

RESTAURANTS THAT ARE ENOUGH TO MAKE YOU SICK:

AN ANALYSIS OF UNSANITARY CONDITIONS AT NEW YORK CITY AND WESTCHESTER COUNTY RESTAURANTS

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How Consumers Are At Risk

There is little reason why eating a meal in a restaurant should be any more dangerous than eating a meal in your own home. The volume and variety of foods prepared in a restaurant kitchen makes sanitation more critical, but the basic rules of cleanliness, temperature control and pest control are universal. The major difference is that the restaurant patron cannot usually see the kitchen where his or her meal is prepared. These unseen risks are present and they can pose a serious threat to the public. Worse, they may go undetected and unaddressed for extended periods of time. Although inspections are the first step toward catching these problems before they become public health hazards, many problems linger long after they have been cited by inspectors because restaurants can continue to operate with ongoing violations, with no warning to consumers.

Many of the violations we have looked at, and many of the most common violations, are easily correctable, and if eradicated, greatly reduce the probability of an outbreak of food borne illness. By simply ensuring that potentially hazardous foods are properly stored, that they do not come into contact with other ready-to-eat foods, and ensuring that employees wash their hand or change their gloves after handling such foods would almost eliminate the risks posed by these foods. Food borne illnesses are easily prevented, and should not continue to be a problem in a county as developed and technologically advanced as ours. Likewise, pests are nuisances that can be kept under control. The buildings must be properly sealed to prevent the intrusion of pests. Once a nuisance is discovered, the restaurant must take every step possible to eradicate the problem. While the likelihood of contracting an illness by a rat, mouse, fly or cockroach is slim, the risk still exists and should be addressed.

Food borne illnesses can be serious and should be treated as such, even if they are not easily detected by consumers. In fact, it is possible for the cleanest restaurant to have several critical violations, and the public to never be aware of them. Even top restaurants have failed inspections for this reason. A restaurant-goer cannot see cross-contamination, improper storage or shellfish tags. They are generally unaware of the presence of any such potentially hazardous violations. When we dine out, we are at the mercy of the restaurant employees, and their conduct directly affects our safety.

Although there have been attempts at cleaning up the restaurant industry, problems clearly still exist. In Westchester County, despite its stringent inspections process, there is still room for improvement. Most problematic is that consumers have no way of knowing how restaurants fared on their last inspection, and whether a re-inspection was required unless they are so inclined to request report information and do independent research. New York City has recently made attempts to publicly acknowledge the few restaurants with stellar inspections records with its Golden Apple Awards. These awards are given to restaurants that have passed all inspections in the past two years with no critical

violations and fewer than four general violations. Out of 24,600 restaurants in New York City, nine were recently awarded for excellence.

So, what about the 24,591 other establishments in New York City and the secret failures in Westchester County? Consumers have no way of knowing where they stand unless they are so inclined to request report information and do independent research. Even scarier is that many restaurants have passed with violations that seem detrimental to the public health. For example, from simply looking at the New York City Department of Health and Mental Hygiene's restaurant inspections web page, there have been numerous restaurants that have passed inspection with serious violations. We found many with evidence of cockroaches, mice, flies and improper storage of food. If we had not gone to the web site, we may have eaten at any number of these restaurants, which have these violations, but have been passed by the Department of Health. Another problem is that the web site contains no history on its restaurants. We queried the website for restaurants that had failed their initial inspection, and on the site, were told that they had passed. This may be true; the establishment may have passed its compliance inspections, but shouldn't the consumer be aware that it had previously failed? Furthermore, why are restaurants with evidence of disease-carrying vermin and insects passing? Despite these website shortcomings, at least New York City residents have some access to inspection results. In Westchester, the consumers have no way of knowing how their favorite restaurant fared in its last inspection, unless they formally request the inspection result, under the Freedom of Information Law. It seems that the presence of certain unsanitary conditions are treated casually, and at the expense of consumer health. There should be a way in which the consumer can be made aware of the possibility of violations, based on previous inspections. We need a more comprehensive system to alert our consumers to the possibilities of food borne illness causing viruses. We are not doing enough to alert the consumer to potential health hazards with the current inspections process.

The solution is a restaurant grading system.

A letter grading system would alert consumers of any potential risks by stipulating that restaurants post their most recent inspections grade. These grades should be based on the previous year's inspections, and should also reflect the nature of the violations. If a grade is lowered based on critical violations, consumers would be aware of the potential for food-borne illnesses. For an extremely deficient restaurant, consumers could be alerted to the fact that the establishment has several critical violations, and could choose not to eat there until the restaurant corrects the problems. Another positive result could be better inspections results overall. If restaurants stand to lose business based on a poor letter grade, they may be more inclined to correct critical violations permanently. A letter grading system is a huge step towards alerting the consumers to the potential of a public health threat. With this grading system, New York State would have to alter its comprehensive inspections process, with a list of violations and the combinations of which would equal a specific letter grade. It seems like an exhaustive process, but our health is worth the effort.

So, what can we do to protect ourselves in the meantime? Well, to start, we must be more observant in restaurants. If a violation is noted, like employees eating in a cooking station, or a mouse, rat, or cockroach observed, report it immediately to the New York City Department of Health and Mental Hygiene at 311 or the Westchester County

Department of Health's 24-hour Public Health Emergencies Hotline, at 914-813-5000. Also, if you contract a food-borne disease from a restaurant, report that immediately, so other unsuspecting consumers can be warned. With a little bit of careful observation and some diligent reporting, we can help the local health inspectors stop the spread of diseases before they become an outbreak.

Restaurant dining can be a fantastic experience. While most restaurants are relatively clean and pass inspection regularly, there are too many that fail consistently and collectively pose a threat to public health. Furthermore, these failing restaurants are allowed to operate while compliance inspections are taking place, so that the critical violations still exist while consumers dine there completely unaware of the problems. We need to ensure that our health is not in danger, and that dining is no longer at your own risk.

Regulatory History

Before publication of Upton Sinclair's "The Jungle," which exposed the abuses of meat-packing industry in Chicago, food safety legislation and regulations did not exist. However, this expose triggered fervent outcry for regulations and inspections. This sparked the creation of a comprehensive food and drug law. In 1906 Congress passed two food safety measures, the Meat Inspection Act and the Pure Food and Drug Act. These measures established a federal framework to regulate food safety nationwide.

Today the Food and Drug Administration (FDA) establishes the regulatory framework for the operation of food service establishments. Since its formation, the FDA has regulated all matters relating to consumer health. It began as a department within the Department of Agriculture, and in 1906, with the passage of the aforementioned food safety legislation, became an oversight and regulatory authority. The FDA has put forth numerous studies and guidelines for the regulation of food for consumption, the most notable being the 1976 "Model Food Code." The "Model Food Code" was developed by the FDA to assist all levels of government by providing them a foundation for the regulation of retail and food service industries. New York State adopted the 1976 "Model Food Code" and used it as a framework to create its Public Health Law, which, along with the New York State Codes, Rules and Regulations, governs the food inspections process.

The New York State Public Health Law delegates powers to local boards of health and public health commissioners, with regards to the regulation of food service establishments. Article 13, Section 1350 allows the commissioner to inspect, or designate someone to inspect and supervise public health places where food is prepared, served and/or sold. The important thing to note about the NYS Public Health Law is that it delegates operational responsibilities to the local Boards of Health, which are empowered to carry out the general duties of protecting public health, and as part of that, administer local restaurant inspections. Thus, the inspections process in one county can drastically differ from those in another, leaving little continuity for patrons and consumers crossing county lines.

The New York State Codes, Rules and Regulations deals specifically with the conditional operation of food service establishments. Title D, Chapter 1.14 stipulates that a food service establishment must have a permit to operate, which may last no longer than two years, must be displayed, and is conditional on the non-existence of a public health danger, which if occurs, may result in the permit being revoked. That this chapter expresses conditional operation gives local boards of health expressed abilities to suspend the permit or close the establishment in the event that local public health hazards are unearthed during the inspections.

The national and statewide regulatory framework is vague, and often used by local governments as an outline upon which to base their specific public health laws. Consequently, each county has a slightly different set of guidelines and procedures for the inspection and maintenance of local food service establishments. In this study, we examined the restaurant inspections process and results from the boroughs of New York City and Westchester County.

These inspections laws seem tedious and the compliance process may seem drawn out, but the risk for contracting a food borne illness is real and these inspections are a critical step in the prevention of a public health hazard. The Center for Disease Control estimates that there are between 6.5 and 33 million cases of food borne diseases each year, ranging from minor upset stomachs to fatal illnesses. Furthermore, most of these diseases can be prevented with regular and thorough inspections of food service establishments and their employees. There are also considerable risks associated with the presence of rats, mice, flies and cockroaches, which contaminate food and carry diseases that may be transmitted to humans.

Consumers are at a higher likelihood of contracting diseases in food service establishments than they may be aware. The inspections process is our first line of defense against these illnesses, and it is important to maintain credibility and transparency in the inspections process. Consumers need to be aware of the possibility of contracting diseases, so that they can not only protect themselves, but can notify their local health departments to prevent further spread of diseases. We need to ensure that we are getting accurate and reliable information about the safety of our food supply in restaurants, so that we can protect ourselves.

New York City Restaurant Inspections

The New York City Health Code is the guiding law in the five boroughs, and the practical operations are delegated to the Department of Health and Mental Hygiene and the Bureau of Food Safety and Community Sanitation. New York City inspects each of its food service establishments annually. Each establishment is inspected for the presence of public health hazards, critical violations, and general violations. Public health hazards must be corrected at the time of the inspection, whereas points are given for critical and general violations. For an establishment to fail it must receive 28 points or more, with each violation being worth a certain number of points based upon the level of seriousness. Failed establishments are re-inspected to ensure compliance, and if still unable to comply, placed into an Accelerated inspections system, in which they are inspected twice annually, until they can demonstrate consistent compliance.

In the boroughs of New York, inspections are conducted annually. While many of them pass their inspections the first time, there are a significant number which fail, and continue to fail their re-inspections. This pattern of failure is troubling, because while these restaurants are going through the re-inspection process, they remain open for business, often with the cited critical violations continuing unabated. What is very clear from the data is that failed establishments are given ample opportunities to clean up their acts.

In 2003 and 2004, approximately 20 percent of food service inspections each year were of establishments that failed their initial inspection. The numbers do not get much better; in 2004, for example, over 4,500 establishments were either required to go through re-inspection or a consumer request inspection, all of which resulted in either closure or another Department of Health inspection scheduled. What's even scarier is that consumers are unaware of these numbers.

My office examined the results for a sample of establishments in 2003 and 2004 which were in an Accelerated Inspections Program requiring them to undergo inspection at least twice a year. Restaurants earn a spot on the Accelerated Inspections Schedule by failing two inspections in a row, such as an inspection and a re-inspection. These restaurants were used to determine which violations occur most and result in the most consistent failures. We also took a random sample of restaurants from the Department of Health webpage to determine patterns that were typical of city restaurants as a whole.

In New York City, there are two types of inspections: complaint inspections, which are in response to a reported violation, and routine inspections, which are annual and unannounced. In New York, food service establishments are inspected for Public Health Hazards, Critical Violations and General Violations. Public Health Hazards must be corrected at the time of the inspection, whereas Critical Violations and General Violations are awarded point values according to the seriousness of the violation. When all of the violations, critical and general, can add up more than 28 points, the restaurant is judged to have failed its inspection. An establishment will also fail if it has: one or more public health hazards, four or more critical violations, five or more general violations, is

operating without a valid permit, or attempts to interfere with a Department of Health inspector or prevent that inspector from performing his or her duties. If the establishment fails, it is fined according to the type of the violations cited, and is required to be re-inspected within 45 days by the Compliance Inspection Program Staff. If the same violations cited in the first inspection are present in the Compliance Inspection, the fine for each violation increases. For any establishment failing two consecutive inspections, the NYC Department of Health and Mental Hygiene has instituted an Accelerated Inspections Program. Being placed in this program means that the establishment is scheduled for twice as many inspections a year, and once on the program, the establishment must pass two consecutive inspections in a one-year period before being placed on the regular timetable.

The only violations that inspectors require restaurants to address immediately are Public Health Hazards. These are any violations that allow for the likelihood that the food or drink served to the public, or the continued operation of the establishment, can injure the public health. These violations include improper food handling, storage or preparation, and any conditions that if not immediately corrected could result in food-borne illness and disease. These are violations that must be corrected during the inspection, or the Department of Health inspector will close the establishment immediately. Critical Violations can be any deficiency that could be associated with causing a food borne illness. Many critical violations are public health hazards, and all are awarded a greater number of points than the general violations. General violations typically include improper maintenance and documentation, with examples being improper lighting, ventilation, and construction violations. Although general violations are worth point values, they carry less weight and are not worth as many points as critical violations.

Among the participants in the Accelerated Inspections Program, the following are the most commonly cited public health hazards (a subset of the most serious critical violations) for 2003 and 2004:

5 Most Common Public Health Hazard Violations in 2003 and 2004 by borough*

Manhattan

1	Hot food not held at or above 140 degrees Fahrenheit.
2	Cold food held above 41 degrees Fahrenheit (smoked fish above 38 degrees Fahrenheit) except during necessary preparation.
3	Canned food product observed swollen, leaking, rusted, severely dented.
4	Food from unapproved or unknown source, spoiled, adulterated, or home canned.
5	Food not cooled by an approved method.

Bronx

1	Cold food held above 41 degrees Fahrenheit (smoked fish above 38 degrees Fahrenheit) except during necessary preparation.
2	Hot food not held at or above 140 degrees Fahrenheit.
3	Canned food product observed swollen, leaking, rusted, severely dented.

4	Food not cooled by an approved method.
5	Food in contact with utensil, container, or pipe that consist of toxic material.

Brooklyn

1	Cold food held above 41 degrees Fahrenheit (smoked fish above 38 degrees Fahrenheit) except during necessary preparation.
2	Hot food not held at or above 140 degrees Fahrenheit.
3	Food from unapproved or unknown source, spoiled, adulterated, or home canned.
4	Cooked or prepared food is cross-contaminated.
5	Canned food product observed swollen, leaking, rusted, severely dented.

Queens

1	Hot food not held at or above 140 degrees Fahrenheit.
2	Cold food held above 41 degrees Fahrenheit (smoked fish above 38 degrees Fahrenheit) except during necessary preparation.
3	Canned food product observed swollen, leaking, rusted, severely dented.
4	Food worker does not use proper utensils to eliminate bare hand contact with food that will not receive adequate heat treatment.
5	Cooked or prepared food is cross-contaminated.

Staten Island

1	Hot food not held at or above 140 degrees Fahrenheit.
2	Cold food held above 41 degrees Fahrenheit (smoked fish above 38 degrees Fahrenheit) except during necessary preparation.

