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COUNTY OF LOS ANGELES



18 OCTOBER 12, 2010

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REVISED

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October 12, 2010

Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL OF ORDINANCE TO AMEND LOS ANGELES COUNTY CODE TITLE 8,
CONSUMER PROTECTION AND BUSINESS REGULATIONS, TO ESTABLISH LETTER
GRADING FOR MOBILE FOOD FACILITIES AND MOBILE SUPPORT UNITS TO BE
EFFECTIVE 30 CALENDAR DAYS AFTER DATE OF BOARD APPROVAL
(ALL DISTRICTS) (3 VOTES)**

SUBJECT:

Approval to adopt an ordinance to amend Los Angeles County Code, Title 8 – Consumer Protection and Business Regulations.

IT IS RECOMMENDED THAT YOUR BOARD:

Adopt the attached revised ordinance (Exhibit I) to amend Los Angeles County Code (LACC) Title 8 – Consumer Protection and Business Regulations to establish standards for the Letter Grading of Mobile Food Facilities (MFFs) requiring that the owners of MFFs obtain annual certification, submit to semi-annual routine inspections, and provide the Department of Public Health (DPH) with current route information. In addition, the revised ordinance will require the owners of Mobile Support Units (MSUs) to obtain annual certification, submit to an annual routine inspection, and provide DPH with current route information. The ordinance is to be effective 30 calendar days after Board approval.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The proposed expansion of the letter grading program to include MFFs (commonly known as food trucks and/or food carts) will build upon the public’s current understanding of the restaurant grading program and will provide a clear and easily recognizable means of distinguishing between

permitted MFF (which has a grade card) and a non-permitted MFF (which does not). Under the proposed grading program, the public can make informed choices based on the letter grade given to an MFF according to violations noted at the time of inspection.

Current Department practices include an annual certification inspection to ensure that the MFF meets all structural and physical requirements mandated by State code as well as an annual routine inspection to ensure that food handling and storage practices and facility hygiene are in compliance with State codes and regulations. The proposed ordinance will increase the number of annual routine inspections to two and result in a letter grade for MFFs. As MSUs (vehicles used for food storage, transport, cleaning, and servicing in support all inspected MFFs) do not retail food, they will not be subject to grading but will receive an annual certification inspection as well as an annual routine inspection to ensure compliance with applicable State standards for food storage, transport, cleaning, and servicing.

Implementation of Strategic Plan Goal

These actions support Goal 4, Health and Mental Health and Goal 5, Public Safety, of the County's Strategic Plan.

FISCAL IMPACT/FINANCING

Current provisions of LACC limit fees to cost recovery. This action does not change the current fee structure for mobile food facility vendors. However, the addition of letter grading and the associated increase in inspection frequency could impact DPH costs. Under the recommended grading system, the number of annual inspections will increase from two to three (two graded inspections and one certification inspection).

All fees associated with Environmental Health activities are currently being analyzed. In conjunction with this analysis, DPH will monitor the cost of the Mobile Food Facility Grading Program to determine whether a change in fees is warranted. At the completion of this study, DPH intends to return to your Board in April 2011 for consideration of revisions to all Environmental Health fees to cover program operating costs, including fees related to mobile food facilities, effective for FY 2011-12.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On January 16, 1998, your Board approved Ordinance Number 97-0071 to implement a Letter Grading Program for all food serving establishments. In January 2008, DPH celebrated the 10 year anniversary of the highly successful Letter Grading Program which has resulted in considerable improvements in public safety and health standards and a reduction in severe food-borne illnesses. As with the restaurant grading program, it is anticipated that incorporated cities throughout the County of Los Angeles will adopt the County ordinance by resolution. To ensure County-wide enforcement, we recommend that the Executive Office of the Board of Supervisors distribute a letter, drafted by DPH, contacting cities and recommending adoption of the County ordinance.

