

YOLO COUNTY ENVIRONMENTAL HEALTH SERVICES DIVISION: HAS THE FOOD TRUCK YOU'RE VISITING BEEN INSPECTED?

SUMMARY

The Environmental Health Services Division is part of Yolo County's Department of Planning, Public Works and Environmental Services. Among other duties, it is responsible for inspections, issuance of permits, collection of fees, and enforcing compliance with Health and Safety codes for food trucks.

The Yolo County Grand Jury (YCGJ) conducted an investigation of the Yolo County's Food Safety Program regarding food trucks and found the system lacking in accountability.

BACKGROUND

Members of the grand jury identified an influx of mobile food trucks traveling into Yolo County from surrounding counties to conduct business on a temporary basis. The YCGJ learned that food trucks are not randomly checked and decided to investigate Yolo County's permitting and inspection processes for food trucks.

The Yolo County Environmental Health Services Division (YCEHSD) is mandated with the responsibility for the oversight of food service establishments including food trucks.

California Penal Code 925 authorizes the grand jury to investigate and report on the operations, accounts and departments of Yolo County.

METHODOLOGY

The grand jury interviewed YCEHSD personnel, reviewed documents, publications and information relevant to food trucks. Grand jury members toured Mobile Truck Mania events in Woodland to check permits on food trucks.

Factors relevant to the investigation were, among other things, the application and inspection process, fee schedules, equipment on the individual trucks and the correct permit (or sticker) that is required to be on the back of every truck.

The YCGJ carefully looked at the Commissary Agreement, Restroom Agreement, and Mobile Food Reciprocity Program. The Commissary Agreement states that food trucks must be serviced at a commissary, licensed restaurant, market, or other approved facility. The Restroom Agreement states that employees must have access to restrooms. The Mobile Food Reciprocity Program is an agreement with Sacramento County for food trucks conducting business in both counties.

DISCUSSION

A food truck is any motorized food unit operating in conjunction with a commissary or restaurant. The commissary is a fully enclosed structure, with a complete commercial kitchen with a permit from YCEHSD. Commissaries store food, containers, and supplies. It is where food is prepared or prepackaged for sale or service at other locations. Utensils are cleaned, liquid and solid wastes are removed, and potable water tanks are filled at commissaries.

Responsibility for permitting and inspecting food trucks and brick and mortar restaurants falls within the YCEHSD. Within that division, the Consumer Protection Unit is mandated by the California Health and Safety Code to assure safe and wholesome food storage, preparation and service in retail food facilities. The requirements include assuring food service workers are in good health and are adequately trained in safe food practices. This program also assures proper menu labeling and provides a proactive approach to consumer concerns.

YCEHSD Environmental Health Specialists (EHS) focus their inspections on risk factors, and public health interventions identified by the Federal Centers for Disease Control and Prevention (CDC). These risk factors include: food from unsafe sources, inadequate cooking, improper holding temperatures, improper cooling, contaminated equipment, and poor personal hygiene. As with any method of food sales, care must be taken to safely handle food products sold from a food truck to prevent sickness or injury to the public. Assuring that the risk factors do not occur is vital to preventing foodborne illnesses.

EHS, working in the food protection program, have many responsibilities. They permit and inspect over 900 retail food businesses including restaurants, markets, school cafeterias, bakeries, and bars in addition to over 500 mobile food vendors and special event food booths. They also review construction plans and inspect new and remodeled food facilities, investigate complaints regarding violations of the California Health and Safety Code (which includes unsanitary conditions, food container temperatures, hot/cold running water, etc.), and investigate suspected foodborne illness cases.

The Food Protection Program (for both brick-and-mortar restaurants, as well as food trucks) pays for 3.95 Full Time Equivalent (FTE) positions. There are currently 2.95 FTE on staff, and YCEHSD has begun the selection process for an additional person. YCEHSD staff spends less than eight man-hours per week addressing food truck issues.

Food trucks are required to be inspected annually by the YCEHSD. They are also inspected in response to complaints. In 2014 there were 66 routine, 17 follow-up, and 7 complaint inspections of food trucks. All full-service restaurants are subject to two surprise visits annually, as well as complaint driven inspections; while food truck inspections are only conducted once annually when out of service or when there has been a complaint. Food truck inspections occur at the YCEHSD offices, Monday through Friday, between 8 and 9 am by appointment or on a drop-in basis.

The YCEHSD sticker is required to be displayed on the back of every food truck to indicate that their permit is current. Food trucks provide food at various locations in Yolo County. The grand jury observed that the 2014-15 permits were not displayed on a majority of food trucks at special events.

The YCEHSD application packet for food truck permits includes the commissary and the restroom agreements. As part of the application process, YCEHSD is required to collect a menu and a service route so routine field inspections can take place. If a food truck is parked in one location for more than one hour the employees must have access to approved restroom facilities within 200 feet of the unit. Hand washing facilities must be easily accessible to the food handlers and be supplied with hot water, soap, and towel dispensers. The YCEHSD application

packet lists the following requirements for field inspections: restroom requirements, doors and window screen requirements, permit and insignia requirements, refrigeration, etc.

The commissary must comply with all provisions of the law applicable to food establishments. A private residence may not be used as a commissary. The food truck is required to report to the commissary once each operation day for cleaning and servicing. Food trucks are required to use the approved commissary or other approved parking facility for overnight parking.

Food trucks permitted in Sacramento County have reciprocity and receive a Yolo County permit, without an inspection, at a reduced fee. The food truck operator must present the following documents to the YCEHSD for approval prior to operating in Yolo County: Yolo County Food Facility Permit Application, recent food inspection report from Sacramento County with no major violations (or no more than two minor violations that can lead to a major violation), and the Mobile Food Facility Reciprocity Checklist. Since these food trucks usually operate within the county outside of normal business hours, there is little oversight by YCEHSD.

Although the YCEHSD staff collect service route information from the food truck operators, they report that EHS have no way of tracking trucks' actual locations at any given time. YCEHSD staff believe that Global Positioning Systems (GPS) would help locate trucks so that they could perform surprise inspections. Multiple California counties are in the process of implementing GPS tracking.

EHS enforcement is limited when it comes to more serious, potentially misdemeanor, violations. EHS are in a position to teach the food truck operators how to bring everything to code, but not to ticket or fine. Because they do not perform surprise inspections, or inspections while in operation, unless a complaint is made, the county does not know if any given food truck is following all requirements.

The Food Facility Inspection Program is 100% fee funded. Because they rarely inspect during off-hours or on-location, YCEHSD may be losing potential fees from food trucks that are out of compliance. Grand jury members visited several food truck events in Yolo County and observed that the majority of trucks did not have a visible Yolo County permit. At one event in Woodland, only one of the seven trucks had a 2014-15 permit. Three months later, at the June 2015 Woodland event, out of 11 trucks participating, six did not have current Yolo County permits.

An internal YCEHSD report on mobile food compliance (dated 2011) stated that out of seven food trucks, four had no access to restrooms with hot and cold water and three had no Yolo County food permits.

FINDINGS

- F1. Non-permitted food trucks operate during non-business hours with little fear of being caught since YCEHSD does not perform surprise inspections on food trucks and rarely performs in-field or after-hours inspections.
- F2. Food truck operators who are out of compliance are not ticketed or fined.
- F3. The current system for tracking food truck locations is not working.

RECOMMENDATIONS

- R1. By December 31, 2015, the Director of Planning, Public Works and Environmental Services, in conjunction with the Director of the Environmental Health Services Division and the Director of Human Resources, shall implement a plan to alter work hours so that food truck inspections can routinely take place while in operation including weekends and evenings.
- R2. By October 1, 2015, the Director of Planning, Public Works and Environmental Services, in conjunction with County Counsel, shall determine and implement the necessary steps to enable inspectors to ticket or fine food truck operators who are out of compliance.
- R3. By July 1, 2016, the Director of Planning, Public Works and Environmental Services, in conjunction with County Counsel and the Board of Supervisors, shall implement the use of GPS technology on food trucks.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

- Board of Supervisors – R3

INVITED RESPONSES

- Director of Planning, Public Works, and Environmental Services, County of Yolo – R1 through R3
- Director of Environmental Health Services Division, County of Yolo – F2, R1 through R3
- County Counsel – F2, R2 and R3
- Director of Human Resources – R1

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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