



foodfacts

Madison Department of Public Health Environmental Health Services Section

Madison, Wisconsin

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New Smoking Law in Effect July 3

The final phase of Madison's new smoking law will go into effect on July 3, 1995. This is when restaurants which are currently at the 90% non-smoking level must become 100% non-smoking, including employee break areas. There are some exceptions to the restriction so please look at the table to find out the requirements for your establishment.

Establishment Type	Smoking Restrictions
Restaurant; no alcohol served	No smoking allowed
Restaurant; alcohol served from a service bar only	No smoking allowed
Restaurant; alcohol served at a sit down bar	No smoking allowed at any table. Smoking allowed <i>only</i> at bar stools and standing area next to bar.
Exceptions to above:	
Restaurants with a seating capacity of 30 persons or fewer which were open for business prior to January 2, 1993.	Smoking allowed, if owner so chooses.
Restaurants with a separately ventilated smoking room and negative air flow so there is no mixing of air from the smoking and non-smoking areas.	Smoking allowed in the separately ventilated room only.
Taverns (Establishments whose sale of alcohol accounts for 33% or more of the gross receipts).	Smoking allowed, if owner so chooses



In addition to providing non-smoking areas as outlined above, the operators of all restaurants and taverns must provide signs at entrances and throughout the establishment to indicate where smoking is or is not allowed.

We have had many calls from citizens wanting to know when this new law will go into effect because they are looking forward to the new smoke-free dining environments. Non-smoking restaurant employees will also enjoy long-term benefits from working in establishments with improved indoor air quality.

Please call your area inspector at 266-4825 if you have any questions on this new law.



Cigarette Vending Machines

If you have a cigarette vending machine in your food establishment, be aware that a state law and city ordinance regulates the location of your machine, so that minors do not have unsupervised access to it. The law states that persons under the age of 18 shall not be sold tobacco products; that there shall be a sign posted on the front of the vending machine saying that sale of tobacco products to persons under the age of 18 is unlawful; and that the vending machine must either be placed in a location inaccessible to the public or in a location that is in the immediate vicinity, plain view and control of an employee. Please take whatever steps may be necessary to bring your establishment into compliance with these vending laws.

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Soft - Serve Sanitation

by Greg Pallaske

After a long, cold, wet spring, it is finally starting to warm up. So naturally, our thoughts turn to:

Custard!
Yogurt!
Ice Cream!

Many of our operators are now serving some form of frozen dessert. Recently we have encountered several questions regarding the best way to protect the public from food borne

illness (and the operators from liability and negative publicity). These soft-serve products, if mishandled can quickly grow large numbers of microorganisms, including bacteria such as E. Coli and salmonella. Unfortunately, the DATCP and DHSS code books aren't very helpful, providing little in the way of instructions to the operator, so we have put together a set of suggestions and guidelines to assist you in maintaining high standards of quality and sanitation, while still maximizing your profits:

- ❖ Thaw your mix overnight in the walk-in or reach-in refrigerator.
- ❖ Don't thaw frozen mix by allowing it to sit out at room temperature. Long before the center of the container is thawed, bacterial growth will have begun.
- ❖ Empty your machines each night, placing leftover mix in a clean container in the refrigerator. Use this mix first the next day.

- ❖ Clean the machines thoroughly each night. Use approved sanitizing methods on all food contact surfaces. Follow manufacturers instructions carefully.
- ❖ Break the cycle at least every three days. This means you should allow the machine to run completely (or almost completely) out of product at the end of the day. Discard any unused product, rather than reusing it the next morning. This "breaks the cycle"



so that any bacterial growth cannot be transferred as it can when adding new mix to old. Clean the machine in the usual way, and start with fresh mix the next day.

- ❖ As always, make sure your hands are clean before handling food product.

Many operators with multiple machines set up a schedule so that the cycle is being broken on one machine or another on alternate nights, which prevents completely running out of custard or other dessert. Other operators will put leftover product into pint or quart packages in a display freezer for take-home customers.

Finally, if you are unsure of the safety of your product at any time, remember the old adage: **When in doubt, throw it out.**

Here's wishing you a safe, happy, and prosperous summer. Hope to see you over a cone one warm evening!



Manager Certification

This is a final reminder to all restaurant operators that a Certified Manager is now required at each establishment. You should all be aware that this new state law went into effect January 1, 1995. We have given all restaurants a six month grace period to allow people time to sign up for training and obtain the state certification. This grace period ends July 1, 1995. Therefore, if you have not yet made arrangements for the Certified Manager, do it now!

Also, please keep in mind that if you have only one Certified Manager and that person should leave your employment, you will be in violation of the law. Establishments found operating without Certified Managers after July 1, 1995, will be referred to the City Attorney for a fine; chronic violators will face license suspension or revocation. This is a very important requirement under your restaurant license so please take immediate action if you have not yet done so.

Most importantly, the Certified Manager should not be looked at simply as a piece of paper to appease the Health Inspector; it should mean a better-trained food handler who can pass on further training to all other employees and to new employees who have never worked in food service before. The overall result should be safer food served to the public and a decreased risk of food borne illness.



All you have ever wanted to know about *Reinspection*

We have recently had some questions about our reinspection process and the \$50.00 fee for reinspection that is sometimes charged. In an effort to fully clarify our policies, we have put an informational letter together that will be handed out to the manager at the time of inspection, if a reinspection will be required. Below, is the information contained in this letter.

To the Operator:

The inspection you have just received will require a follow-up reinspection due to one or more of the following:

1. Uncorrected critical violations
2. More than ten total violations
3. Repeat violations from previous inspections
4. Major non-critical violations

We want you to thoroughly understand the inspection and reinspection process so there are no surprises along the way. We want you to feel that you have been treated fairly at each step in the process. If you have questions as you are reading this, ask your Sanitarian now or call us at the office when it is convenient for you.



Q. How often do you inspect?

A. At least one time per licensing year.

Q. Why do you write up so many violations? Why can't you just tell me to do things?

A. We are required by the state to document each existing violation.

Q. What do the compliance dates mean?

A. We are required by the state to put a compliance date down for each violation. Critical violations must be corrected immediately. Cleaning problems are usually given seven days and structural or repair problems are usually given thirty days for correction. Depending on the seriousness of the problems, your establishment may be inspected after each compliance date or only after the final compliance date.

Q. Is there a charge for the reinspection work?

A. Yes, there is a \$50 fee for required reinspections, although you will only be charged one time for all follow-up visits to an annual inspection. You will be billed by mail on the 10th of the month and will have until the 15th of the following month to pay this fee.

Q. What happens if the reinspection fee is not paid?

A. Your license will not be issued the following license year and there will be an additional fine.

Q. What if I have a question about my operation and just want a Sanitarian to come out and advise me on something - is there an additional charge for this?

A. Absolutely not! We welcome those calls and want to help you before problems develop. We value the operator who is interested in learning the safest ways of handling foods.

Q. What happens if I can't get the violations corrected by the compliance date?

A. If you run into trouble because a contractor can't get the work done or other valid reasons, you must request an extension from your inspector. This extension should be requested in writing before the compliance date is up, should explain why you were unable to meet the compliance date and must give a date by which the work will be done. If you are granted an extension, a new compliance date will be given which you will be expected to meet.

Q. What happens if the inspector returns to reinspect and the violations have not been corrected?

A. Uncorrected critical violations or many uncorrected total violations will result in a referral to the City Attorney for a fine. Fines usually range from \$75 to \$100 per violation referred.

Q. What happens after a City Attorney referral?

A. The City Attorney will notify you of a new date by which the violations must be corrected. Typically a two-tiered fine is implemented: violations corrected by the new compliance date will be assessed a lower fine; uncorrected violations will be assessed a higher fine. Court costs and filing fees are also assessed. *Note: Your money would be much better spent on correction of problems early on, rather than fines!*

Q. Can I contest the City Attorney action?

A. You have the right to appear in court and present your side to the Municipal Court judge.

Q. How many inspections result in fines?

A. Last year, only five percent of the food establishments were fined due to non-correction of violations. That means there is very little chance of receiving a fine as long as you understand the process.

Please call us if you need more help understanding how we do things.

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How Does Your Score Compare?

Last July 1, the beginning of the 1994-1995 licensing year, was the inauguration of a new scoring system our Department is using to help evaluate the food establishments in Madison. For many years, although scoring was done around the state by many other Health Departments, we felt uneasy about using the traditional 100 point scale, where 100 represented a perfect score. We were all too aware of the serious flaws with this system, flaws that made it difficult to tell a well-run food establishment from a mediocre one, on paper.

The basic problem with this system is that whether you have one of a certain kind of violation or you have ten, the same score is recorded. For example, if the inspector finds a food item at an un-safe temperature, such as coffee creamer at room temperature, 5 points would be deducted from 100 to give a score of 95. However, if an establishment had ten temperature violations, such as: the coffee creamer, a 5 gallon pot of chili sitting at 100° F, three coolers at 50° F, raw chicken sitting out at 70° F, 12 cartons of eggs sitting at room temperature and 3 kinds of soup on three different steamtables at 120° F, all of these violations would be scored as a single 5 point temperature violation so that the score of this establishment could also be a 95 (if there were no other violations). Anyone can see that not only does this not make sense, the scores do not at all reflect the actual risk of

Score Range	Number of Places	Percent of Total
0 (perfect score)	49	8%
1 - 10	201	31%
11 - 20	168	26%
21 - 30	102	16%
31 - 40	58	9%
41 - 50	24	4%
51 - 60	19	3%
61 - 70	8	1%
71 - 80	6	1%
81 - 90	1	0.2%
91-100	2	0.3%
>100	3	0.5%

getting food borne illness at the two establishments.

So, to avoid the misinterpretations that could easily result from such an imperfect scoring system, we chose not to score at all. What resulted from this, however, was a tendency towards inconsistency from inspector to inspector in writing violations on the inspection sheet. Some of the inspectors would verbally order things to be corrected while others documented every violation they saw. This variation also resulted in us not being able to differentiate the well-run places from the not-so-well run, on paper. Thus, from July 1, 1993, to June 30, 1994, we decided to temporarily use the old scoring system as a tool to help reinforce the documentation of violations. This did help in that regard because an inspector could immediately look at a score and have some idea if that score made sense according to what he or she had seen on the inspection. Quickly, however, we became frustrated with the limitations of this scoring system.

Always eager to improve for the reasons given earlier, we developed a new and hopefully much fairer scoring system, which will yield more meaningful numbers. There are three basic changes over the old system: some of the violations have had their points adjusted to reflect the seriousness of the violation (or lack thereof); a perfect score is now zero; and each individual violation will be scored and added for the final point total. In the temperature violation example mentioned earlier, the establishment with the coffee creamer will now score a "5" while the other establishment with multiple temperature violations will score a "50". In person and on paper, it is now obvious which place has the greatest potential to cause a food borne illness. **This is the goal with this new scoring system -- to make it easy for you, the operator, as well as for us, to see how well you are doing.**

How do you compare? Since July 1, 1994 we have done 641 inspections using this new scoring system. The average score is 19, the best score was a perfect zero and the worst score to date was 114. This will help you get an idea of how well you are doing compared to other establishments in Madison. Please see the table above to get a more detailed look at the establishment scoring. If you can't recall your last score, give us a call and we'll tell you how you did. If you are scoring above the 21-30 range, you probably have some serious work to do regarding sanitation and food handling in your establishment; the higher the score, the more likely it is that your establishment is at risk for a food borne outbreak.

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Hepatitis Outbreak in Madison

Most of you probably heard recent reports of a small Hepatitis A outbreak which was associated with a food cart in downtown Madison. It is always useful to look at these situations and learn what we can from them.

The Health Department routinely receives reports of Hepatitis A cases from physicians after an ill person has gone in for treatment. These reports are sporadic, however, and have averaged about one case per month for the last three years, in the City of Madison. This spring, in early April, we started receiving reports of several cases from physicians. Ultimately, 13 people were diagnosed with Hepatitis A between April 3 and April 18, with most people becoming ill around April 13. This was a clear signal to us that an incident had occurred to cause an outbreak of this virus.

We determined early on that the common links between the ill people were that they all worked in the downtown area and ate out daily for lunch. We proceeded to investigate this event by putting together a list of all restaurants in a one block radius of the capitol square and surveying the ill people for the establishments at which they had eaten in early March. (There is usually a three to four week period after someone is exposed to the Hepatitis A virus before they become ill. This means people contracted the illness around the second week of March, shortly after some of the food carts began vending this season).

The results of this survey dramatically showed that all the people who had become ill had eaten at the food cart. No other establishment stood out as a possible source of the illness.

Unfortunately, since there was such a long delay between when the people ate at the cart and when they became ill, many were not able to recall exactly what foods they ate, so we were unable to pinpoint a specific food that was the culprit. A likely source, however, would be a ready-to-eat food such as a salad.

A person infected with the Hepatitis A virus who has some of the virus on his hands will put it into the food just by touching it. If this food is not cooked before serving, it will remain contaminated and will cause illness. ***This is why thorough handwashing is so important before a food handler begins preparing food.***

Food borne illness outbreaks are like mystery stories. It often is difficult at first to determine what happened, but eventually enough pieces of the puzzle will fit together to make it possible for us to know what happened. Total cooperation of the food establishments will help keep the outbreak to a minimum and allow us to convey to the public that the restaurant is doing everything possible to ensure safe food to their customers.

One final reminder: never prepare food for others when you are ill with diarrhea!

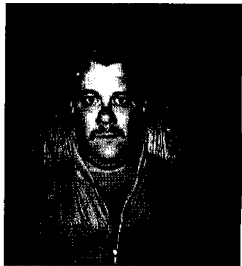


Vital Statistics

December 1, 1994 - May 31, 1995

Food and drink establishments referred to the City Attorney due to non-correction of violations	17
Licenses suspended for health code violations	2
Food and drink establishments going out of business	28
Food and drink establishments changing owners	28
New food and drink establishments opened (pre-inspections)	49
Consumer complaints on food establishments	89

Introducing.... Jim Kaplanek



Jim Kaplanek, the newest addition to our inspection staff, has been assigned to work in the near west and south side areas of Madison.

Jim is a 1995 graduate of U.W. Eau Claire and has a B.S. degree in Environmental and Public Health.

Last summer, as part of the environmental health program, he interned with the Indian Health Service in Atmore, Alabama. His duties involved working with various tribes on injury prevention, hazard communication and other public health concerns.

Although Jim is now working in Madison, his wife, Phyllis and his four children, Brian (11), Stephanie (7), Angela (6), and Kayla (6) remain in the Eau Claire area while the housing search goes on!

Jim is extremely interested in the food protection part of his new job and is anxious to meet all of you. Please welcome Jim to Madison when you see him.



Outdoor Cooking

Please remember that outdoor cooking and food handling at your establishment is **not allowed**. The only exception would be for a special event that must be approved at least seven days in advance by the Health Department. Call 266-4825 for more information.

Videos

Don't forget that we have many training videos for you to borrow. For more information, contact your district sanitarian week-day mornings between 8 and 9 a.m. at 266-4825.



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