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April 8, 2008

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H. *Jonathan E. Fielding*
Director and Health Officer

SUBJECT: **7th STREET PRODUCE MARKET UPDATE**

On February 6, 2007, the Board approved two motions concerning the KNBC-TV report depicting unsafe food storage practices, lax enforcement practices, and inappropriate behavior of wholesale food market operators at the 7th Street Wholesale Produce Market.

Supervisor Burke's motion instructed me to 1) report back within 15 days with a specific plan to address public health problems at the wholesale produce markets, specifically the 7th Street Wholesale Produce Market, including review of such options as more frequent inspections, revised inspection criteria, and increased sanctions for violations, and 2) conduct an investigation of staff failures in the inspection of the market.

On February 21, March 23, April 27, June 5, July 16, August 10, September 21, November 13, and December 20, 2007, I provided you with detailed status reports. This is a follow-up report with particular attention to actions Public Health has taken since the last report and activities which are ongoing.

UPDATE ON ENFORCEMENT ACTIONS TO DATE:

7th Street Market

1. The addition of two restrooms and janitorial facilities are complete and functional.
2. Tenants are continuing to participate in a centralized onsite refuse collection program that includes a provision of marked garbage dumpsters and a program to collect recycled cardboard in a sanitary manner.

3. The complex owners are in discussion with the City of Los Angeles regarding a proposal to install an awning/canopy at the loading/staging area of the East building within the complex. The City of Los Angeles Building and Safety Department (LABSD) has approved the plans and the complex owner has hired a private consultant from the City's Official Historical Preservation approved list to work with them on the project. It is our understanding that the consultant is in the process of writing a second proposal to the Historical Committee regarding the awning. Until a final proposal is approved, tenants are required to store, display, and stage product inside their individual stalls.
4. The complex management submitted plans to Environmental Health (EH) on June 20, 2007 to improve the plumbing/drainage system for the entire complex, including a proposed plumbing schematic model for current and future stalls. These plans were approved on June 28, 2007. The owner of the complex also submitted plans to LABSD regarding the plumbing system and it is our understanding that these plans were approved as well and that a building permit was pulled in December 21, 2007.

The condition of the 7th Street Market has remained stable in that: 1) no produce is being dumped on the ground; 2) no food products are stored near garbage or trash.

Other Wholesale Produce Complexes

While all wholesale produce market complexes have been inspected, three of the complexes (City/9th Street Market, Overland Market, and the Alameda Produce Market) require long term compliance plans. Meetings were held on November 28 and December 5, 2007, and February 21, 2008 with the owner of the City/9th Street Market, Peter Fleming, to discuss the overall conditions of the market, and the need to correct long-standing structural and equipment deficiencies. EH staff are now reviewing a compliance action plan Mr. Fleming submitted on February 27, 2008.

Inspections have also been completed at the Overland Market and the Alameda Produce Market and 90-day Improvement Plan letters are being drafted. A meeting will be held in April 2008 with the owners of both complexes to discuss the overall conditions of the markets and the need to correct structural and equipment deficiencies.

The wholesale produce market inventory is now at 315 active sites. Since February 2007, all active wholesale food markets have been inspected. The cumulative statistical inspection count for the wholesale produce markets is as follows: 638 routine inspections, 840 follow-up compliance inspections, 162 complaint inspections, 132 closures, 183 office hearings and 6 permit revocations.

FIELD MONITORING

The Chief of the Food & Milk Program, along with the lead staff, continue to monitor staff paperwork for accuracy, completeness, and frequency of inspection. Staff continue to conduct inspections at staggered times to ascertain compliance with County Codes during the produce markets' hours of operation.

LEGAL ACTIONS

On February 14, 2008, the Los Angeles City Attorney's office reached a settlement agreement with Alameda Produce Market, Inc., the owner of the 7th Street Wholesale Market Complex. The Corporation was placed on 36 months summary probation and ordered to pay investigative costs in the amount of \$42,518 to Los Angeles County Environmental Health and LABSD. In addition, Alameda Produce Market, Inc. will be subject to fines and penalties of \$90,000, \$60,000, and \$30,000, for the first 12 month, 13-24 month, and 25-36 month periods, respectively, if similar violations occur. Finally, Alameda Produce Market, Inc. agreed to donate \$35,000 to various local non-profit organizations. The case against V & L Produce was dismissed. The case against Jalisco Fresh Produce Inc. was adjudicated with all investigative costs paid to the County.

Two wholesale produce establishments, Guadalajara Produce and Quality Produce have had their public health permits revoked and court cases have been prepared for submission to the City Attorney.

This will be our last status report on this issue unless further developments necessitate additional reporting. If you have any questions or need additional information, please let me know.

JEF:ajb
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c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors