

**REVISITING ORANGE COUNTY RESTAURANT FOOD SAFETY:
IMPROVING PLACARD VISIBILITY FOR
THE PUBLIC'S BEST INTEREST**

SUMMARY

The 2013-2014 Grand Jury believes the time has arrived to improve the visibility of restaurant inspection placards. A graphically enhanced way to communicate an establishment's inspection status at the time of its posting is now a sensible direction to pursue.

The interest in a more pronounced placard was also noted in a section of the Health Care Agency's (HCA) report, "Orange County Restaurant Inspection Public Notification System Update 2008," where it was concluded that placards had:

"No "At-a-Glance" Recognition - The current seals for compliance and reinspection are quite similar in appearance and may not be as good as other signage alternatives in informing patrons about the inspections status of a facility."¹

The Grand Jury revisited this issue, reviewed the recommendations published by the 2007-2008 Grand Jury Report, "RESTAURANT INSPECTIONS – WHAT NO ONE IS TELLING YOU,"² and noted that the current seals for compliance and reinspection are *still* quite similar in appearance. The 2007-2008 Grand Jury recommended that the HCA's procedure for notifying the public of inspection results be adapted in favor of an A-B-C letter grade system, similar to the one presently in use in Los Angeles and neighboring counties. The 2013-2014 Grand Jury has a different view.

It is important to refresh the public on the nature of Orange County's current food inspection notification system in order to arrive at a relevant present-day solution. The HCA's report, "Orange County Restaurant Inspection Public Notification System Update 2008," was submitted to the Board of Supervisors on December 16, 2008, in response to the above 2007-2008 Orange County Grand Jury Report. The Grand Jury recognized that, "Orange County Environmental Health inspectors already conduct thorough inspections of our restaurants."³

The 2013-2014 Grand Jury also gives high marks to Environmental Health, noting that the best practices displayed then by this division of the county's Health Care Agency is still an exemplary standard today. Unfortunately, the 2008 HCA response noting a need to upgrade placard visibility lacked enough Board of Supervisor votes to be implemented.

Five years out, the 2013-2014 Grand Jury has a practical modification to the HCA's proposal.

REASON FOR STUDY

As stated by the 2007-2008 Orange County Grand Jury report entitled, "RESTAURANT INSPECTIONS – WHAT NO ONE IS TELLING YOU":

¹ Board of Supervisor Meeting Archive, December 16, 2008, #34. Health Care Agency report – "Orange County Restaurant Inspection Public Notification System Update 2008," p.4: http://cams.ocgov.com/Web_Publisher_Sam/Agenda12_16_2008_files/images/O00308-001826A.PDF

² Grand Jury report 2007-2008: "RESTAURANT INSPECTIONS – WHAT NO ONE IS TELLING YOU."

³ Ibid

“The dining public is almost universally unaware that a small placard at the entrance area to each Orange County restaurant or food-vending location states the restaurant is “in substantial compliance with California food safety and sanitation standards” or that “re-inspection has been scheduled.” Even upon noting the placard, the diner does not know what the level of sanitation is at the restaurant, how many major or minor violations it has incurred, or whether it has been found to be in violation of any California health code sections, but is currently operating during the time between re-inspections.”⁴

The 2007-2008 Grand Jury Report was very comprehensive. The 2013-2014 Orange County Grand Jury wholly agrees with the 2007-2008 Grand Jury's findings that the Orange County Environmental Health Division conduct thorough food facility health inspections. As a result of the 2007-2008 Grand Jury Report on restaurant inspections, the Orange County Board of Supervisors “chose to modify”⁵ the recommendations articulated in that report, which are reflected in the current placards of today; Pass, Reinspection Due-Pass, and Closed. However, unlike the findings of the 2007-2008 Grand Jury Report that recommended upgrading inspection reports based on a letter grade format similar to Los Angeles, Riverside, San Bernardino, and San Diego counties, the current Grand Jury has considered a more practical approach.

The aforementioned counties each exercise separate autonomy, operating without any conformity amongst themselves when assigning a value to the weight of an infraction, which when tallied at the end of an inspection, determines the letter grade assessed; A, B, or C. An infraction that may carry a weight of two points for a given infraction in one jurisdiction, may have an entirely different weight assigned to it in another; *there is no consistent formulation of letter grades among all four counties.*

The 2013-2014 Grand Jury sees no valid reason to entirely scrap current inspection protocols in favor of an inconsistent letter grade. However, without changing the present-day dimensions of the placard, or how the inspection is conducted, *improving the visibility of the current unremarkable graphic to a more distinctive image is an overdue step forward.*

BACKGROUND AND FACTS

California Retail Food Codes

The Division of Environmental Health enforces the California Retail Food Code: California Code - Part 7: CALIFORNIA RETAIL FOOD CODE [113700 – 114437].⁶ This code regulates retail food facilities for food safety. Food operations typically regulated include all manner of restaurants, grocery chains, independent markets, convenience stores, and mobile food units

⁴ Grand Jury report 2007-2008: “RESTAURANT INSPECTIONS – WHAT NO ONE IS TELLING YOU.”: pg.1
<http://www.ocgrandjury.org/pdfs/restaurant-inspections/restaurant.pdf>

⁵ Orange County Board of Supervisor's response to 2007-2008 Orange County Grand Jury report entitled, “Restaurant inspections – What no one is telling you.”

⁶ CALIFORNIA RETAIL FOOD CODE [113700 – 114437]:<http://www.cdph.ca.gov/services/Documents/fdbRFC.pdf>

from full-sized trucks to small push-carts and the commissaries used for their replenishment, to name a few. *See Appendix A for a complete list.*

The following code sections are central to California public food safety:

[113703]. The purpose of this part is to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented through adoption of science-based standards.

[113705]. The Legislature finds and declares that the public health interest requires that there be uniform statewide health and sanitation standards for retail food facilities to assure the people of this state that the food will be pure, safe, and unadulterated. Except as provided in Section 113709, it is the intent of the Legislature to occupy the whole field of health and sanitation standards for retail food facilities, and the standards set forth in this part and regulations adopted pursuant to this part shall be exclusive of all local health and sanitation standards relating to retail food facilities.

[113709]. This part does not prohibit a local governing body from adopting an evaluation or grading system for food facilities, from prohibiting any type of food facility, from adopting an employee health certification program, from regulating the provision of consumer toilet and hand washing facilities, or from adopting requirements for the public safety regulating the type of vending and the time, place, and manner of vending from vehicles upon a street pursuant to its authority under subdivision (b) of Section 22455 of the Vehicle Code.⁷

It is important to note that Orange County Food Inspectors are qualified as Registered Environmental Health Specialists (REHS) and have met stringent qualifications in accordance with the California Health and Safety Code §106600-106735.

“§106610 (c) "Registered environmental health specialist" means an environmental health professional educated and trained within the field of environmental health who is registered in accordance with the provisions of this article.”⁸

The State of California mandates that REHS candidates possess a degree in the applied sciences and pass a state examination before becoming licensed.

“§106635. The requirements for registration of environmental health specialists shall be a minimum of a bachelor's degree from a department approved educational institution or an educational institution of collegiate grade listed in the directory of accredited institutions of postsecondary education compiled by the American Council on Education.”⁹ *Coursework overview – Department of Health Science, California State University, Fullerton: <http://hhd.fullerton.edu/hesc/undergrad/bs.html>*

⁷ CALIFORNIA RETAIL CODE [113700 –114437]: <http://www.cdph.ca.gov/services/Documents/fdbRFC.pdf>

⁸ California Health and Safety Code §106600-106735:

<http://www.cdph.ca.gov/certlic/occupations/Documents/REHS/REHS%20HSC%20106600-106735.pdf>

⁹ California Health and Safety Code §106600-106735:

<http://www.cdph.ca.gov/certlic/occupations/Documents/REHS/REHS%20HSC%20106600-106735.pdf>

The California Health and Safety Code also requires every restaurant or market post a statement that the most current inspection report is available on site for review if requested, and that the report must be made available upon request.¹⁰ The same state code allows local jurisdictions to provide public notifications of inspection results that exceed state standards. At the time of the 2007-2008 Grand Jury report, only twelve jurisdictions exceeded state standards; among them Orange County. Now there are sixteen as follows:

1. The counties of Los Angeles, San Diego, Riverside, San Bernardino, and Kern, require the use of a visible letter grade posted at each facility.
2. The counties of Sacramento, Alameda, Butte, and Merced require the use of a visible color coded placard posted at each facility.
3. One county (San Francisco) and three cities (Long Beach, Pasadena and Vernon) maintain separate jurisdictions and only provide an Inspection Report/Summary at each food facility for the public to examine upon request.
4. The counties of Orange, Monterey, and Ventura administer a program that includes:
 - a) an inspection seal,
 - b) acknowledges superior compliance with an Award for Excellence certificate,
 - c) a website that the public can access for general information and to view the most recent results of inspection reports.¹¹

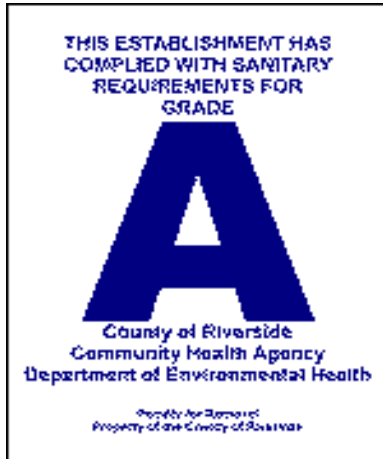
¹⁰ Board of Supervisor's Meeting Archive, December 16, 2008, #34. Health Care Agency report – "Orange County Restaurant Inspection Public Notification System Update 2008," pg.4: http://cams.ocgov.com/Web_Publisher_Sam/Agenda12_16_2008_files/images/O00308-001826A.PDF

¹¹ Ibid with more recent data

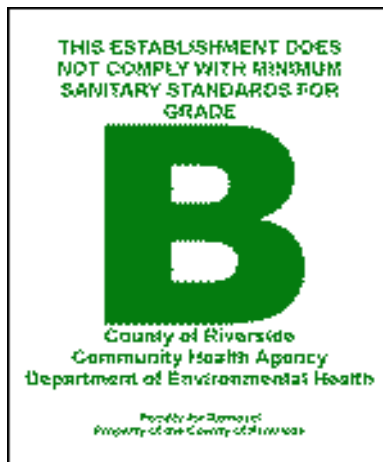
Prominently Displayed Placard Notification Systems

The counties of Los Angeles, San Diego, Riverside, San Bernardino, and Kern display an A, B, or C letter grade inspection placard. Example below: Figure 1, Riverside County.¹²

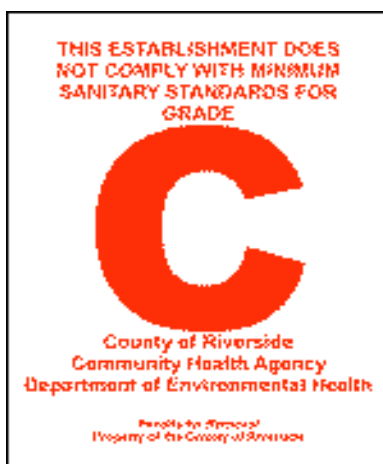
Fig. 1



An "A" signifies that the facility **PASSED** their inspection and the facility has received a score from 90 to 100 points on the unannounced inspection. Unlike the grades you got in school, this is the only passing grade that a facility can get for an inspection.



A "B" signifies that the facility **DID NOT PASS** the unannounced inspection and received a score from 80 to 89 points. If one looks closely at this grade card, one will note that at the top of the card it states: "THIS ESTABLISHMENT DOES NOT COMPLY WITH MINIMUM SANITARY STANDARDS." Facilities that have received a "B" or lower grade are posted on the [Food Facility Downgrades webpage](#) and are required to raise their grade back up to an "A" within a short period of time.



A "C" signifies that the facility **DID NOT PASS** the unannounced inspection and received a score from 0 to 79 points. If one looks closely at this grade card, one will note that at the top of the card it states: "THIS ESTABLISHMENT DOES NOT COMPLY WITH MINIMUM SANITARY STANDARDS." Facilities that have received a "C" or lower grade are posted on the [Food Facility Downgrades webpage](#). These facilities also may present a potential or immediate threat to the public's health and safety and may be closed as a result of the inspection and are required to raise their grade back up to an "A" within a short period of time.

¹² Riverside County Environmental Health: http://www.rivcoeh.org/opencms/rivcoeh/ProgServices/Food_Program/Restaurant_Grading.html

The counties of Sacramento, Alameda, Butte, and Merced have a colored placard notification system based on the universally accepted traffic signal approach that interprets *Green* for go, *Yellow* for caution, and *Red* for stop. See Figure 2.

1. *Green* signifies **PASS**, which is an acceptable level of compliance.
2. *Yellow* signifies **CONDITIONAL PASS**; violations were observed that required immediate correction. A reinspection will be conducted within 24 to 72 hours.
3. *Red* signifies facility **CLOSED**; closure is required when an imminent danger to public health or safety is observed.¹³

Fig. 2



Orange County Public Notification System

The current Orange County inspection placard in Figure 3 consists of a **PASS**, **REINSPECTION DUE-PASS**, and **CLOSED**. This orange-colored graphic is historically significant; it honors our cultural heritage as a major grower of Valencia oranges.¹⁴

Posting requirements:

The following 8”x8” placard examples (*Figure 3 next page*) are provided by Environmental Health and must be posted in an area clearly visible to patrons/public, as determined by the inspector.

¹³ Sacramento County Environmental Health: http://www.emd.sacounty.net/EnvHealth/FoodProtect/GYR_Placards.html

¹⁴ Orange County Inspection Notification Seals: <http://ocfoodinfo.com/retail/pass>

Fig. 3



The Orange County HCA fully complies with the California Health and Safety Code, a mandated statewide standard for all jurisdictions, which was updated and strengthened in 2007 to be consistent with U.S. Food and Drug Administration standards. The Code update included the following “major” violations that were identified by the Centers for Disease Control and Prevention (CDC) which pose an imminent risk to public health and are the leading causes of foodborne illnesses.

1. Improper employee hygiene and hand washing.
2. Contaminated food items.
3. Improper sanitizing procedures.
4. Improper food temperatures.
5. Food from unapproved sources.¹⁵

The Health and Safety Code also defines “minor” violations that do not pose an imminent risk to the public but do warrant correction, such as structural issues and general cleanliness.¹⁶ Minor infractions or major violations corrected during the inspection, form the basis for the current Orange County **REINSPECTION DUE-PASS** placard, in the same way the more visible *Yellow* denotes a **CONDITIONAL PASS**; the standard in the counties of Sacramento, Alameda, Butte, and Merced. Both the **REINSPECTION DUE-PASS** and the **CONDITIONAL PASS** require a follow-up inspection to make sure the facility has resolved all noted minor violations and have continued with the correction of all cited major violations before a **PASS** can be posted. Minor violations do not pose an immediate health risk on the same order as would be found in “major” violations such as vermin infestation or sewage overflow. The facility is permitted to continue to operate while it awaits re-inspection. However, if by the time the inspector returns for the re-inspection and the facility has failed to resolve minor violations, or has new major violations, the facility can be issued a formal Notice of Violation, or it may progress through an enforcement process and can be closed for non-compliance by the HCA.

¹⁵ Orange County Inspection Notification Seals: <http://ocfoodinfo.com/retail/pass>

¹⁶ Ibid

In order to keep the public informed about food safety and sanitation at Orange County's restaurants and markets, the Environmental Health Food Program provides a comprehensive Public Notification System with four components.¹⁷

1. **Inspection Reports** – onsite results provided by the inspector in a user-friendly format for not only facility operators, but to anyone who wishes to view it. The report distinguishes violations that can cause foodborne illness (Major Violations) from those that do not (Minor Violations), and is required to be available to read during business hours. It is also posted online, providing a summary of the violations issued at each inspection and a copy of the actual inspection report. An online report will also note if the facility was closed due to major violations and when/if the facility has reopened in the event the violation was corrected.
2. **Inspection Notification Seal** – facility posted (*page 7*)
 - 1) **PASS:** An acceptable level of compliance was achieved. No re-inspection is required.
 - 2) **REINSPECTION DUE-PASS:** Violations that may cause foodborne illness were observed and corrected. A follow-up inspection will be conducted on the date posted on the seal to ensure continued compliance.
 - 3) **CLOSED:** Closures or “Permit Suspensions” are performed in response to Imminent Health Hazards present in a food facility that poses a serious health hazard if not immediately corrected. Such Imminent Health Hazards include, but are not limited to:
 - a) vermin (*cockroaches, rats, mice*) in critical food areas,
 - b) sewage overflow,
 - c) no water available,
 - d) lack of “warm” (100°F or greater) water for adequate hand washing,
 - e) power outages,
 - f) no operable bathrooms,
 - g) fire or other disaster.
3. **Award of Excellence** – an incentive program that awards a certificate to food establishments that consistently exhibit excellent food safety and sanitation practices. Certificates are issued to facilities that have met all of the following criteria for the prior calendar year:
 - a) a minimum of two inspections were conducted,
 - b) there were no Major Violations,
 - c) Minor Violations averaged no more than six per inspection,
 - d) at least one individual passed an approved food safety exam.

Fig. 4



¹⁷ Online public access to Orange County Public Notification System: <http://ocfoodinfo.com/retail>

4. **Retail Food Safety Program Website** – The website <http://ocfoodinfo.com/retail> provides the public access to three components of the public notification system.
 1. Inspection Reports – inspection report information for each food facility is available at the retail food safety program website. Anyone can conduct a search of every retail food facility and view a two year history for any facility. The public can also review an inspection report by clicking onto the PDF icon located next to each entry.
 2. Award of Excellence Listing – the list of facilities that received the Award of Excellence for the previous year is posted online for review.
 3. Food Facility Closure Lists – all food facilities that have been closed are posted monthly. The list shows the facility's name, address, the reason it was closed, date it was closed, and the date it safely reopened.

The above website also posts useful information on recalls and food safety tips.

METHOD OF STUDY

The 2013-2014 Orange County Grand Jury:

- a) conducted several interviews with top executives of Environmental Health, a division of Orange County's Health Care Agency, with numerous follow-up phone calls for clarification on key elements of this report,
- b) participated in ride-a-longs with Health Inspectors to various food facilities to observe inspections and gather relevant information,
- c) interviewed a member of the Orange County Board of Supervisors,
- d) researched the Orange County Food Inspection website for information reflected in this report,
- e) conducted numerous web searches gathering information on California State jurisdictions that currently exceed the state mandated health code,
- f) visited twenty-six food facilities to observe where Orange County placards are displayed and verified if the most recent inspection report was available for public review,
- g) checked each of the twenty-six food facilities to confirm if the facility was a recipient of the "Award of Excellence" and confirmed it online as well,
- h) randomly surveyed patrons on placard visibility and noted the opinions expressed, and
- i) collected information from all California public health codes specific to this report.

ANALYSIS

The Orange County Environmental Health Division already has an excellent inspection format. The addition of multi-colored placards will significantly enhance the inspection outcome and serve the public's best interest in visually identifying concerns. Upgrading the current graphic to a colored border – Green, Yellow, Red – just makes sense, and there is a current standing precedent in use for this model in the northern counties of Sacramento, Alameda, Butte, and

Merced. Many surveyed patrons also agreed that a multi-colored placard would help determine their restaurant of choice.

In the Health Care Agency's report submitted to the Board of Supervisor meeting, December 16, 2008, entitled; "Orange County Restaurant Inspection Public Notification System Update 2008,"¹⁸ the HCA stated:

"HCA is prepared to implement any of the proposed options as directed by the Board. Each has advantages and drawbacks. However, after reviewing all factors, the Health Care Agency recommends the adoption of the Color Coded Notification System.

Compared to the current system, the color coding option would include an inspection placard that is easily recognized, and would provide at-a-glance compliance status of each facility for the public. Patrons would be quickly informed of any violations, such as food safety and sanitation.

Color coded notification criteria would focus primarily on gaining compliance with major violations that are most associated with public health risk, compared to a letter grading process that focuses on points related to major and minor violations. Color coding would also maintain much of the educational emphasis of the current inspection process while promoting compliance. Additionally, color coding would be less expensive to implement than letter grading."

To concur with the HCA's original 2008 recommendation to the Board of Supervisors, the use of multi-colored placards for Orange County would clearly reflect the status of the inspection without the disruption and burden consequential to converting to a letter grade system. The letter grade conversion is problematic, taking considerable time and effort to reeducate all concerned, as well as the negative impact the change would have on county budget considerations. The Orange County Health Care Agency is mindful of its budget constraints – as are all Orange County agencies in general – *it's simply not necessary to convert to a letter grading system nor is it a practical approach in light of the importance to be fiscally resourceful.*

However, compared to the cost of implementing a grading system, the introduction of a more visible placard with color, *as the most desirable alternative mentioned in the HCA report of 2008*, will unquestionably clarify at-a-glance inspection issues for the public. The Grand Jury believes a need exists to modify the current graphic to one that reflects a:

- a) colored border,
- b) minimal change in wording from the ambiguity in **"REINSPECTION DUE-PASS,"** to **"CONDITIONAL PASS."**

¹⁸ Board of Supervisor's Meeting Archive, December 16, 2008, #34. Health Care Agency report – "Orange County Restaurant Inspection Public Notification System Update 2008," Attachment II: http://cams.ocgov.com/Web_Publisher_Sam/Agenda12_16_2008_files/images/O00308-001826A.PDF

No changes are considered necessary as to:

- a) how the inspection process is conducted,
- b) the dimensions of the placard and consequently the sleeve it is slipped into for public viewing.

Though these modifications represent very little cost to the county, there is one consideration. The usual re-inspection may possibly be pushed up from the customary period that falls within two weeks, to a shorter period of 24 to 72 hours as seen in the northern counties of Sacramento, Alameda, Butte, and Merced. This is in order to accommodate a food facility's heightened desire to secure a passing Green placard sooner than later. To offset the change in turnaround, re-inspection costs can be met with a minimal increase in fees noted by the HCA in their report submitted to the Orange County Board of Supervisors in 2008.¹⁹

The most important takeaway for this practical change is a twofold win/win.

1. Improved, at-a-glance, unambiguous placards will increase public awareness of food safety at restaurants.
2. In turn, greater public scrutiny will motivate food facilities to quickly achieve and maintain a Green status.

Comparison of Current Placard and Proposed Change.

Current Orange County **PASS**, **REINSPECTION DUE-PASS**, and **CLOSED**.

Fig. 5



Next pages: Figures 6, 7, and 8.

¹⁹ Board of Supervisor's Meeting Archive, December 16, 2008, #34. Health Care Agency report – "Orange County Restaurant Inspection Public Notification System Update 2008," Attachment II: http://cams.ocgov.com/Web_Publisher_Sam/Agenda12_16_2008_files/images/O00308-001826A.PDF

Fig. 6 Proposed color enhancements with change to **CONDITIONAL PASS** (Fig.7).



Fig. 7



Fig. 8



FINDINGS

In accordance with California Penal code Sections 933 and 933.05, the 2013-2014 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation to enhance the Health Care Agency's restaurant placard visibility in Orange County, the 2013-2014 Orange County Grand Jury has arrived at two findings, as follows:

F.1. The present Orange County Environmental Health Inspection Placard does not have *At-a-Glance* distinction that assists the public awareness of restaurant inspection status.

F.2. The current placard that notes a re-inspection entitled, "REINSPECTION DUE-PASS," is ambiguous and sends a vague message to the public.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2013-2014 Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation to enhance the Health Care Agency's restaurant placard visibility in Orange County, the 2013-2014 Orange County Grand Jury makes the following recommendations:

R.1. Implement the proposed color enhanced placards suggested in this report. **(F.1.)**

R.2. Delete the ambiguity in "REINSPECTION DUE-PASS." Replace with "CONDITIONAL PASS." **(F.2.)**

REQUIRED RESPONSES

The California Penal Code §933 requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official

(e.g. District Attorney, Sheriff, etc.), such comment shall be made within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section §933.05 (a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

(a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision making aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code section §933.05 are required from:

Responses to Findings **F.1.** and **F.2.** are requested from the Health Care Agency.

Responses to Findings **F.1.** and **F.2.** are required from the Orange County Board of Supervisors.

Responses to Recommendations **R.1.** and **R.2.** are requested from the Health Care Agency.
Responses to Recommendations **R.1.** and **R.2.** are required from the Orange County Board of Supervisors.

Appendix A — complete list of all levels of operating establishments.

[113789].

(a) "Food facility" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

(1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.

(2) Any place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(b) "Food facility" includes permanent and nonpermanent food facilities, including, but not limited to, the following:

(1) Public and private school cafeterias.

(2) Restricted food service facilities.

(3) Licensed health care facilities.

(4) Commissaries.

(5) Mobile food facilities.

(6) Mobile support units.

(7) Temporary food facilities.

(8) Vending machines.

(9) Certified farmers' markets, for purposes of permitting and enforcement pursuant to Section 114370.

(10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.

(c) "Food facility" does not include any of the following:

(1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.

(2) A private home.

(3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.

(4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.

(5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code and in the regulations adopted pursuant to that section, that comply with Section 118375, regardless of whether there is a charge for the wine tasting, if no other beverage, except for bottles of wine and prepackaged non-potentially hazardous beverages, is offered for sale for onsite consumption and no food, except for crackers, is served.

(6) Premises operated by a producer, selling or offering for sale only whole produce grown by the producer, or shell eggs, or both, provided the sales are conducted on premises controlled by the producer.

(7) A commercial food processing plant as defined in Section 111955.

(8) A child day care facility, as defined in Section 1596.750.

(9) A community care facility, as defined in Section 1502.

(10) A residential care facility for the elderly, as defined in Section 1569.2.

(11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.

(12) Premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code that comply with Section 118375, for the purposes of beer tasting, if no other beverage, except for beer and prepackaged non-potentially hazardous beverages, is offered for sale for onsite consumption, and no food, except for crackers or pretzels, is served.²⁰

²⁰ CALIFORNIA RETAIL FOOD CODE [113700 – 114437]: <http://www.cdph.ca.gov/services/Documents/fdbRFC.pdf>