*Among restaurants in the Accelerated Inspections Program which we examined

The most serious public health hazards are items pertaining to the temperature of foods, the source of foods, and the freshness of foods. Temperature is important because certain items must be cooked to well to ensure all bacteria are killed. Likewise, if cold, perishable foods are held at too high a temperature, they may spoil, which can lead to disease. Food from an unapproved source is more dangerous than it sounds because it means that the establishment is serving food from a source that has not been approved by and is not regulated by the United States Department of Agriculture (USDA), the nation's primary protector of the food supply. These foods from unapproved sources could carry any number of viruses and bacteria, as well as harmful pesticides. Another common violation regards canned food, which is when the product is obviously spoiled, adulterated or otherwise corrupted, and yet remains in the food service/storage area. The other violation worth noting is the high number of citations for food service workers not using proper safety precautions. When a food service employee uses his or her bare hand to handle foods that will not receive further heat, any disease-causing agents they have on their hands can be passed directly to the consumer. Also, if employees are not diligent about using proper utensils to eliminate bare hand contact, any bacteria that may be on their hands from other, potentially hazardous foods can be passed to non-hazardous foods, and then to the customer.

Below the public health hazards are the critical violations that do not rise to the level of a public health hazard, and then the general violations. These violations are required to be corrected by the next inspection rather than immediately. Among the participants in the Accelerated Inspections Program, the following are the most commonly cited non-public health hazard violations (both critical and general violations) for 2003 and 2004:

5 Most Common Non-Public Health Hazard Violations in 2003 and 2004*

Manhattan

1	Evidence of mice or live mice, or evidence of rats or live rats present in facility.
2	Hand washing facility not provided in or near food preparation area and toilet room.
3	Food not protected from potential contamination during storage, preparations, transportation, display or service.
4	Evidence of flies or live flies present in facility.
5	Evidence of cockroaches or live cockroaches present in facility.

Bronx

1	Evidence of mice or live mice, or evidence of rats or live rats present in facility.
2	Food contact surfaces not properly maintained or not washed, rinsed and sanitized after each use and following any activity when contaminations may have occurred.
3	Hand washing facility not provided in or near food preparation area and toilet room.
4	Evidence of cockroaches or live cockroaches present in facility.
5	Sanitized equipment or utensil, including in-use food dispensing utensil, improperly used or stored.

Brooklyn

1	Evidence of mice or live mice, or evidence of rats or live rats present in facility.
2	Evidence of flies or live flies present in facility.
3	Wiping cloths dirty or not stored in sanitizing solution.
4	Evidence of cockroaches or live cockroaches present in facility.
5	Food not protected from potential contamination during storage, preparations, transportation, display or service.

Queens

1	Evidence of mice or live mice, or evidence of rats or live rats present in facility.
2	Food not protected from potential contamination during storage, preparations, transportation, display or service.
3	Hand washing facility not provided in or near food preparation area and toilet room.
4	Wiping cloths dirty or not stored in sanitizing solution.
5	Evidence of flies or live flies present in facility.

Staten Island

1	Hand washing facility not provided in or near food preparation area and toilet room.
2	Wiping cloths dirty or not stored in sanitizing solution.

3	Food not protected from potential contamination during storage, preparations, transportation, display or service.
4	Food contact surfaces not properly maintained or not washed, rinsed and sanitized after each use and following any activity when contaminations may have occurred.
5	Evidence of mice or live mice, or evidence of rats or live rats present in facility.

*Among restaurants in the Accelerated Inspections Program which we examined

The most common violation in restaurants in New York City is evidence of live rats or mice or the presence of live rats or mice in food areas. Not only is this revolting, but mice and rats carry many diseases that can be passed on to unsuspecting customers. Flies and cockroaches are also all too common in New York restaurants. Although not as dangerous as rats and mice, cockroaches and flies can still carry and transmit many harmful diseases. On top of that, they are disgusting, and no one wants to see them in or around their meals! What is particularly troubling is that although they are cited as critical violations, the presence of vermin is not considered a public health hazard. During a basic search of the New York City Department of Health and Mental Hygiene's website, we found many restaurants that had passed their most recent inspection with evidence of either mice, rats, cockroaches, flies, or a combination of them. Given the threat they pose to the food supply, it is surprising that they do not play a greater role in the failure of restaurants.

Another common violation has to do with hand washing facilities. Hand washing facilities must be near food service stations, must be working, and must be easily accessible. If they are not, the potential for an outbreak of a food borne illness can drastically increase, as hand washing is among the most simple yet effective ways to stop the passage of potentially harmful bacteria and viruses. Similarly, many establishments are cited for dirty wiping cloths. These cloths must be in a sanitized solution so that they are kept clean, germ-free, and thus do not become a breeding ground for germs that are then passed along to consumers.

From the files we examined in the Accelerated Inspections Program, the following are the restaurants that we determined to be the most unsanitary in the city for 2003 and 2004, based on the number and severity of violations cited by the department of health:

10 Worst Restaurants in New York City for 2003 and 2004

Kitchenette 80 West Broadway Manhattan	Failed in 2003, 2004 and 2005 and is in the Accelerated Inspections Program. Violations cited include: Evidence of/ or mice in food areas, flying insects in food areas, cockroaches in food areas, expired and/ or undated milk, food protections issues, and inappropriate hand washing facilities.
Trattoria Alba 233 East 34 th Street Manhattan	Failed in 2004 and recently in 2005, and is in the Accelerated Inspections Program. Violations cited Include: food from an unapproved source, evidence of/ or live mice and cockroaches, and general maintenance and construction problems.

Salaam Bombay 317 Greenwich Street Manhattan	Failed in 2003, 2004, and recently in 2005, and is in the Accelerated Inspections Program. Violations cited include: evidence of/or live mice, food from an unapproved source, undated or expired milk, and food protection issues, including a potential for contamination.
Wings Chinese Restaurant 879 East Tremont Avenue Bronx	Failed in 2004 and 2005 and is in the Accelerated Inspections Program. Violations cited include: unprotected food being reserved, raw food not receiving additional heat unwashed, evidence of/ or live mice and poor personal cleanliness.
Bartow Pizza* 2045 Bartow Ave Bronx	Failed 6/2004 and 12/2004 and is in the Accelerated Inspections Program. Violations cited include: swollen, leaking rusted or dented canned foods, contaminated food, food in contact with toxic chemicals, evidence of/or live mice, and evidence of/or live rats.
Café Lafayette 99 South Portland Ave. Brooklyn	Failed in May 2003, June 2003 and November 2004 and is in the Accelerated Inspections Program. Violations cited include: inadequate hand washing facilities, evidence of/or live mice, flying insects in food areas and dirty food contact surfaces.
Los Compadres Deli and Bakery Corp. 5807 5 th Ave Brooklyn	Failed in April 2004 and again in November 2004 and is in the Accelerated Inspections Program. Violations cited include: contaminated food, evidence of/or live mice, failure to be vermin-proof, and food protections problems.
Café Valentino* 37-19 Broadway Queens	Failed twice in August 2003 and in October 2004, and is in the Accelerated Inspections Program. Violations cited include: Failure to be vermin-proof, inadequate hand washing facilities, and flying insects in food areas.
Yangtze River Restaurant* 135-21 40 Road Queens	Failed in February 2004 and again in August 2004, and is in the Accelerated Inspections Program. Violations cited include: potential contamination, improper food protection, failure to be vermin-proof, and evidence of/or live mice.
King's Arms Restaurant 500 Forest Avenue Staten Island	Failed twice in 2003, in the end of 2004, and is in the Accelerated Inspections Program. Violations cited include: improper storage or labeling of toxic chemicals, improper hot food temperatures, and unacceptable hand washing facilities.

* Restaurants which have shown improvement in 2005, despite problems in previous years.

Westchester County Inspections

There are two types of preliminary inspections in Westchester County: complaint inspections, where the Department of Health responds to allegations made against an establishment by a patron, and routine inspections, which are always unannounced and occur at regularly scheduled intervals. For the purpose of inspections, the Westchester County Department of Health performs a risk assessment of each food service establishment, which means that each is inspected with a frequency determined by its likelihood to cause a food borne illness. The likelihood that an establishment causes a food borne illness is assessed by analyzing factors which include the type of food served and the general clientele it caters to. Based on these assessments of risk, Westchester County breaks food establishments into three different groups, with three different inspections timetables. The first group is the high-risk group, which is comprised of establishments that handle food that is potentially hazardous (things like beef, chicken, and pork) in its raw state. They are subject to two unannounced inspections a year. The second group is the medium-risk group. The establishments in this group are places that serve food, but mostly deal with pre-packaged food, and not food that is potentially hazardous in the raw state. Common in this group are fast-food restaurants, and they are subject to one unannounced inspection a year. The final group is the low-risk group, places like ice cream shops, that need to be inspected but because of the type of food served, do not pose an immediate threat to the public safety. This group is inspected once every two years. For this report, we examined establishments in the high-risk group.

During routine unannounced inspections, Westchester County Department of Health Sanitarians look for violations, which are broken into two categories: red, which are critical violations, and blue, which are maintenance violations. Red violations are critical to the well-being of the public health, and if found, must be corrected within 24 hours of the original inspection. Blue violations, on the other hand, must be corrected in a reasonable amount of time, before the follow-up inspection. Restaurants fail original inspections if they have numerous violations or the violations are potential health hazards. Those that fail the preliminary inspection are re-inspected within a certain amount of time, contingent upon the types and number of violations. These restaurants continue to be re-inspected until they have corrected the outstanding violations.

In addition to subjecting these failed restaurants to numerous re-inspections, restaurants that fail inspections are also referred to a hearing where fines are assessed based on the number and severity of violations. These hearings are an extra measure to ensure compliance after the inspections are finished. By the time of the hearing, most restaurants are in compliance, and if any violations are still occurring, they are the less serious blue violations. If the same critical, or red violation occurs too many times, that part of the operation, or the entire establishment can be shut down. During the hearing, the case is made before an administrative trial judge, who then makes sentencing recommendations to the Board of Health. These recommendations can be: fines, an order to take specific food handling and protections courses, and in the worst case, a suspension of the permit. Westchester County asserts that if restaurants go through his process and still do not comply, they will be shut down.

Westchester County does thousands of inspections of food service establishments every year, including lower-risk places like ice cream parlors and fast food restaurants, along with higher-risk restaurants that are the subject of this report. In 2003, the Westchester County Department of Health conducted 5,455 original inspections of all food service establishments, and 2,129 re-inspections, so about 28 percent of inspections were re-inspections for failing establishments. In 2004 about 31 percent of inspections conducted were re-inspections for failing establishments, while thus far in 2005, about 29 percent of inspections are re-inspections for failing establishments.

	Number of Original Inspections	Number of Re-Inspections
2003	5,455	2,129
2004	5,109	2,243
2005*	1,927	613

*inspections data available as of May 2, 2005

Of this larger group of food service establishments, we examined restaurants that are considered high-risk, meaning they handle food in the raw state. Overall, between 2001 and 2004, there were 92 high-risk restaurants that failed, with 62 of them failing either inspections 1 or 2 times in a year, 24 failing 3 or more times in a year, and 6 that failed multiple years in a row. In 2005, another 19 high-risk restaurants failed inspection at least once, and of those, 6 are still pending re-inspection. Based on past experience and the rigorous inspections process, the overwhelming majority of these restaurants will comply.

Number of Restaurants Failing Original Inspection from DOH Data Received				
2001	2002	2003	2004	2005*
8	35	37	16	19

*as of May 2005

Specific individual violations are placed into categories based on their seriousness. Violations are broken into critical or “red” violations, and maintenance, or “blue” violations. Generally, a red violation is anything that can cause a public health hazard, and a blue violation is a more general sanitary deficiency. Red violations, if not correctable at the time of the inspection, must be corrected within 24 hours of the original inspection, whereas blue violations must be corrected before the next, reasonably timed inspection. Among those restaurants we examined that failed and had to go through the hearing process, the following are the most common critical, or red, and maintenance, or blue violations.

5 Most Common Red Violations in Westchester County: 2001-2004

1	Shellfish is either not tagged or the tags are not retained for the required ninety days.
2	Failure to properly store potentially hazardous foods.
3	Employees observed touching ready-to-eat foods with their bare hands.
4	Improper storage temperatures of potentially hazardous foods.
5	Adulterated food on premises.

Most of these violations are serious in that if they remain uncorrected, they increase the potential of food borne illnesses. Clearly, the most common sources of violation in restaurants occur from the improper storage and handling of potentially hazardous foods, like meat and poultry. A failure to properly store potentially hazardous foods can increase the likelihood of cross- contamination. Furthermore, improper storage can cause food to spoil and also create a situation in which other, non-hazardous foods are subjected to the hazardous material. Improper temperatures are dangerous in that certain potentially hazardous foods must be cooked to a certain temperature to kill the disease-carrying viruses, and if this is not happening, consumers may contract a disease. Employees infected with viruses can transmit them to ready-to-eat foods via bare hand contact. Also a problem is the possibility of an employee touching a potentially hazardous food, like raw chicken, and then making something that requires no further cooking or heating, like a salad before washing hands. This type of cross- contamination can greatly be minimized by the use of gloves that are changed often. Adulterated food and improperly labeled shellfish can also cause problems. Foods that have been altered or are observed to be in the spoilage state can contain viruses that can be passed on to consumers. Shellfish has a high likelihood of contamination and spoilage, which can also cause illness in consumers. As such, it must be tagged with the location and date of harvest, and these tags must be retained for records in the case of possible illnesses. Surprisingly, many of the restaurants we examined had not retained this information, so that there was no record of the source and age of the shellfish. Without this information, it is impossible to tell if someone got the shellfish recently, from an approved source, or simply decided to go fishing in the ocean.

5 Most Common Blue Violations in Westchester County: 2001-2004

1	Poor maintenance or a failure to maintain equipment.
2	Unsanitary food contact surfaces and/or utensils.
3	Failure to properly guard the premises against the intrusion of pests, relating to the likelihood of mice, rats, cockroaches and flies on the premises.
4	Possible food contamination during storage.
5	Improper hand washing facilities; they are either not provided where necessary, inaccessible, or improperly maintained.

The most common deficiencies here, although not directly causing food borne illnesses, can still lead to contamination. One drop of chicken juice from a raw piece of contaminated chicken on a vegetable that will not be cooked can cause a food borne illness in a customer. Likewise, poor equipment maintenance and unsanitary surfaces and utensils can harbor viruses, all which prey on unsuspecting consumers. It is also important to note that in dealing with pests, both the possibility of entrance and the evidence of inhabitation constitute a blue violation, because Westchester is concerned with both the possibility and the reality of pests. Also, hand washing facilities are required to be in certain areas and functioning at all times. If this is not the case, the restaurant receives a blue violation.

Westchester County Inspections Conclusions:

What is troubling is that while these critical (red) deficiencies are occurring, the general public did not have knowledge of these problems, and thus are not able to protect themselves. For example, people who ate at any number of places with improper storage citations had no way of knowing that they were at a heightened risk of contracting a food borne illness. Furthermore, there is a significant amount of time between when a restaurant fails an inspection and when it goes through the administrative hearing. During this time, the public has no knowledge of failures, and that the restaurant may continue its unsanitary behavior for any number of months before any penalties take hold. In fact, it is quite common for an establishment to have a few months between its first cited failure and its hearing. Even more time may pass before a restaurant actually corrects all of its violations after the administrative hearing.

Consumers need to be aware of restaurants that fail, especially restaurants that have repeatedly failed, so they may make a more informed choice about where to dine. Although the Westchester County Department of Health does a thorough and exemplary job of restaurant inspections, there is still room for improvement when it comes to consumer awareness and access to information. The restaurants that were the worst, meaning those that failed between 2001 and 2005 were the worst in secret, with the public having no knowledge to violations. This, for the safety of restaurant patrons, has to change. There should be no right to privacy for failing establishments when the public health is at risk.

* For a list of the most recent failures, those failing in 2005, please see Appendix A

**For a list of the establishments that failed the most number of inspections between 2001 and 2004, please see Appendix B.

Vermin, Insects and Food Borne Diseases

Rodents, insects and raw meats are all hosts to many illnesses, most of which can be contracted by humans. This is why it is important that our restaurants are rodent-, vermin- and insect- free. The inspections process needs to enforce this and alert consumers to potential risks. One of the most serious violations a restaurant can make is the mishandling of raw foods. Raw foods are potentially hazardous, and if mistreated, improperly stored, or not thoroughly cooked, can lead to potentially fatal diseases. Therefore, it is of utmost importance that restaurants properly handle raw foods, and are free of mice, rats, cockroaches, and flies.

Rat Facts:

- Carry bubonic plague, typhus and germs that cause food poisoning.
- Most common in New York are brown rats, a.k.a. Norway rats or sewer rats, which are the fiercest of all rats.
- Rats live under floors, in walls, and are shaken from underground by subways, making them more common near transit lines.
- Rats also carry fleas, which carry diseases of their own.

Mouse Facts:

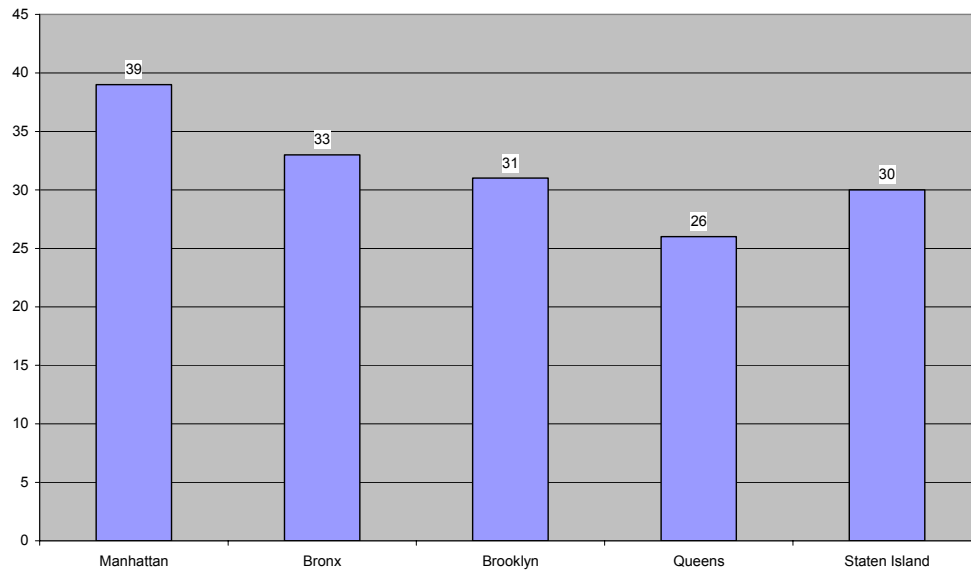
- Like rats, mice carry disease-producing organisms, like salmonella on their feet and in their intestinal tracts.
- Fresh mouse droppings in food areas are virulent and more likely to cause disease.

There are over 250 million rats in the United States--about one for every person. The ratio of rats to humans is even higher in major cities like New York because poor sanitation in overcrowded cities attracts rodents, who feed off garbage and food waste. Fueling the population is the rate of reproduction—a female rat can produce ten offspring every six or seven weeks, a single rat eats between 25 and 27 pounds of food per year, and can contaminate and defile a great deal more. They contaminate by gnawing, chewing, body contact and the discharge of bodily waste. An average rat sheds between 500,000 and 1 million hairs and produces about 25,000 droppings a year. A rat also excretes about one pint of urine a month, or one and one half gallons per year.

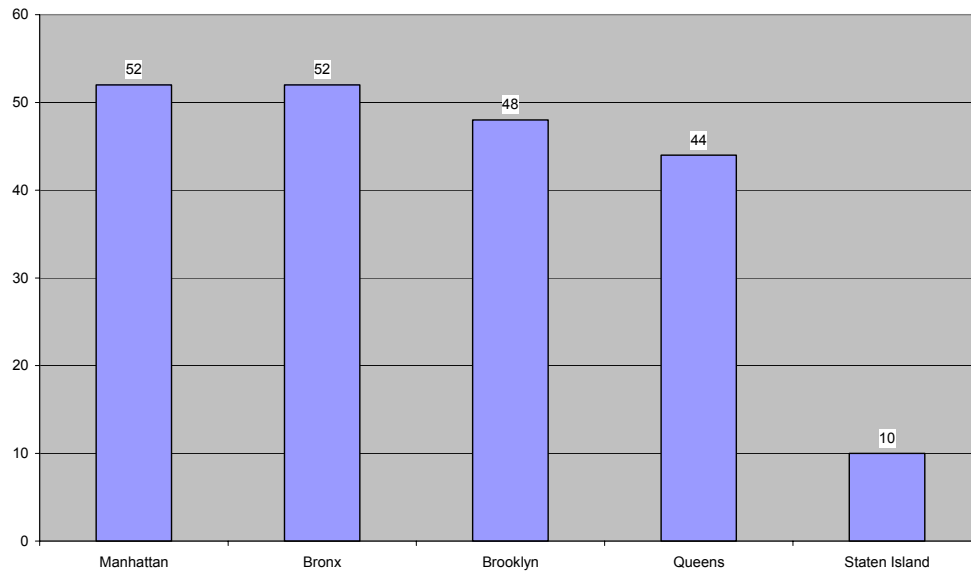
The graphs that follow show how pervasive pests are, especially vermin in New York City restaurants. They show the percentage of restaurants that were cited for either evidence of/or live mice and/or rats examined in two separate cohorts. First, the restaurants we examined in the Accelerated Inspections Program. Second, the restaurants in a random sample of 110 restaurants, some of which did not fail two inspections in a row and are not in the Accelerated Inspections Program.

*Please note all graphs contain New York City data.

Percentage of Restaurants in the Accelerated Inspections Program cited for Mice and/or Rats in 2003 and 2004



Percentage of Randomly Selected Restaurants Cited for Mice and/or Rats in their most Recent Inspection



The second graph represents the percentage of mice and/or rats per borough we found while examining a random cross-section of restaurants consisting of 25 restaurants from Manhattan, the Bronx, Brooklyn and Queens, and 10 from Staten Island. We selected our

sample of restaurants at random from the restaurants listed on the New York City Department of Health and Mental Hygiene’s website, and made note of those which were cited for the occurrence of mice and/or rats. Surprisingly, the percentages of pest-related violations are higher in the random sample than in the Accelerated Inspections Program. The likely reason for this is that many of the restaurants in the Accelerated Inspections Program are in the process of “cleaning up their acts” because they know they will be inspected more frequently.

The restaurants we sampled for this data, however, are free and clear until next year’s inspection, so they do not have to make as muscular an attempt to rid their establishments of these pests. What is particularly disturbing is that many of these pest citations were from restaurants that had passed their most recent inspection. There were many restaurants who have passed with these violations, and since they have passed, and there is no system in which restaurants are required to post results or alert customers to potential dangers, consumers have no way of knowing what is lurking in the shadows of the kitchen.

In addition to their tendency to disgust humans, rats and mice are full of parasites and can pass along as many as 35 known diseases, including rat-bite fever, salmonella food poisoning and leptospirosis, which is a disease with flu-like symptoms, in which as many as 10% of those infected can develop Weil’s disease. Weil’s disease can result in high fever, jaundice, aseptic meningitis, acute kidney failure, internal bleeding and sometimes even death. Other illnesses carried by rodents are:

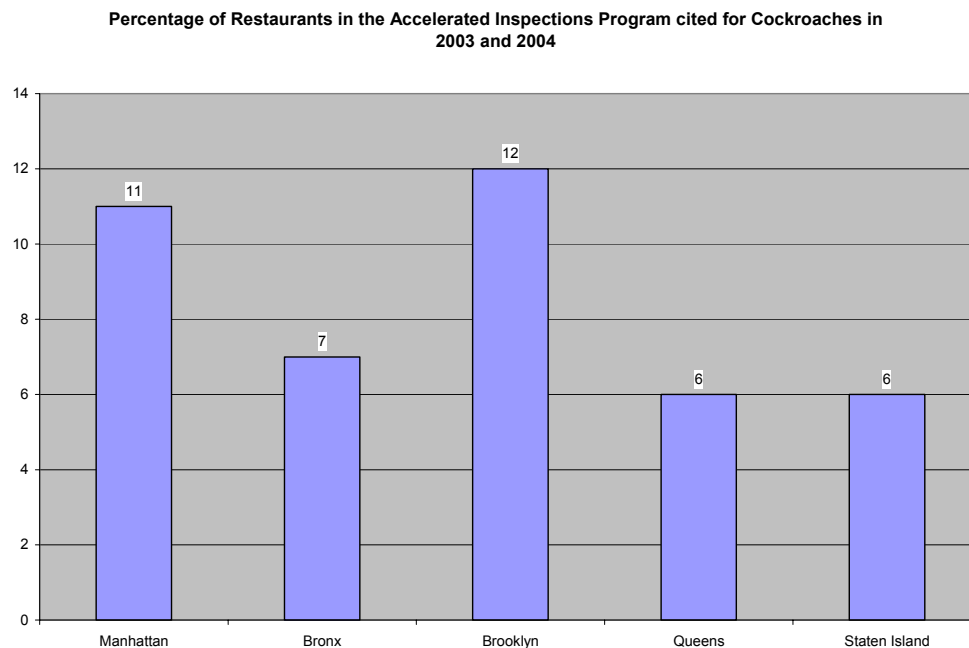
Hanta virus	Chagas disease
Listeriosis	Murine typhus
Plague	Scrub typhus
Rabies	Flea borne typhus
Trichinosis	Siberian tick typhus
Toxoplasmosis	Argentine hemorrhagic fever
Schistosomiasis	Bolivian hemorrhagic fever
Melioidosis	Hemorrhagic fever with renal syndrome
Leishmaniasis	Lassa fever
Lymphocytic choriomeningitis	Tick borne relapsing fever
Rickettsial pox	Venezuelan hemorrhagic fever
Lyme disease	Streptobacillus moniliformis
Dwarf tapeworm disease	Helicobacter cinaedi
Rat tapeworm disease	Dog tapeworm disease
	Ringworm

Fortunately, most of these diseases are uncommon in the United States. However, some, specifically salmonella and trichinosis, are quite common and go unreported if the victim does not require hospitalization. Most of these diseases cause mild illness in healthy victims, with symptoms ranging from slight discomfort to diarrhea, fever, vomiting, abdominal cramps and dehydration. However, in children, the elderly, pregnant women and those suffering from a weakened immune system, the results can be fatal.

Cockroach Facts

- Can transport many types of bacteria, including species of Staphylococcus, Streptococcus, Salmonella and Clostridium.
- Carry bacteria from garbage area onto food equipment and utensils.
- Live in dirty crevices, making it easier to pick up and spread germs.
- Are attracted to moisture, so most likely to be found in kitchens and bathrooms.
- Often contaminate much more food than they actually consume.
- Telltale odor caused by cockroach excrement, scent gland excretions and regurgitated food.

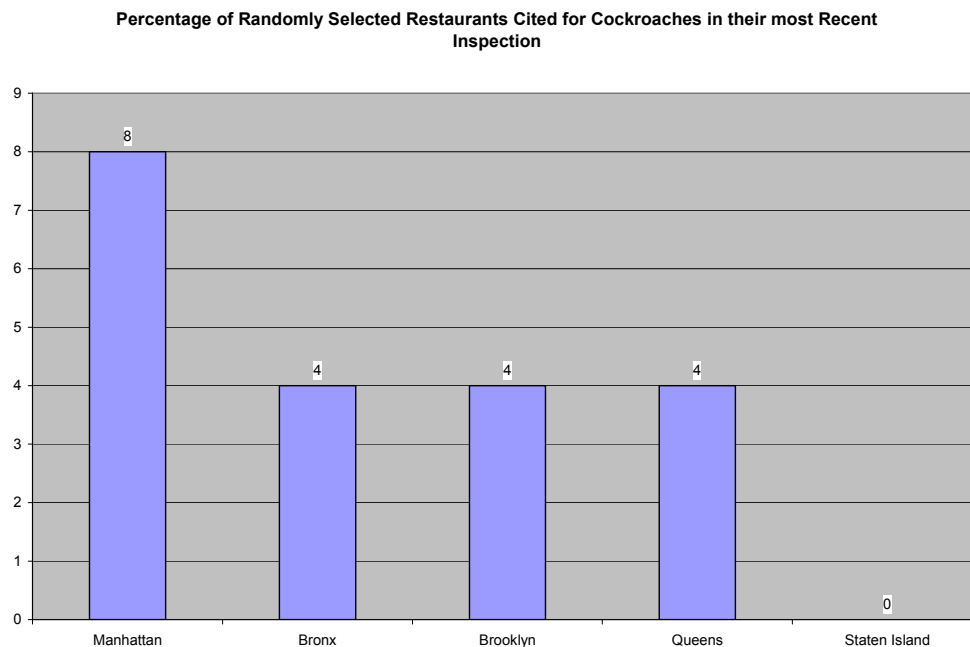
Another hazardous specimen found in restaurants is the cockroach. Cockroaches are flat, fast, nocturnal insects that seek out warm, moist, secluded areas. They are of ancient origin and have not changed much during the 400 million years they have been in existence. Domestic species rarely fly; instead they are carried in bags, cartons, and packaged food. Empty and un-rinsed soft drink and beer containers in restaurants and bars are prime targets for cockroach habitats; more than 200 cockroach nymphs have been found in a single soft drink bottle. The following graph represents the percentage of restaurants in the Accelerated Inspections Program we sampled which were cited for having cockroaches.



Cockroaches contaminate food and also transmit disease organisms through their droppings and bodily secretions. Like rats, they are commonly implicated in the transmission of salmonella, which can survive in their droppings for three to four years. Salmonella is not the only disease found in cockroach droppings; toxoplasma is also common. Parasitic toxoplasmosis causes mild symptoms, but is linked to birth defects if

contracted by a pregnant woman. In laboratory tests, the hepatitis B antigen has also survived up to nine days in cockroach droppings.

The second graph represents the random sample of restaurants we looked at on the NYC Department of Health website. Again, as with the mice and rats, the restaurants that are passing are being cited cockroach violations almost as much as those in the Accelerated Inspections Program. Another important thing to note about cockroaches is that depending on the rigor of the health inspector, cockroaches can go undetected. They are nocturnal, and live in damp, dark places. So there may in fact be many more restaurants with cockroaches, but these because these insects easily go undetected.



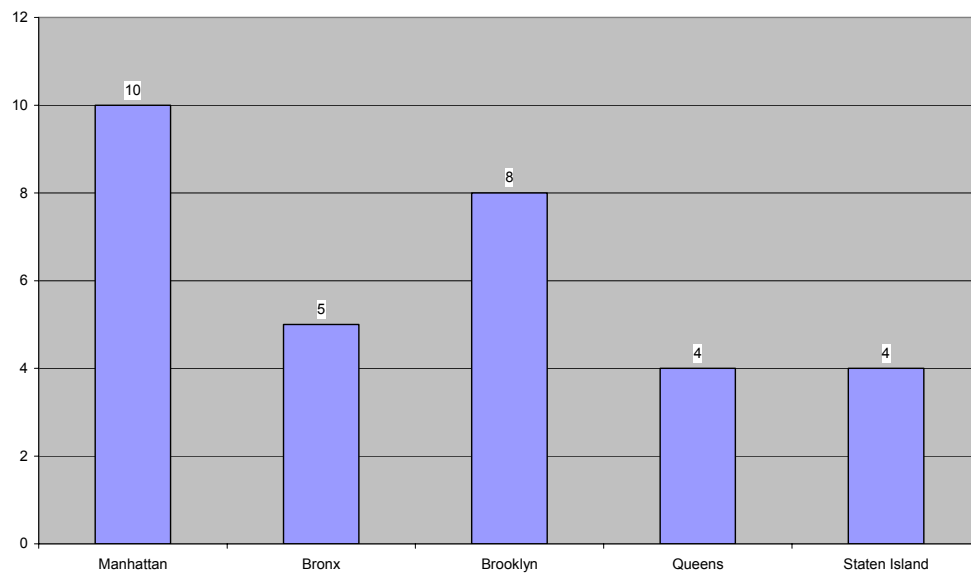
In addition to transmitting disease, cockroach exposure also triggers an allergic reaction in about seven and a half percent of the population. In these people, cockroach contaminated food causes symptoms similar to those associated with a food allergy and may be misdiagnosed as such. Inhaling airborne particles from cockroach droppings can also trigger allergic reactions or an asthma attack in asthmatics.

Fly Facts:

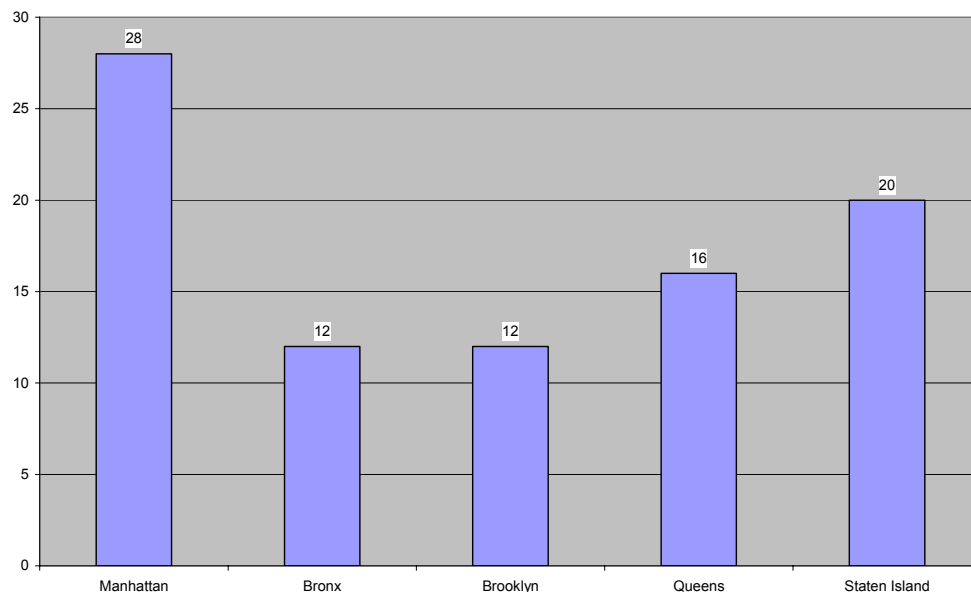
- Carriers of germs that cause salmonella, malaria, sleeping sickness, dysentery and filariasis, the infestation of parasitic worms
- Attracted to feces, rotting meat, garbage
- Dangerous because wings make them incredibly mobile and able to spread more contaminants

Flies may not seem as dangerous as rodents and cockroaches, but they can do just as much damage to the food supply. Their ability to fly enables them to visit more food and water sources, spreading more contamination across wider areas. Like cockroaches, they have a habit of traveling between kitchens and bathrooms, which is ideal for the spread of bacteria and other pathogens. In restaurants, flies are most likely to be found near exposed food, near dishwashing and storage areas, and near open beverage containers. They are especially common and cause the most noticeable problems in the warm summer months; however, they are easily kept under control with a few simple sanitary improvements.

Percentage of Restaurants in the Accelerated Inspections Program cited for Flies in 2003 and 2004



Percentage of Randomly Selected Restaurants Cited for Flies in their most Recent Inspection



The first graph represents the percentage of restaurants we examined in the Accelerated Inspections Program for flies. The second graph is of a random sampling of restaurants which were cited for having flies in their most recent inspection. An important thing to note is that depending on the time of year the inspection takes place, the number of flies can dramatically increase or decrease. Flies are much more present in the summer, and the real test is which restaurants are able to keep them under control during the warmer months. Despite the seasonal activity of flies, there were more restaurants cited for having them in our random sample than those in the Accelerated Inspections Program, thus illustrating again that establishments that have to be re-inspected are more likely to rid themselves of these pests, whereas those who have passed, have no real incentive to do so.

Food Borne Diseases:

There are more than 250 different food borne diseases, with more strains popping up each year. Most food borne infections are caused by bacteria, viruses and parasites, although some are caused by toxins and chemicals. There are an estimated 76 million illnesses, 325,000 hospitalizations and 5,200 deaths per year in the United States caused by food borne diseases. The most common transmission of these diseases is through contaminated food, although humans may contract the disease from one another. All are at risk, but the most critical illnesses are found in children, the elderly and people with weakened immune systems. Although there are many food borne illnesses, the most common are Campylobacteriosis, E. Coli, Salmonellosis, and Calicivirus.

Calicivirus:

- Extremely common food-borne illnesses, but rarely diagnosed.
- Causes acute gastrointestinal illness with vomiting lasting approximately two days.
- Usually spread from one person to another, and is likely to be passed from an infected kitchen worker to the public if the kitchen worker is preparing food with bare hands.
- In the past infected fishermen have contaminated oysters as they harvested them.

Campylobacteriosis:

- Transmitted by consuming raw and undercooked poultry, and/or cross-contamination in kitchens, which is when the kitchen worker allows other foods to be placed near or on surfaces that house or once housed raw poultry.
- Symptoms include fever, abdominal cramps and diarrhea, usually lasting for one week.
- An estimated 2.4 million people are affected per year, with 124 of those cases being fatal.
- Even one drop of juice from a raw piece of poultry transferred to a piece of uncooked lettuce can infect someone.
- It is estimated that more than half of the chicken stock in the US is infected with Campylobacteriosis.

E. Coli:

- Transmitted mostly through raw and undercooked ground beef, although can also be transmitted by a failure to wash hands, utensils and surfaces after they come into contact with raw ground beef.
- Symptoms are acute diarrhea and abdominal cramps that usually last one week.
- Estimated 73,000 cases in the US each year, with an annual hospitalization rate of 2,100 persons.
- May lead to Hemolytic Uremic Syndrome (HUS), which leads to kidney failure requiring dialysis and transfusions.
- Although most common in raw ground beef, recently E.Coli has been found in unpasturized milk and juice, sprouts, lettuce, and salami.

Salmonellosis:

- Transmitted from raw and undercooked eggs, poultry and meat.
- Symptoms include fever, abdominal cramps and diarrhea.
- Estimated 1.4 million cases in the US annually, less than 500 of which are fatal, and with a 2% complications rate.
- Many raw foods from animals are contaminated, but salmonella is killed through thorough cooking.
- Cross-contamination is another way for additional foods to become contaminated with the virus.

**Appendix A: The Most Recent Failures, Westchester County:
Restaurants that Failed in 2005**

Name Of Establishment	Most Recent Inspection Date & Violations
A'Mangiare Italian Restaurant Pleasantville	January 24, 2005. Prior violations include uncovered waste receptacle and a cutting board in disrepair.
Pasqualoni Fine Foods Thornwood	February 7, 2005. Kitchen counters and cabinets in poor condition.
Cool-In Luncheonette Mt. Vernon	February 16, 2005. Operating without a permit. Establishment was closed until problem was corrected.
A'Mangiare White Plains	March 9, 2005. Prior violations include the possibility for cross- contamination in slop sink.
City Limits Diner II* White Plains	March 9, 2005. Violations include improper shellfish storage and failure to maintain shellfish tags.
Cosi Mt. Kisco	March 11, 2005. Investigation inspection regarding a complaint about broken glass in the food preparation area.
Land Mark Diner* Ossining	March 21, 2005. Violations include improper food handling procedures, improper storage temperature, and mouse droppings on shelving in storage.
Apple's Deli Cross River	March 22, 2005. Prior problems included improper cooling procedures of food.
California Tex Mex Deli Elmsford	March 22, 2005. Prior violations include improper temperatures for potentially hazardous food and failure to retain shellfish tags.
Karamba Café White Plains	March 23, 2005. Prior violations include clams on premise that are not fresh.
Bedford Diner* Bedford Hills	March 29, 2005. Violations include improper handling of food and general dirtiness.
Knollwood Road Deli White Plains	April 1, 2005. Prior violations cited for include improper handling of food and dirty floors near equipment.
Italian Pork Store* Yonkers	April 1, 2005. Violations include improper food handling and rodent droppings on kitchen floors.
Todai Restaurant* White Plains	April 13, 2005. Establishment operating without a valid permit. Establishment voluntarily closed until situation was corrected.
Mitad Del Mundo Ossining	April 20, 2005. Prior violations include failure to retain shellfish tags.
Ritmo & Sabor Ossining	April 20, 2005. Prior violations include failure to retain shellfish tags.
Coughlan's * White Plains	April 20, 2005. Violations include improper food handling-failure to use gloves during food preparation.
Highland Diner Ossining	April 20, 2005. Prior violations include improper storage temperature of potentially hazardous food (sausage, chicken, roast beef and turkey).
Sabor Caribeno Restaurant/ El Criollito Sleepy Hollow	April 20, 2005. Previous issues include problems with shellfish. The establishment does not have shellfish at this time.

*Indicates establishment still requires a follow-up inspection as of May 2, 2005.

**Appendix B: Westchester County's "Most Failed List":
Restaurants that Failed 3 or more times between 2001 and 2005***

Name of Establishment	Number of Failures and Dates
Southside Café Mt. Vernon	Failed 8 times: 3/24/2004, 3/31/2004, 4/07/2004, 6/18/2004, 8/30/2004, 9/02/2004, 9/13/2004 and 9/14/2004. Repeatedly cited for unsanitary conditions, including improper storage of hazardous foods and general dirtiness.
Samuel Parker Landmark Deli Pound Ridge	Failed 6 times: 9/10/2003, 2/17/2004, 3/30/2004, 5/20/2004, 5/21/2004 and 5/24/2004. Repeatedly cited for unsanitary conditions, including failure to properly store toxic items and dirty food contact equipment/surfaces.
Heathcote Deli Scarsdale	Failed 5 times: 6/30/2003, 7/08/2003, 7/15/2003, 8/29/2003 and 9/16/2003. Repeatedly cited for unsanitary conditions, including improper temperature of fish and dirty food contact surfaces and utensils.
Ah Fun Mt. Kisco	Failed 4 times: 2/27/2003, 3/20/2003, 6/03/2003 and 3/31/2004. Repeatedly cited for unsanitary conditions, including inadequate hand washing facilities, failure to abide by permit licensing regulations, and improperly maintained shelving and sinks.
Knollwood Road Deli White Plains	Failed 4 times: 5/14/2001, 2/19/2002, 9/05/2002 and 4/1/2005. Repeatedly cited for unsanitary conditions, including failure to keep surfaces clean and failure to keep premise free of litter.
Coyote Flaco New Rochelle	Failed 4 times: 12/31/2003, 1/07/2004, 1/21/2004 and 1/29/2004. Repeatedly cited for unsanitary conditions, including wiping cloths improperly stored and maintenance problems with food prep sink.
El Torito Mexican Restaurant New Rochelle	Failed 4 times: 4/17/2002, 4/23/2002, 5/8/2002 and 10/07/2003. Repeatedly cited for unsanitary conditions, including improper storage temperature of potentially hazardous food and raw chicken stored over tomatoes.
New Wah Yuan Kitchen Port Chester	Failed 4 times: 6/19/2001, 10/09/2001, 1/07/2002 and 2/22/2002. Repeatedly cited for unsanitary conditions, including food not protected from potential contamination and unclean freezer.
Royal Gourmet Restaurant Cross River	Failed 4 times: 10/17/2002, 10/21/2002, 10/25/2002 and 12/04/2002. Cited for general dirtiness, i.e.-food debris on shelves, presence of roaches and fruit flies, and improper storage temperature of potentially hazardous food.
Capri Pizza Yonkers	Failed 3 times: 11/04/2002, 11/20/2002 and 12/02/2002. Repeatedly cited for unsanitary conditions, including no soap or water in bathroom sinks and inoperable ice cream dipper well.
China Garden White Plains	Failed 3 times: 2/03/2004, 4/20/2004 and 4/30/2004. Repeatedly cited for unsanitary conditions,

	including failure to properly refrigerate potentially hazardous food and excessively dirty and greasy walls and floors.
First Magic Wok Pleasantville	Failed 3 times: 9/14/2004, 10/28/2004 and 12/10/2004. Repeatedly cited for unsanitary conditions, including disrepair of floors, walls and ceiling in kitchen, incorrect storage, and failure to keep walk-in box clean.
Golden House Chinese Restaurant Jefferson Valley	Failed 3 times: 2/11/2003, 3/04/2003 and 3/19/2003. Repeatedly cited for unsanitary conditions, including unprotected food during storage and improper storage of wiping cloths.
Ho Sai Gai Port Chester	Failed 3 times: 4/26/2002, 7/17/2002 and 7/29/2002. Repeatedly cited for unsanitary conditions, including food on the floor of the refrigerator, live cockroaches found on premise.
Hunan Woodstock Yonkers	Failed 3 times: 10/28/2002, 11/06/2002 and 11/13/2002. Repeatedly cited for unsanitary conditions, including live and dead cockroaches found throughout the establishment and failure to provide adequate, approved refrigeration.
Septembers Restaurant Elmsford	Failed 3 times: 11/01/2004, 12/02/2004 and 1/26/2005. Repeatedly cited for unsanitary conditions, including failure to maintain plumbing and floors, and alteration of establishment without approved plans.
The Fridge Pound Ridge	Failed 3 times: 10/25/2004, 12/27/2004 and 12/30/2004. Repeatedly cited for unsanitary conditions, including failure to protect food on display and during storage. Also a failure to protect food from broken glass.

*Restaurants no longer in business or under new ownership were omitted.