

Health Inspector - Help Guide

Enforcement

As we mentioned, food safety legislation is usually enforced by a Department of Health Inspector (DOHI). They usually work for the Local Authority where your premises are based. Some jurisdictions are supported by court tribunals to enforce fines and/or penalties.

Enforcement Objectives:

- Investigate reports of a foodborne illness
- Investigate reports of dirty premises, poor process or staff not following basic hygiene rules
- Undertake food hygiene inspections and enforce improvement notices
- Collect samples for lab testing (however, this rarely occurs)
- Ensure all food business staff and owners understand how to operate safely
- Ensure compliance with all appropriate Laws

Enforcement Powers:

A DOHI (or other appropriate enforcement officer) is allowed to:

- Enter a food premises without prior notice at any 'reasonable' time or date (during its hours of operation)
- Take photographs and seize any documentary evidence
- Seize food deemed a danger to public health
- Provide a report of all findings
- Take part in legal prosecutions if the breach is serious
- Assign letter grades based on the results on inspection (A, B, C or Grade Pending)

DOHI Inspection Reports

What happens if a DOHI visits your business and sees something they do not like. Like - what happens next?

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Inspection Reports

These are documents issued by your DOHI after a visit to your food establishment. Even if your inspection is satisfactory you will receive a report. These reports must be kept on file physically until the next inspection. You can expect to see a DOHI at least once per calendar year.

If your visit is not satisfactory your report will reflect this. Each DOH in the US has a different form they use to record the inspection. If you do not fully understand the report ask your DOHI for clarification.

An unsatisfactory inspection usually results in a re-inspection. These are official warnings, stating what, specifically, is wrong; how it threatens public health; what you must do about it and when you make improvements by. Ignoring an unsatisfactory inspection is against the law and will lead to an escalation of the situation.

Your final score is based on a satisfactory initial inspection or the re-inspection. Some jurisdictions require a food establishment to post letter grades (A, B, C or Grade Pending=failed initial inspection)

DOH Jurisdictions That Use Letter Grades

Colorado

North Carolina

Michigan

South Carolina

Store Closure Notice

As the name suggests these are higher-level or urgent notices served on the business when it represents an immediate and serious risk to public health. If you receive a Store Closure Notice, the following process will take place:

Step 1- Following a visit to your premises the DOHI will serve a notice, applying to the courts to issue a full Store Closure Notice.

Step 2 - The premises will immediately be closed, if necessary with the involvement of the police, and the DOHI will apply to the courts to extend the closure.

Step 3 - The manager/owner will have to make the necessary improvements, demonstrating these to the DOHI's satisfaction.

Step 4 - The manager/owner can then apply to the court for permission to re-open by correcting the issues, submitting a corrective action and preventative control plan. Only after DOH approval can a re-inspection occur.

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Ignoring Enforcement Notices

Failure to comply with an enforcement notice can result in a significant fine and indefinite closure of your food establishment. It's important to remember that all levels of staff from food handler to the Person in Charge and owners can also all be fined and prosecuted.

Your Role in an DOHI Investigation

By Law, you and your team must cooperate with an DOH investigation. As the Person in Charge, you may be asked to carry out some or all of the following tasks:

- Supply details of your Food Safety Management System (FSMS) documentation
- Provide a list of menu items, ingredients and products
- Provide a list of suppliers so the source of the food poisoning outbreak food can be traced
- Supply samples of the food
- Provide details of customers that may have been affected
- Give details of any staff member that may have been involved
- Agree and implement improvements identified by the DOHI investigation. This may include changing procedures and the retraining of staff.

Your Management Role & Legal Responsibilities

If you believe that a food poisoning incident has occurred, or you identify what could be unsafe practices, it is your legal responsibility to inform your line manager or business owner immediately.

If your manager/owner does not fix the problem or inform your local DOHI, then you also have a legal responsibility to report the incident to the Local Authorities.