The proposed ordinance will amend Title 8 by:

1. Adding "mobile food facility" to the definition of food facility;

2. Establishing an annual certification inspection for MFFs and MSUs to ensure that food equipment meets applicable installation and design standards in accordance with State law;
3. Requiring owners of MFFs and MSUs to disclose current route information to DPH to provide the whereabouts (time table routes) of transient MFFs and MSUs and thereby facilitate timely inspections by requiring the transient MFFs and MSUs to complete a Mobile Food Facility Route Sheet which details the arrival, departure and exact location of each transient MFFs and MSU where the retail food business is being conducted; and
4. Establishing a semiannual letter grading program for all MFFs.

The program will be implemented in two phases. Phase I will begin upon adoption of the ordinance and will include inspection of approximately 3,200 full service catering trucks. Phase II will begin on July 1, 2011, and will include inspection of the remaining MFFs, estimated at 2,800 hot dog, churro, and other limited food service carts/vehicles.

The proposed ordinance – LACC Title 8 - will increase public health protection, enhance regulatory management, and provide incentives for industry compliance. Currently, the program does not meet annual inspection goals due to an inability to locate food vehicles that move constantly. The proposed ordinance - LACC Title 8 - will require vendors to provide information about the whereabouts of vehicles, thereby facilitating timely inspections. The proposed Letter Grading program will result in an increase in the annual inspection frequency from one to two, an increase in inspection time, and substantial enhancements to DPH's current internet grade posting system. During the first year of implementation, DPH will utilize existing staff's resources to meet the increased workload and subsequently conduct an evaluation to determine the actual need for additional staffing resources. At that time, a request for additional staffing resources will be forwarded to your Board.

The proposed action will amend the ordinance to add MFFs to the existing food establishment grading ordinance and will require vehicle owners (MFFs and MSUs) to complete a Mobile Food Facility Route Sheet that details the complete address as well as arrival and departure times for each location where the retail food business is being conducted. This requirement will facilitate inspection of all MFFs and MSUs operating within Los Angeles County. The route sheet will be maintained on file by DPH as proprietary information. The vehicle owners will also be required to notify the County Health Officer of any significant changes to business locations. Failure to provide an accurate Mobile Food Facility Route Sheet may result in suspension or revocation of the Public Health Operating Permit.

The proposed amendment to the ordinance will also require that owners of MFFs and MSUs in Los Angeles County, as defined by California Health and Safety Code Sections 113789, 113831, and 113833, obtain an annual certification inspection from the County Health Officer. During the certification inspection, DPH will confirm that the MFF operates continuously from an approved and routinely inspected commissary, thereby ensuring that the water used on MFFs is potable and that liquid and solid waste is disposed of properly. Upon demonstration of compliance with State mandated structural requirements as set forth in the California Health and Safety Code

Chapters 1-8, 10, and 13, a certification sticker will be issued. The certification sticker will be affixed to the MFF and the MSU and remain valid during the FY corresponding to the current public health permit. The annual certification sticker is well recognized by law enforcement as indicative that food equipment meets all applicable installation and design standards and regulations.

The proposed amendment to the ordinance will also require that a letter grade be assigned at the time of the routine inspection and remain posted until the next routine inspection. An interim inspection to determine compliance with specific regulations does not constitute a routine inspection. A grade (A, B, or C) card will be issued based upon the score received on the Vehicle Official Inspection Report (VOIR). The grading system is as follows:

"A": score of 90 – 100%
"B": score of 80 – 89%
"C": score of 70 – 79%

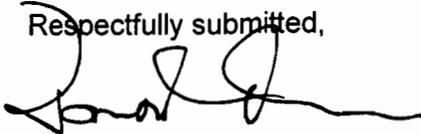
A facility receiving a score of less than seventy (70) percent will be issued a score card and not a grade card. Consistent with current practices applied to restaurants and markets, a score that is less than 70 prompts a hearing and closure of the facility, as the number of violations usually accompanies a finding of high risk violations or represents a cumulative condition of significant public health risk.

County Counsel has reviewed and approved Exhibit I as to form.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The proposed ordinance will greatly enhance food safety for consumers/patrons of mobile food facilities by providing incentives for owners/operators to be proactive in complying with State and local laws and regulations and will further empower consumers/patrons to make informed food choices based on safe food handling practices and facility sanitation.

Respectfully submitted,



JEF Jonathan E. Fielding, M.D., M.P.H.
Director and Health Officer

JEF:rdt

Attachment

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors