

**Plan of Action for Food Safety Program Improvement  
Based on Analysis of the  
Nebraska Department of Agriculture's (NDA) Evaluation of  
Lincoln-Lancaster County Health Department (LLCHD)  
Food Safety Program  
September 17, 2014**

LLCHD and NDA have a Memorandum of Agreement for LLCHD to complete food establishment inspections in Lancaster County based on the NE Food Code. As part of this agreement, LLCHD's Food Safety Program is evaluated by NDA every four years.

In October 2013 NDA's two Certified State Evaluation Officers, Daniel Kahler, REHS, and Marlon Buzek, REHS, conducted 50 food establishment "evaluation" inspections in Lincoln. They were accompanied on these inspections by Program Supervisor Joyce Jensen, REHS, CP-FS, and Senior Environmental Health Specialist Paul Drotzmann, REHS, CP-FS. In February 2014, Ms. Jensen submitted a completed questionnaire as required as part of the evaluation. LLCHD received the evaluation report from NDA in late April, 2014.

NDA Evaluation Officers identified critical and non-critical violations and compared them to LLCHD's last regular inspection. NDA reviewed each violation to assure it was correctly interpreted and cited, and reviewed inspection intervals.

LLCHD welcomes these evaluations, since they provide valuable feedback on what improvements are needed in our Food Safety Program. The following is an analysis of the evaluation results and an LLCHD Action Plan to address improvements.

**Three Areas of Program Improvements Recommended by this Evaluation**  
(Page 11 of the NDA evaluation report)

- 1. Adoption of the current Nebraska Food Code, or an equivalent set of requirements, should be a priority of the Health Department. Many significant changes to food safety requirements occur in the 2009 FDA Food Code that would be helpful to the Health Department in maintaining and improving their food safety program.***

The 2009 FDA Food Code was adopted in Nebraska in March 2012 to be implemented July 1, 2012. The City of Lincoln adopted the Nebraska Food Code in October, 2012. Thus, the current Nebraska Food Code is actually already adopted locally. However, NDA did not implement the updated Nebraska Food Code as planned in 2012. This was because the Code had a major change in violation categories, moving from two categories (Critical and Non-Critical) to three categories (Priority, Priority Foundation and Core), which created significant delays in transitioning to the new Code. In addition, NDA was working to develop an electronic inspection system. LLCHD and NDA met several times in the initial phases of the development. LLCHD's plan was to wait until the NDA work was completed to decide if the State developed software would work for our program or if we would need to completely update our own electronic inspection system (InspeCTab). NDA's software development took longer than anticipated, but

was launched in August 2014. LLCHD will assess the pros and cons of rewriting our InspecTab program or utilizing the NDA software.

Of the hundreds of violations marked by LLCHD staff during the most recent regular inspection of the 50 food establishments, NDA identified only 20 violations that were not correctly interpreted. Ten of these were because LLCHD had not implemented the new violation categories (see page 6 of NDA's evaluation report Table IV Food Code Interpretations) in InspecTab, not because staff marked the wrong code section. The remaining interpretation issues were thoroughly discussed at monthly Food Team meetings to ensure consistent citing of these violations.

### **LLCHD Plan of Action to use the current NE Food Code**

Modify InspecTab or purchase software to implement the current NE Food Code violation categories as soon as possible. (Note: LLCHD submitted an FDA grant request in February 2014 for \$20,000 to implement the InspecTab upgrade, but did not receive funding for this grant request.)

#### **2. A stronger inspection emphasis should be placed on those Food Code requirements identified in Observation # 4. Safe food temperatures, clean food contact surfaces, and proper toxic storage within food establishments provides for a safer food establishment. Table III provides more specific information.**

Table III Critical Violations (pages 5 and 6 of the NDA report) provided a comparison of the number of critical item violations marked by the NDA Evaluation Officers compared to the last LLCHD inspection. Three critical item violations appeared to be marked much less frequently by LLCHD than by NDA Evaluation Officers:

- 81-2,271.01 safe food temperatures;
- 4-601.11 clean food contact surfaces; and
- 7-201.11 proper toxic storage.

For 81-2,271.01 safe food temperatures, LLCHD found that 3 of the 12 violations noted by NDA were for waffle batter at self-service breakfast areas in lodging facilities. LLCHD typically does not mark this as a violation because these food establishments provide food for 4 or fewer hours and, as allowed in the Food Code, the food's safety is controlled by time, rather than temperature. However, none of the food establishments had the correct written procedures and time records needed to verify time as a control. The other 7 temperature violations found by NDA Evaluation Officers would have been marked by LLCHD during a regular inspection.

For violations of 4-601.11 clean food contact surfaces, NDA marked this code section 51 times and LLCHD had only marked it 5 times. The main reasons for this difference was that NDA marked each and every violation in a single food establishment as a separate and distinct violation resulting in duplicate counts of the same kind of violation. LLCHD marked this food code section once, even when a food establishment had multiple violations, but then listed the additional violations in the same citation. This difference in marking accounted for 40% of the difference between NDA and LLCHD (20 of 51 violations). A second interpretation issue was that 4-601.11 was marked by one evaluation officer when the bottom of a shelf over food, such as a prep table, was not "clean." This new interpretation of this condition accounted for 6 violations.

For violations of 7-201.11 toxic storage NDA, marked this code section 14 times, 9 of which were for toxics, including soap, being stored in dry storage with single service, paper goods, or clean utensils.

## **LLCHD Plan of Action to Food Code requirements identified in Observation #4**

LLCHD will work with the lodging facilities to ensure that they have a written procedure and track time as required. LLCHD Food Team Environmental Health Specialists will mark all temperature violations when identified.

LLCHD will continue to mark all violations of 4-601.11 food contact surfaces as one violation noting all areas in violation as this is more efficient use of the report and prevents the impression that we are “piling on” the violations. LLCHD will mark 4-601.11 food contact surface violation when the bottom of shelves over food or food prep tables is not clean.

LLCHD will improve observation of toxic storage violations, especially in dry storage, and will mark violations when toxics are not stored an adequate distance or placed separately from self-service items, paper supplies, and utensils.

LLCHD’s Standardizing Officer will standardize all inspection staff due for re-standardization by October, 2014.

### ***3. Inspect all food establishments within the time frame required by law. Table V provides specific information.***

Board of Health adopted policies established inspection intervals that are more stringent than State minimum inspection intervals. NDA’s evaluation was based on LLCHD intervals and identified 11 establishments that had exceeded the applicable inspection interval.

LLCHD’s Food Safety Program had two vacancies in the past three years and implemented a new electronic database and permitting system (Accela Automation) in 2013, which required significant time commitments for several Food Team members. This affected our ability to complete some inspections on time. Another factor impacting our ability to complete inspections on time was the unprecedented surge of new food establishments. The total number of food establishment permit transactions in the past two years increased about 36%, from 1,008 in FY12 to 1,374 in FY14. Staff completed over 500 more inspections in FY14 than in FY12.

## **LLCHD Plan of Action to Inspect All Establishments within Established Time Frames**

Even with the increase in licensed food establishments, the Food Team is now in compliance with inspection frequencies. This has been accomplished through staff diligence and hard work, and the implementation of new tools to allow staff and management to track inspection frequencies. Each member of the Food Team is being held accountable to conduct inspections within the established frequencies. A goal has been established to inspect establishments two weeks before the inspection is due. Late inspections now happen rarely. LLCHD believes the NDA recommendation has been met.