected

This category is marked **OUT** when food is not properly separated/protected/displayed/prepared, so that it is protected from the risk of contamination.

Violations include:

- Customer allowed access through the food preparation area or food storage area where at least 3 feet of clearly delineated space or a rail at least 3 feet high is not provided.
- Raw food of animal origin is stored above ready-to-eat food (e.g., produce).

- Food preparation in unapproved area (i.e., outdoor food displays, vending machines, satellite food service operations, warehouse, or outside).
- Food displayed without a sneeze guard, or the sneeze guard is inadequate to protect food.
- Ice machine/refrigeration unit located in hallway with contents accessible to consumers.
- Dented cans, particularly with dents on can seams.
- The open-air barbecue or outdoor wood burning oven is not separated from public access to prevent food contamination or injury to public.
- Food products held for return to distributors are not separated and stored in a manner that prevents adulteration of other foods or contributes to a vermin problem.
- Food being prepared in unapproved area (e.g., under unshielded overhead sewage lines).
- French style, hearth-baked, or hard-crusted loaves or rolls not properly covered (with an open-end bag) to prevent from contamination in customer self-service area.
- Bag or container of ready-to-eat food is ready for delivery to customer through a third-party food delivery platform are not properly packed with a tamper-evident method to protect the food.

**NOTE:** This section addresses preventive measures ONLY. Actual contamination of food is marked in category #14 (*Food in good condition, safe and unadulterated*).

Bill No. 3336 requires ready-to-eat food delivered through a third-party food delivery platform to be transported in a manner in which the ready-to-eat food is protected from contamination and would require all bags or containers in which ready-to-eat foods are being transported or delivered from a food facility to a customer through a third-party food delivery platform to be closed by the food facility with a tamper-evident method prior to the food deliverer taking possession of the food.

**Additional Violations:**

- Damaged sneeze guard or inadequate sneeze guard is also marked in category #38 (*Equipment, utensils, and linens: storage and use*).
- Food facility preparing food and using multi-use utensils without food preparation sink and/or utensil washing sink is also marked in category #51 (*Permits available*).

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**Authority: California Retail Food Code, Sections: 113984(a, b, c, d, e), 113984.1, 113986, 114047, 114049, 114051-114055, 114060, 114063, 114067(d, e), 114069(a, b), 114073, 114077, 114089.1(c), 114143(c), 114145(g)**

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### 30. Washing fruits and vegetables

This category is marked **OUT** when fruits and vegetables are not washed.

Violations include:

- Raw whole produce has not been washed prior to being cut, combined with other ingredients, cooked, served, or offered for customer consumption in ready-to-eat form.
- Using chemicals to wash/peel produce that does not meet requirements of 21 CFR 173.315.

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**Authority: California Retail Food Code, Sections: 113992**

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### **31. Toxic substances properly identified, stored and used**

This category is marked **OUT** when toxic substances are not used in accordance with manufacturer's instructions and improperly stored/ labeled.

Violations include:

- Storage or use of unapproved (e.g., household use only) insecticide, pesticide, or rodenticide inside food facility.
- Food worker using a non-food lubricant on food-contact surface of equipment.
- Chemical container without a label identifying the contents.
- Sanitizer bucket is stored where open food is present.
- Sanitizer bucket stored on top of food preparation surface.
- No separate storage provided for storage of poisonous substances at a mobile support unit.

Additional Violations:

- Food that has been contaminated by hazardous materials or chemicals is also marked in *category #14 (Food in good condition, safe and unadulterated)*.
- Food-contact surfaces that have been contaminated by hazardous materials or chemicals is also marked in *category #15 (Food-contact surfaces: clean and sanitized)*.

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**Authority: California Retail Food Code, Sections: 114254, 114254.1, 114254.2, 114254.3, 114327(b)(5)**

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## **FOOD STORAGE/DISPLAY/SERVICE**

### **32. Food storage; food storage containers identified**

This category is marked **OUT** when food/food containers are improperly stored.

Violations include:

- Working food containers, such as those located at the rear storage, are missing labels that identify the food by common name (except food that can be easily identified, such as rice or pasta).
- Food stored in an unapproved area (e.g., outside, cargo containers, toilet room or locker room).
- Containers of food stored on the ware-washing sink drain board.
- Double-stacking food inside the refrigerator without adequate protection of the food product.
- Food container that is not waterproof/rodent-proof is not stored at least 6 inches above floor surface.
- Prepackaged food stored in ice or water was subject to the entry of water due to inadequate packaging, wrapping, or container, or the positioning in the ice or water.
- Bulk food container missing label.

Additional Violations:

- Damaged food containers and unapproved containers is also marked in *category #36 (Equipment/utensils approved; installed; good repair; capacity; serviced, cleaned)*.
- Unapproved cargo containers used as a food storage room is also marked in *category #47 (Floors, walls, and ceiling: maintained, cleaned)*.

### **Exceptions:**

- Pressurized beverage containers, cased containers of bottles or cans, milk or other food in waterproof containers, and milk containers stored in plastic crates can be stored on a clean floor.
- Food in packages and working containers is stored less than 6 inches above the floor if stored on dollies, pallets, racks, and skids designed to be moved by hand or by conveniently available hand trucks or forklifts.
- Working containers of bulk foods stored adjacent to the cook line and used during active food preparation DO NOT require labels.

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**Authority: California Retail Food Code, Sections: 114047, 114049, 114051, 114053, 114055, 114067(h), 114069(b)**

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### **33. Consumer self service**

This category is marked **OUT** when a serving utensil or other approved device or mechanism for dispensing food is missing or not protected from possible contamination.

Violations include:

- Consumer self-service bulk condiment dispensers/displays not properly operated and/or maintained.
- Customer utensils are not protected from contamination by being individually wrapped or dispensed to avoid customer contact with any part other than the handle.

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**Authority: California Retail Food Code, Sections: 114063, 114065**

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### **34. Food properly labeled & honestly presented**

This category is marked **OUT** when consumer foods are improperly labeled and/or falsely advertised.

Violations include:

- Pre-packaged food without required labeling information: e.g., common name, name and address of manufacturer, packer or distributor, ingredients listed in descending order of predominance by weight, and net weight of contents.
- Pre-packaged food products not labeled in English.
- Required labeling information for bulk consumer self-service food is not posted or not available upon request.
- Lack of “use by” date on a PHF packaged at the facility using reduced oxygen packaging.
- The fat content of ground beef exceeds the labeled percentage (e.g., 15%, 22% or 30% etc.)
- Primal cut (meat) or species (seafood) information on menu, package label, or sign card/boards is false and/or misleading.
- Pre-cooked weight of food item is less than advertised.
- Previously frozen fish is advertised as “Fresh”.
- Burrito advertised as a “1 lb.” but the product weighs 14.5 oz.
- Primal cut information missing from the label on package of cut of meat.
- Use of deceptive lighting to misrepresent freshness of meat.
- Manufacturers or food facility’s dating information on foods is concealed or altered.
- A confectionary contains more than ½% alcohol and is not prominently displayed or disclosed.
- Reusable condiment containers are refilled with product that does not match the label.

Menu labeling must include covered food facilities to:

- a. Disclose calories for standard menu items listed on menus and menu boards;
- b. Disclose calories for foods on display and self-service foods that are standard menu items;
- c. Include on menus and menu boards a statement concerning suggested caloric intake and a statement that additional nutrition information is available upon request; and
- d. Have additional written nutrition information available upon consumer request on the premises of the covered establishment.
- e. Bakery products sold directly to a restaurant, catering service, retail bakery, or over the counter directly to the consumer by the manufacturer or baker distributor are exempt from labeling provision.

**Exceptions:** The labeling requirements do not apply to foods that are not standard menu items, including:

- General use condiments;
- Daily specials;
- Temporary menu items;
- Custom orders;
- Food that is part of a customary market test; and
- Foods that are not on a menu or menu board and are not on display or self-service.

Additional Violations:

- PHF in reduced oxygen package exceeds a “use by” date will be marked in category #14 (*Food in good condition, safe and unadulterated*).

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**Authority: California Retail Food Code, Sections: 110800 114087, 114088, 114089, 114089.1(a, b), 114090, 114093.1, 114094, 114094.5, and Sherman Food, Drug, and Cosmetic Law Section 110370, CFR 21 101.15(c)(2)**

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## EQUIPMENT/UTENSILS/LINENS

### 35. Nonfood contact surfaces clean

This category is marked **OUT** when non-food contact surfaces of equipment, shelving, and cabinets are not maintained clean.

Violations include:

- Accumulated grease or food debris on the non-food contact surfaces of equipment, shelving, cabinets, or fryers.
- Accumulation of mold/mildew inside the soda gun holder.
- Dirty fan guards or door gaskets in walk-in refrigerator.
- Debris encrusted drawer used for the storage of utensils.
- Dirty shelving in refrigeration unit with no direct food contact.
- Accumulation of calcium or chemical buildup on the interior surfaces of the mechanical ware-washer unit.
- Reach-in units with unclean handle or door gaskets.

**Exceptions:**

- Violations related to the cleaning of ventilation hoods or lights/light shields will be marked **ONLY** in category #39(*Adequate ventilation and lighting; designated areas, use*).
- Violations related to the cleaning of floors, walls, and ceilings, inclusive of walk-in refrigerators, will be marked **ONLY** in category #47 (*Floors, walls, and ceiling: maintained, cleaned*).

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**Authority: California Retail Food Code, Sections: 114115**

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### **36. Ware-wash facilities: maintained, used; test equipment; approved location**

This category is marked **OUT** when ware-washing sink/mechanical dishwasher is inoperable/not maintained clean, and missing sanitizer test kit.

Violations include:

- Food facility prepares food, and the approved ware-washing sink has been removed but there is a mechanical ware-wash machine available.
- Sink compartments are not large enough to accommodate the largest equipment or utensil.  
**Exception:** Alternative manual ware-washing may be used upon the discretion of enforcement agency.
- Ware-washing sink is not cleaned and sanitized before and after each time it is used to wash wiping cloths, wash produce, or thaw food. Use of the ware-washing sink for these activities must be approved.
- Ware-washing sink is missing one or both drain boards.
- Mechanical ware-washing machine is missing one or both approved, integral metal drain boards attached at point of entry and exit of mechanical ware-washer.  
**Exception:** Mechanical ware-washing is using part of a manual ware-washing sink that is stationed adjacent to mechanical ware-washing machine.
- Mechanical ware-washing machine is not approved, installed, or operated according to manufacturer's specifications.
- Ware-washing sink is used for handwashing and the facility was constructed or remodeled after January of 1996.
- Sanitizing test kit is missing or the wrong type.
- Sanitizer levels are found to be in excess of 200 ppm for chlorine and in excess of 400 ppm for quaternary ammonia, indicating that test strips were not used to verify sanitizer level.
- Mechanical ware-washing machine is tested and determined to be non-functional or does not effectively sanitize (ppm of chemical/contact time/temperature) and CAN NOT be readily adjusted at time of inspection. A three-compartment sink is available for ware-washing.
- The mobile food facility is unenclosed and the warewashing sinks are not an integral part of the primary unit, or an auxiliary conveyance operated in conjunction with the mobile food facility.
- A CMFO with open food, that is not handling raw meat, raw poultry, or raw fish, does not have a ware wash sink, nor an adequate supply of clean replacement utensils.
- The warewashing sinks for unenclosed mobile food facilities are not equipped with adequate overhead protection.

#### **Exceptions:**

- Produce washed in the ware-washing sink without prior sanitizing is marked **ONLY** in category #14 (*Food in good condition, safe and unadulterated*).

**NOTE:** Mechanical machine ware-washing shall be accomplished by using an approved machine installed and operated in accordance with the manufacturer's specifications.

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**Authority: California Retail Food Code, Sections: 114067(f, g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125, 114306(c, d) 114313, 114314 (a, b)**

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### **37. Equipment/utensils-approved; installed; good repair; capacity; serviced; cleaned**

This category is marked **OUT** when food equipment/utensils are not approved, in good repair, and food equipment is not properly installed.

Violations include:

#### **Approved Equipment**

- All new and replacement food-related and utensil-related equipment is not certified by an ANSI accredited certification program, or if no standard exists, is not approved by the local enforcement agency.
- Electrical equipment is not UL listed.
- Unapproved tortilla press.
- Using domestic “household use only” utensils or equipment.
- Using wood and/or wood wicker as a food-contact surface.
- Using enamel/ceramic/stoneware pots or pans or lead glazed containers.
- Unapproved use of portable propane burner.
- Fogging device installed after July 1, 2007, using a reservoir instead of water under pressure for fogging or misting of food.
- Using molluscan shellfish life-support system display tanks to display shellfish that are offered for human consumption without HACCP plan.
- Copper or copper alloys are used in contact with food that has a pH below 6.0, such as vinegar, fruit juice, or wine, or for a fitting between a backflow prevention device and a carbonator.
- Clean In Place (CIP) equipment is not self-draining or designed for effective cleaning and sanitizing.
- Latex gloves observed at food facility, but food workers are not using gloves.
- Using latex gloves to handle utensils.

**NOTE:** Hard maple or equivalent may be used for cutting boards, rolling pins, chopsticks and as specified in Section 114132 (b).

#### **Good Repair**

- Refrigeration unit not holding required temperature.
- Non-working refrigeration unit used for storage.
- Equipment is non-functional or in disrepair.
- Cutting boards are not smooth, easily cleanable, in good repair.
- Torn door gaskets, rusty shelves, or missing fan guard in a refrigeration unit.
- Ice build-up on the condenser unit in the walk-in freezer.
- Damaged utensils (knives, spoons, colander, chipped dishes, and glassware).
- Frayed or deteriorated fabric implements.
- Cracked/leaking condensate pan in the walk-in refrigeration unit.
- A piece of cloth used to hold equipment in place.
- Plastic bags being used as sink stoppers in three-compartment sink.
- Cracked sink or sink not secured to wall.
- Deteriorated caulking at the wall and sink junction.
- Mobile food facility is not cleaned and serviced daily.
- Mobile support unit does not report to commissary daily for cleaning, servicing, and storage.
- Gas fired appliances inside mobile food facility do not have adequate insulation.

## **Capacity**

- No food preparation sink installed (after January 1, 1996) when the food facility conducts thawing, rinsing, washing or similar food preparation.
- Equipment for cooling, heating, hot holding, or cold holding is not sufficient in quantity or capacity to ensure safe food temperatures during transportation or operation.
- Electrical power is not provided at all times to refrigeration units and any other appliances that may be installed in a food facility.

## **Installed**

- Fixed equipment is not installed with adequate spacing or sealing.
- Floor mounted equipment is not sealed to the floor or elevated on 6-inch legs.
- Table-mounted equipment is not easily movable is not sealed to table or elevated on 4-inch legs.
- Cutting or piercing parts of can openers are not readily removable.
- Removeable knife holder permanently mounted.
- Bulk milk dispensing tube not cut on an angle with less than 1-inch protruding.
- Drawers and doors are not equipped with latches and safeties inside a mobile food facility.

## **Exceptions:**

- Cast-off items within the facility will be marked **ONLY** in category #46 (*Premises; vermin proofing, second exit labeling*).
- Cast-off items outside the facility will be marked **ONLY** in category #44 (*Garbage/refuse properly disposed; facilities maintained*).

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**Authority: California Retail Food Code, Sections: 114039.5, 114073, 114099, 114130, 114130.1, 114130.2, 114130.3, 114130.4, 114130.5, 114132, 114133, 114137, 114139, 114153, 114163, 114165, 114167, 114169, 114175, 114177, 114180, 114182, 114297, 114323, 114323(g)**

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## **38. Equipment, utensils, and linens: storage and use**

This category will be marked **OUT** when the food facility is using unapproved use of approved equipment and improper storage/use of utensils/linens.

Violations include:

### **Use**

- Unapproved use of approved equipment (e.g., such as merchandise refrigerator approved for canned or bottled non-PHF is used for open foods or PHF, steamtable is not designed for re-thermalization is used to reheat food).
- Milk crates used as shelving.
- Laundry facilities on premises are used for laundering items other than those used in the operation of the food facility.
- Condiment containers not intended for reuse (e.g., ketchup bottles) are refilled.

### **Storage**

- Storing serving utensils in ice water, in sanitizing solution, or in standing water less than 135°F.
- Handle of approved scooping utensil submerged in ice or bulk food that requires further processing.
- Storing knives in between equipment; storing a dirty knife on a clean surface, or comingling dirty and clean utensils.
- Clean pots, pans, multi-service dishes, utensils, or clean take out containers stored where they are subject

to contamination, such as on the floor, in an unapproved area, mixed with dirty utensils, or dirty area (dirty drawer).

- Kitchen utensils stored together with tools/hardware.
- Easily moveable equipment/utensils stored inside/on top of handwash, food preparation, or janitorial sink.
- Tableware preset at outside dining areas without adequate protection.
- Single use articles in preparation/storage area are not kept in original protective package or otherwise protected from contamination until used.
- Clean equipment and utensils are not stored covered or inverted such that they are self-draining.
- Unsecured pressurized CO<sub>2</sub> tanks.
- During non-operating hours and periods of inclement weather, satellite food service operations or outdoor displays are not fully enclosed; or utensils are not stored inside a fully enclosed permanent food facility.

#### **Linens**

- Linens used to line food service containers are not changed and washed each time the container is refilled.
- Linens, cloth gloves, or cloth napkins are not washed as required.
- Clean linens are stored where they are subject to contamination, such as on the floor or in an unapproved area.
- Linens or work clothes are laundered on the premises and a mechanical washer and dryer are not provided.

#### **Exception:**

- Fabric implements (i.e., linens used in contact with food) are marked in *category #15 (Food-contact surfaces, cleaned and sanitized)*.

#### **NOTE:**

- Single-use paper towels may be used in contact with raw/ready to eat foods.
- Linen may be used to cover food items if the linen is used exclusively on food and is laundered and sanitized after each use.

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**Authority: California Retail Food Code, Sections: 114074, 114075, 114081, 114083, 114119, 114121, 114161, 114172, 114178, 114179, 114185, 114185.2, 114185.3, 114185.4, 114185.5**

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### **39. Adequate ventilation and lighting; designated areas, use**

This category is marked **OUT** when mechanical ventilation hood over food equipment/general ventilation is disrepair/non-functioning/not maintained clean; improper use or absence of a hood, or improper hood type; and inadequate lighting or lack of required shatterproof lights/light shields.

Violations include:

- Hood is not functioning properly (does not effectively remove smoke, odors, grease, etc.).
- Hood (exterior/interior) has an accumulation of grease and/or dust.
- Hood filter(s) are missing or improperly installed.
- Grease-collecting device at hood is missing.
- Mechanical ventilation at hood is not turned on.
- Grill/broiler is not fully under the canopy-type hood (no 6" overhang).
- Gas rice cooker is not installed under a hood.
- Deep fryer installed under a Type II hood instead of a Type I hood.

- Tabletop cooking (e.g., shabu-shabu) without required ventilation system.
- Solid fuel burning equipment is not installed under a separate exhaust duct.
- No ventilation system or window in the toilet room/dressing room/food storage.
- Un-vented gas water heater (this will be referred to the Gas Co. immediately).
- Makeup air is not provided in the amount equal to exhaust air.
- Not maintaining at least 50 foot candles where safety is a factor, such as at a cutting table, slicer, or grinder.
- Missing/damaged light shields in food preparation, ware-wash, and linen area.
- Light shields with accumulated dust or dead insects.
- Water inside the light shield of the walk-in refrigeration unit.
- Facility not maintaining adequate lighting in walk-in cooler, food preparation area, food storage area, etc.
- All areas of a food facility shall have sufficient ventilation to facilitate proper food storage with provide reasonable condition of comfort for each employee.

**Exception:**

- Use of deceptive lighting to misrepresent freshness of meat is marked **ONLY** in category #34 (*Food properly labeled & honestly presented*).

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**Authority: California Retail Food Code, Sections: 114149, 114149.1, 114149.2, 114149.3, 114252-114252.1**

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#### 40. Thermometers provided and accurate

This category is marked **OUT** when probe thermometer/thermometers are missing/inaccurate/non-functional.

Violations include:

- Missing/non-functional/inaccurate thermometer in any refrigeration unit (excluding freezers) holding PHF.
- Missing/non-functional/inaccurate/unapproved probe thermometer for checking food temperature.
- Thermometer missing/not working at high-temperature ware-washing machine.
- Probe thermometer not available for use at ware-washing sink.

**NOTE:** This requirement does not apply to equipment for which the placement of a temperature measuring device is not practical, such as steam tables and salad bars.

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**Authority: California Retail Food Code, Sections: 114099.5, 114101.2, 114157, 114159**

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#### 41. Wiping cloths: properly used and stored

This category is marked **OUT** when wiping cloth is improperly used/stored/not maintained in sanitizing solution when necessary.

Violations include:

- Sponges are used in contact with cleaned and sanitized or in-use food-contact surfaces.
- Cloths used to wipe spills from tableware or take out containers are not dry and used only once.
- Cloths used for wiping tables or seats are used repeatedly and not stored in an approved sanitizing solution.
- Storing multiple wiping cloths that are used for multiple purposes in the same sanitizing container, is used for food preparation surfaces and customer tables.
- Storage of a wiping cloth in a bucket with turbid solution.
- Same sanitizer bucket is used to keep wiping cloths used for raw foods of animal origin and wiping

- cloths used for other purposes.
- Soiled wiping cloths to be laundered are stored in the food preparation or food storage area.
  - Clean wiping cloths are stored in an area subject to contamination, such as the restroom.
  - Wiping cloths not laundered and dried in a mechanical washer/dryer or not properly laundered in a ware-washing sink.

Additional Violation:

- Food worker using soiled wiping cloth to clean food contact surfaces, is also marked in category # 15 (*Food contact surface; clean and sanitized*).
- If sanitizing buckets are stored next to open food, is also marked in category #31 (*Toxic substances properly identified, stored, and used*).

**NOTE:** Sanitizer buckets **do not** have to be set up in prep areas. They are only required when wiping towels are being re-used. The sanitizing frequency must also be met.

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**Authority: California Retail Food Code, Sections: 114135, 114185.1, 114185.3(d, e)**

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**42. Compressors: approved location**

This category is marked OUT when compressors inside a mobile food facility is not properly installed or installed in unapproved location.

Violations include:

- Compressors that are not an integral part of the food equipment are not in an enclosure.
- Compressors that are not an integral part of the food equipment are not enclosed and not separated from food preparation area.

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**Authority: California Retail Food Code, Section: 114322**

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**PHYSICAL FACILITIES**

**43. Plumbing: Plumbing in good repair, proper backflow devices**

This category is marked **OUT** when the conveyance of potable water to any sinks and fixtures are leaking/not clean/in disrepair/unapproved.

Violations include:

- Leaking faucet at the ware-washing sink.
- Faucet unable to reach all compartments of the sink.
- Unapproved rubber hose used as a faucet extension.
- Hose used to clean floor mats is also used to supply water at wok stove.
- Backflow prevention device is missing or leaking.
- Drain line is leaking from any sink (e.g., janitorial sink, handwashing sink).
- Accumulation of mold or slime on drain lines.
- Unsecured flexible drain line used for discharge from steamtable, ice machines, food preparation sink, ware-washing sinks, display cases, and walk-in refrigerator units.
- Refrigerator unit draining to a bucket/floor/pan/exterior ground surface.

- Drain line without an air gap.
- An air gap between a water supply inlet and flood level rim of a plumbing fixture, equipment, or nonfood equipment is not at least twice the diameter of the inlet or is less than one inch.
- Food preparation sink/ice machine drain line is directly connected to the sewer.
- Uncapped sewer clean-out (no discharge).
- Floor sink with food debris.
- Floor sinks are not readily accessible for cleaning.
- A grease trap or grease interceptor is located in a food or utensil handling area without approval.
- A grease trap or grease interceptor is not easily accessible for servicing.
- Sprayer used in lieu of faucet.
- Missing or removed mop sink.
- Wastewater tank is not equipped with a shut-off valve.
- Wastewater tank is not adequately serviced, including removal, draining, and/or flushing.
- Wastewater tank is not of sufficient capacity.

Additional Violations:

- Sewer clean out is missing and sewer is discharging on the ground, mark category #23 Major (Sewage and wastewater properly disposed).

**NOTE:**

- Mop sinks with hose threaded faucets should be protected with a backflow prevention device.
- Sinks (other than mop sinks) may require a backflow device if necessary.
- An evaporator for refrigeration units is acceptable if properly installed and functioning.

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**Authority: California Retail Food Code, Sections: 114171, 114189.1, 114190, 114192, 114192.1, 114193, 114193.1, 114199, 114201, 114217, 114240(e), 114235, 114242, 114269**

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#### 44. Garbage and refuse properly disposed; facilities maintained

This category is marked **OUT** when exterior premises including refuse containers/refuse area is not maintained clean and free from trash accumulation/cast-off items.

Violations include:

- Exterior refuse container lids propped open or missing.
- Exterior/customer area refuse container encrusted with waste.
- Lack of adequate refuse containers/inadequate refuse pick up resulting in overflowing trash.
- Cardboard box used as a refuse receptacle.
- No waste receptacles are present for use by consumers.
- Storage areas and/or receptacles are not clean and/or in good repair.
- Refuse is overflowing and creating a nuisance.
- Kitchen grease is not disposed of as required.
- Refuse, recyclables, or returnable are not kept in nonabsorbent, durable, cleanable, leak proof, and rodent proof containers.
- Cast-off/non-functional equipment stored at the exterior of the food facility.
- Trash containers in outdoor dining area are not vermin proof or are not emptied at the end of the operating day.

Additional Violations:

- If improper handling/storage of trash at refuse area has resulted in vermin (rodent, cockroach, fly) infestation at exterior refuse area, *category #24 (No insect, rodents, birds, or animals present-Minor)* is also marked.

**NOTE:**

- Refuse containers inside a food facility do no need to be covered during periods of operation.
- Cardboard or other packaging material that does not contain food residue may be stored outside if it does not create a rodent harborage problem.

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**Authority: California Retail Food Code, Sections: 114244, 114245, 114245.1-114245.8.**

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**45. Toilet facilities: properly constructed, approved distance, supplied, cleaned**

This category is marked **OUT** for violations involving the toilet facilities.

Violations include:

- Toilets are not accessible to food workers while food facility is in operation.
- One of the available toilets is damaged, leaking, clogged, or inoperative.
- Toilet paper not provided in permanently installed dispensers at each toilet.
- Missing toilet paper dispenser.
- Door removed or propped open at the toilet room.
- Missing or damaged self-closing device.
- Unclean toilet facilities.
- Missing all-gender signage for single use toilet facilities.
- Missing a letter of agreement of use of toilet facilities or other documentations if the toilet facilities are not under the ownership of the mobile food facility owner/operator.
- Toilet facilities are not within 200 feet from the mobile food facilities if the mobile food facility is stopped in one location for more than one hour.

**Exceptions:**

- Lack of functional toilets is marked ONLY in *category #23 Major (Sewage and wastewater properly disposed) (PERMIT SUSPENSION)*.

**NOTE:** Food facilities located within amusement parks, stadiums, arenas, food courts, fairgrounds, TFF's and similar premises are not required to provide toilet facilities for employee use within each food facility if approved toilet facilities are located within 200 feet.

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**Authority: California Retail Food Code, Sections: 114250, 114250.1, 114276(a-e), 118600; 114315 LA County Code Title 11 Section: 11.38.580d and 11.38.570.**

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## **46. Premises; vermin-proofing; second exit**

This category is marked **OUT** for violations involving dressing rooms/areas, storage of personal items/cleaning equipment and supplies, and possible entrance of vermin.

Violations include:

- First aid supplies are not labeled with a legible manufacturer's label and stored in a kit or container that is located to prevent contamination of food, utensils, and single use articles.
- Personal items (e.g., jacket, purse, keys, cell phone, medicines, radio, or TV) stored in the food preparation/storage area.
- No mop sink or a designated cleaning facility.
- No designated area or cabinet for the storage of cleaning equipment and supplies, separate from food preparation/storage area.
- Mops/brooms stored in food preparation area.
- Washing floor mats at the exterior of the food facility.
- Open doors/pass-thru window left open.
- Missing/torn window screens.
- Insect control devices are located over food or utensil handling areas.
- Insect control devices not maintained.
- Air curtain ineffective, non-functional, or turned off at open door.
- Pass-thru window exceeds 432 square inches and missing an air curtain.
- Front door has a gap at the bottom greater than  $\frac{1}{4}$  inch.
- Roll-up metal door does not seal adequately (at sides, top, or bottom).
- Soiled mop is stored against wall.
- Second exit inside a mobile food facility is not properly labeled with appropriate size.
- Missing second exit label inside a mobile food facility.

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**Authority: California Retail Food Code, Sections: 114123, 114143(a, b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282, 114323(f)**

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## **47. Floors, walls and ceiling: built, maintained and clean**

This category is marked **OUT** for violations involving the condition (cleanliness/ repair/unapproved type) of walls, ceilings, and floors.

Violations include:

- Missing base cove tiles, floor tiles, or grout between tiles.
- Unapproved floor material (carpet/vinyl tiles) installed in food/utensil/ware-washing areas.
- Cardboard or unapproved floorboards used on floors.
- The floor surfaces extending from a permanent open-air barbecue or wood-burning oven are not a minimum of 5 feet of impervious or easily cleanable material.
- Dirty and not easily removable floor mats and duckboards.
- Using an unapproved method of cleaning the floors/walls/ceilings (not using dustless methods such as wet cleaning or vacuum cleaning).
- Damaged walls (e.g., holes, cracks, peeling paint, deteriorated caulking, plaster not smooth, or loose metal flashing).
- Missing electrical outlet or light-switch cover.

- Missing/damaged/unapproved type of ceiling panels.
- Accumulated food debris, grease, mold, or dirt on floors, walls, ceilings including inside of walk-in refrigerator.
- Cockroach fecal spots, dead cockroaches, rodent droppings/rub marks/urine on floors, walls, or ceilings.
- The height in aisle way is not a minimum of 74 inches unobstructed floor to ceiling and aisle way is not 30 inches unobstructed horizontal space due to structural limitations and/or improper storage inside of a mobile food facility.

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**Authority: California Retail Food Code, Sections: 114143(d), 114266, 114268, 114268.1, 114271, 114272, 114257, 114321**

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#### **48. Storage of personal/cleaning items; fire extinguisher; first aid- supplies**

This category is marked **OUT** for violations involving the condition (supply, accessibility, storage) of personal/cleaning items, fire extinguisher, and first aid supplies.

Violations include:

- Missing supplies inside the first aid kit.
- First aid kit is not accessible to employees.
- Employee's drinks/cellphones/hat/keys not stored in approved storage area.
- No employee's personal item storage area provided.
- Cleaning items (broom, mop, mop bucket etc.) not stored in approved area.
- Fire extinguisher is not properly charged.
- Fire extinguisher is not easily accessible or available on site.
- When evident of drinking and eating by food employees in food preparation area but not eating and drinking or using tobacco observed at the time of inspection.

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**Authority: California Retail Food Code, Sections: 114256.4, 114256, 113977, 114323(a), 114323(e)**

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#### **49. Identification of owner: DBA, permit holder, complete address on side of mobile food facility**

This category is marked **OUT** of compliance for the following:

- The business name or the name of the operator, city state and ZIP code, and the name of the permittee if different from the business name is not clearly visible on the customer side of the mobile food facility.
- Business or operator name is not at least 3 inches high, and address is not one inch high.
- Sign is not in contrasting color with the background.
- For a motorized vehicle and a mobile support unit, the sign is not present on both sides of vehicle.

#### **NOTE:**

- The name on the vehicle should enable the consumer to identify and locate the business.
- Any appropriate, cleanable, material for the sign may be utilized so long as the identification is clear and of appropriate size.
- Any font or lettering style may be used so long as identification is legible.
- Lettering can be larger than the minimum.
- Any color may be used so long as it is contrasting with the color of the vehicle easily be read.

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**Authority: California Retail Food Code, Sections: 114299(a, b, c)**

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## SIGNS REQUIREMENTS

### 50. Signs posted; route sheet and last inspection report available

This category is marked **OUT** if any of the following violations are observed:

- Copy of the most recent routine inspection report is not maintained at the food facility or made available upon request.  
**NOTE:** An electronic version of inspection report is acceptable.
- Required signs are not posted (e.g., hand washing, no smoking, public restroom).
- Grade/score card is not properly posted as required by Ordinance #97-0071.
- Public notice is not posted at the food facility.
- Route sheet is not up to date.
- Route sheet is not available and provided.

#### Exception:

- Missing gulf oyster warning signs is marked in *category #18 (Compliance with Gulf Oyster Regulations)*.

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**Authority: California Retail Food Code, Sections: 113725.1, 113953.5, 113978, 114381(e), LA County Code, Sections: 8.04.403, 8.04.785**

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### 51. Permits Available

This category is marked **OUT** if any of the following violations are observed:

- Food facility is open for business and does not have a valid Public Health Permit.
- Permit is not posted in a conspicuous location.
- Permit holder of the permanent food facility and the permit holder of the satellite food service are not the same.
- Satellite food service not operated in conjunction with a fully approved enclosed permanent facility.
- Food facility handling/storing food beyond scope of permit (e.g., Prepackaged fruit cart cutting fruit, or a CMFO approved for limited preparation is thawing food on their cart).

#### Additional violations:

When food is not inspected upon receipt by PIC/designated food worker and food is not within the approved temperature, *category #8 (Proper hot and cold holding temperatures)* is also marked.

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**Authority: California Retail Food Code, Sections: 114067, 114381**

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## COMPLIANCE & ENFORCEMENT

### 52. Plan review

This item is marked **OUT** when complete, easily readable plans drawn to scale, for new construction or remodel of a food facility are not submitted prior to construction, or construction of a new food facility or remodel of an existing retail food facility begins prior to plan approval.

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**Authority: California Retail Food Code, Sections: 114380**

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### 53. Sample collected

This item is marked OUT when EHS collects samples of food for testing at a laboratory or food, photographs, or other evidence, including copies of a HACCP plan and other documents.

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**Authority: California Retail Food Code, Sections: 114390**

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### 54. Impoundment/Voluntary condemn and dispose (VC&D)

This item is marked OUT when EHS impounds (red tag, seizure, or VC&D) food, equipment, or utensils that are found to be, or suspected of being unsanitary or in such disrepair that food, equipment, or utensils may become contaminated or adulterated, or impounds any utensil that is suspected of releasing lead or cadmium.

**NOTE:** Within 30 days, the enforcement agency that has impounded the food, equipment, or utensils pursuant to subdivision (a) will commence proceedings to release the impounded materials or to seek administrative or legal remedy for its disposition.

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**Authority: California Retail Food Code, Sections: 114393**

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### 55. Permit Suspension

This item is marked **OUT** when a food facility's permit has been suspended due to imminent health hazard, continued non-compliance or when a food facility is closed for not having a valid Public Health Permit.

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**Authority: California Retail Food Code, Sections: 114405, 114409**

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### 56. Multiple Major Critical Violations / Increased Risk to Public Health

If two (2) or more major critical risk violations are marked, *category #56 (Multiple Major Critical Violations/Increased Risk to Public Health)* is also marked and additional three (3) points will be deducted.

**Exception:** If a food facility's permit is suspended for no water, sewage, vermin infestation or lack of a commissary contract, AND two or more major critical risk violations are also marked, then *category #56* is not marked.

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**Authority: Major Critical Violations #2, #5, #7, #8, #9, #10, #11, #13, #14, #15, #20a, #20b, #21, #22.**

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# APPENDIX A



## MOBILE FOOD FACILITY OFFICIAL INSPECTION REPORT

ENVIRONMENTAL HEALTH DIVISION  
OFFICE: MOBILE FOOD PGM • CHIEF:

5050 COMMERCE DR, BALDWIN PARK, CA 91706 - Phone: (626) 430-5500  
[WWW.PUBLICHEALTH.LACOUNTY.GOV/EH](http://WWW.PUBLICHEALTH.LACOUNTY.GOV/EH)



Facility Name:			Inspection Date:	Facility Status
Owner/Permittee:			Re-inspection Date:	Score:
Program Identifier:		Time In:	Time Out:	
Facility Address: City/State/Zip:		Service: Result: Action:		Grade:
FA:	PR:	PE:		

IN = In Compliance OUT = Out of Compliance COS = Corrected on Site NO = Not Observed NA = Not Applicable ✓ = Action Taken

The items marked below represent violations of the Los Angeles County Code and the California Retail Food Code and must be corrected by the reinspection date given above, unless otherwise stated in the report.

CRITICAL RISK FACTORS			GOOD RETAIL PRACTICES		
			Preventitive measures that can reduce food borne illness (1 point each)		
EMPLOYEE HEALTH, HYGIENE & KNOWLEDGE			Maj	Min	STATUS
1. Demonstration of knowledge			2		26. Person in charge present and performs duties
2. Food protection manager/ food handler certificates			2		27. Personal cleanliness and hair restraints
3. Communicable disease: reporting, restriction & exclusions	4				GENERAL FOOD SAFETY REQUIREMENTS
4. No discharge from eyes, nose and mouth			2		28. Approved thawing methods used, frozen food
5. Proper eating, drinking, or tobacco use			2		29. Food separated and protected
PREVENT CONTAMINATION BY HANDS					
6. Hands clean and properly washed, proper glove use	4	2			30. Washing fruits and vegetables
7. Adequate hand washing facilities: supplied, accessible, approved location		2			31. Toxic substances properly identified, stored and used
TIME AND TEMPERATURE RELATIONSHIP					
8. Proper hot and cold holding temperatures	4	2			32. Food storage, food storage container identified
9. Time as a public health control; procedures & records	4	2			33. Consumer self service
10. Proper cooling methods	4	2			34. Food properly labeled & honestly presented
11. Proper cooking time and temperature	4				EQUIPMENT/UTENSIL/LINENS
12. Proper reheating procedures for hot holding	4				35. Nonfood-contact surfaces clean
PROTECT FROM CONTAMINATION					
13. Returned and re-serviced of food		2			36. Warewash facilities: adequate, installed, maintained, properly used; test equipment, approved location
14. Food in good condition, safe and unadulterated	4	2			37. Equipment/utensils approved; installed; good repair; capacity; serviced, cleaned
15. Food contact surface: clean and sanitized	4	2			38. Equipment, utensils and linens: storage and use
FOOD FROM APPROVED SOURCES					
16. Food obtained from approved source	4	2			39. Adequate ventilation and lighting; designated areas, use
17. Compliance with shell stock tags, condition, display		2			40. Thermometers provided and accurate
18. Compliance with Gulf Oyster Regulations		2			41. Wiping cloths, properly used and stored
ADDITIONAL CRITICAL RISK FACTORS					
19. Compliance with variance, specialized process & HACCP		2			42. Compressors: approved location
20. Consumer advisory provided for raw/undercook food		2			PHYSICAL FACILITIES
21. Hot water available	4	2			43. Plumbing, fixtures, backflow devices, drainage
22. Water available	11				44. Garbage and refuse properly disposed; facilities maintained
23. Sewage and wastewater properly disposed	11	2			45. Toilet facilities: properly constructed, supplied, cleaned, approved distance
24. No insect, rodent, birds or animals present	11	2			46. Premises; vermin proofing, second exit labeling
25. Compliance with commissary	11	2			47. Floors, walls and ceiling: maintained, cleaned
COMPLIANCE & ENFORCEMENT					
52. Referral to Plan Check			55. Permit suspension		
53. Samples collection			56. Multiple Major Critical Risk Violations/Increased Risk to Public Health		3
54. Impoundment/VC&D					

Owner / Retail Representative Signature

EHS/EHT Name

## APPENDIX B

### COMPLIANCE DATES

Follow-up dates are scheduled to ensure the compliance of the facility with the violations cited in the Mobile Food Facility Official Inspection Report (MFFOIR). Compliance dates vary depending on the public health risk associated with the violations observed. Depending on the severity of the violation, frequency of the violation, and the risk for a negative public health impact, either informal or formal enforcement may be taken as an option for gaining compliance.

Violations of local requirements as indicated on the MFFOIR are misdemeanors and may be punishable by a fine of no less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), or imprisonment for no more than six months, or both. Non-Compliance fees or other administrative fines may also be issued.

The EHS shall ensure that all violations cited on the MFFOIR are corrected by the indicated reinspection date. If most violations are corrected or reasonable progress is made, additional time may be granted. However, the owner may be charged for the additional re-inspections.

In the event multiple compliance dates are required, the earliest date shall be documented in the Reinspection Date field on the MFFOIR. For example, if a sewage discharge is observed, which is an emergency violation and requires immediate abatement, the EHS is to document the next calendar day on the Reinspection Date field on the MFFOIR and document the reinspection date for the remaining violations in the “Overall Comments” section on the MFFOIR. When there are multiple compliance dates, the EHS shall document the reinspection date of each violation in the narrative comments of each violation.

Compliance dates can vary depending on the following situations:

- Violation categories observed at the time of inspection (Major, Minor, Emergency).
- Inspection and violation history of the facility.

VIOLATIONS	COMPLIANCE DATES
Major Critical Risk Factors	Corrective action is required before the end of the inspection. EHS shall schedule a reinspection within 14 days to determine ongoing compliance.
Repeat Minor Critical Risk Factors and Repeat Good Retail Practices (GRP)	Up to 14 calendar days; however, some violations may require corrective action before the end of the inspection.
Non-Repeat Minor Critical Risk Factors and GRP	Next routine inspection or 14-30 calendar days depending on the urgency of violations.

- A Major Critical Risk Factor that is not corrected by the end of the inspection shall result in the suspension of the Public Health Permit (PHL). See SOP Procedures for PHP/L Suspension Due to an Imminent Health Hazard. The EHS shall use the following guidelines to determine compliance dates.
- Reasonable Compliance: Correction of all Critical Risk Factors marked as either Major or Minor and half of the Good Retail Practices on the original Mobile Food Facility Official Inspection Report (FOIR).

At the reinspection, the EHS shall indicate either:

- “All Violations Corrected” if there is full compliance,
- The outstanding violations and a compliance date of “Next Routine Inspection,” if there is reasonable compliance,
- The outstanding violations, a new compliance date, and the chargeable reinspection statement, if violations other than Major Critical Risk factors remain outstanding, or
- The outstanding violations, an Office Hearing with the “Intent to Suspend” notification per the Procedure for Office Hearings, and the chargeable re-inspection statement if a Major Critical Risk Factor remains outstanding.

**Note:** When a reinspection is to determine compliance with an imminent health hazard (i.e., sewage, no water, vermin closure of a food facility), and the imminent health hazard has been corrected, the reinspection to determine compliance with the remaining violations shall **not** be chargeable.

## SPECIAL CONSIDERATIONS

- If new Major Critical Risk Factor violations are observed during the reinspection, the EHS shall generate a complaint and complete a separate observation inspection report indicating the additional violations.
- If compliance with the conditions set forth at the office hearing is not obtained, the EHS shall consult with supervision to determine the next action.
- If the reinspection is following a Public Health Permit suspension, the EHS shall refer to Procedure for Reinstatement of a *Public Health License*

## PROGRESSIVE ENFORCEMENT

For all uncorrected violations, the EHS must evaluate the progress and amount of effort toward compliance before determining the next step. Progress towards compliance will usually warrant consideration of a suitable time extension before taking progressive enforcement. Critical violations must still be corrected as quickly as possible following the initial compliance date.

If the owner fails to make progress towards compliance, the EHS shall take the following progressive enforcement actions:

Revisit	Critical Violations	Non-Critical Violations
1 <sup>st</sup>	Compliance Review for next day	Schedule 2 <sup>nd</sup> revisit
2 <sup>nd</sup>	Refer to City/District Attorney for emergency hearing	Schedule Compliance Review
3 <sup>rd</sup>	Elevate to Branch Director	Refer to City/District Attorney