

Jersey County Health Department

Food Program Compliance and Enforcement Policy

The basis and authority to establish an Enforcement Policy is provided in the Illinois Standards for Local Health Departments and the Jersey County Food- Service Agreement. This document provides compliance and enforcement procedures to be followed for timely correction of violations of the Illinois Food Service Sanitation Code.

Section A: Public Health Protection

1. The Jersey County Health Department shall apply the Illinois Food Service Sanitation Code to promote its purpose of safeguarding public health and ensuring that food is safe, unadulterated and honestly presented when offered to the consumer.
2. In enforcing the provision of the current Code, the Department shall assess existing facilities or equipment that were in use before the effective date of the Code based on the following considerations:
 - a. Whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition
 - b. Whether food contact surfaces comply with the provisions outlined in the Code
 - c. Whether the capacities of cooling, heating and holding equipment are sufficient to comply with the code

Section B: Public Information

1. The Jersey County Health Department shall treat the inspection report as a public document and shall make it available to a person requesting the document.

Section C. Establishing Inspection Frequency, Repeat Violations, and Administrative Action

1. The Jersey County Health Department shall inspect a food establishment in accordance with the provisions provided in the Illinois Standards for Local Health Departments and the Illinois Food Service Sanitation Code.
 - a. The Jersey County Health Department shall reassess annually the minimum number of inspections required based upon its risk classification.
 - b. The complete inspection report form shall specify a reasonable period of time for the correction of violations found and correction of violations shall be accomplished within the period specified in accordance with the following provisions:

10 Days or Less Notice:

1. If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, or the facility receives more than 4 Priority or Priority Foundation violations, the establishment shall immediately cease food operations at the

discretion of the Health Officer. Operations shall not be resumed until authorized by the Jersey County Health Department

2. All Priority (P) violations found out of compliance shall be corrected immediately; or a minimum of 72 hours after the inspection by the Jersey County Health Department Environmental Staff. A follow- up inspection shall be conducted on or after the 72 hours, unless requested by establishment for an earlier time, to confirm correction. Initial violations and corrections must be documented in the Inspection Report.
3. All Priority Foundation (Pf) violations or HACCP plan deviations found out of compliance shall be corrected immediately; or a minimum of 10 calendar days after the inspection by the Jersey County Health Department Environmental Staff. A follow- up inspection shall be conducted on or after the 10 calendar days, unless requested by establishment for an earlier time, to confirm correction. Initial violations and corrections must be documented in the Inspection Report.
4. Sanitary violations for Priority and Priority Foundation after the 1st recheck shall be enforced as followed:
 - a. **Second Recheck and Time Extension-** At the time of the second recheck, the Environmental Health Director shall determine the level of compliance and may grant additional time if justifiable and good faith is being demonstrated by the owner or operator.
 - b. **Administrative Action-** When violations still exist at the time of a second recheck or at the end of the time extension, the case shall be referred for administrative action. The health authority shall take action as indicated under the applicable provisions of the Jersey County Food Service Sanitation Agreement (suspension of permit, hearing, etc.)
5. In the case of temporary food establishments, all violations shall be corrected immediately or within 24 hours. If violations are not corrected within 24 hours, the establishment shall immediately cease food service operations until authorized to resume by the regulatory authority.

30 Day or More Notice

1. All core (c) violation items shall be corrected as soon as possible or as determined by the Jersey County Health Department's Environmental Health Staff, but in any event by the time of the next routine inspection or 90 calendar days maximum. If core violation is going to exceed 90 calendar days, as determined by the Environmental Health Staff, an extension will be granted. The extension must be agreed upon by the Environmental Health Staff and the establishment. It must be documented in the Inspection Report with a follow- up date.
2. Sanitary violations in the after the initial recheck shall be enforced as followed:
 - a. **Second Recheck and Time Extension-** At the time of the second recheck, the inspector shall determine the level of compliance and may grant additional time of 30 days or less if justifiable and good faith is being demonstrated by the owner or operator. In some instances, and if it is determined by the environmental health staff that no potential health hazard exists over extended periods of time, additional

time up to one year may be allowed to correct certain equipment and structural deficiencies. The environmental health staff shall determine and clarify such extensions with the owner or operator.

- b. **Administrative Action-** When violations still exist at the time of a second recheck or at the end of a time extension, the case shall be referred for administrative action. The Environmental Health Director shall take action as indicated under applicable provisions of the Jersey County Food Service Sanitation Agreement (suspension of permit and hearing, etc.) The administrator, in consultation with the program supervisors and inspectors may determine through the professional review and consideration that a “core” violation will not effectively result in a significant improvement in sanitary conditions of the facility and the enforcement of the violation would result in a substantial cost to the establishment, the health authority may temporarily waive enforcement of minor violation until a remodeling project is undertaken.
- c. **Long Term Control of Critical/ Risk Factor Violations**
 - i. The following documents shall be referenced when an establishment has repeated critical/risk factor violations and a long- term control plan is necessary
 - ii. Referenced Documents:
 - Illinois Food Code Part 750
 - Managing Food Safety: A Regulator’s Manual for Applying HACCP Principles to Risk- Based Retail and Food Service Inspections and Evaluating Voluntary Food Safety Management Systems
 - 2017 FDA Food Code and Annexes

When a food establishment is required under these provisions to cease operations, it shall not resume operations until it is shown by re- inspection that conditions responsible for the order to cease operations no longer exists. Opportunity for a re- inspection shall be offered within a reasonable time.

Action upon Repeat Violations

1. For serious or repeated violations, legal action by the health authority may be taken under the provisions of the Sanitary Inspection Act, and/or the Illinois Food, Drug and Cosmetic Act and/or in relation to public health, and the rules and regulations pertaining to retail food establishments.
2. Administrative Action- Based upon the records of such hearing, the health authority shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. The health advisory shall furnish a written report of the hearing decision.

Certified Food Managers

The Jersey County Health Department, in accordance with Illinois Food Code Part 750 and the 2017 FDA Food Code, requires a certified food manager be on the premises during all hours of

operation for Category I and Category II establishments. Failure to be in compliance with this requirement will result in the following:

1. Upon initial inspection, establishment will be given 30 days to obtain certification (taking 8-hour course and passing an ANSI-Accredited Exam) for an adequate number of employees.
2. If not complete after 30 days, an additional 30 days will be granted to obtain certification for an adequate number of employees as well as a letter sent to the person-in-charge or establishment owner by mail/email as a notice to correct.
3. If correction hasn't been made after the additional 30 days (60 days total), an additional 7 days will be granted. A letter will be given in-person to the establishment by the Sanitarian and a letter will be sent via certified mail to the person-in-charge or owner of the establishment with a notice to correct.
4. Upon fourth follow-up, two additional days will be granted to obtain certification. A letter will be given in-person to the establishment by the Sanitarian and a letter will be sent via certified mail to the person-in-charge or owner of the establishment for administrative action.
5. Fifth follow-up will result in the establishment immediately being sent for administrative action.

Section D: Documenting Information and Observations

1. The Jersey County Health Department shall document on an inspection report form:
 - a. Information about the establishment; name, street and mailing address, type of establishment, inspection date, and other information such as type of water supply, sewage disposal and personnel Food Service Sanitation Manager Certification information
 - b. Observations of violations of the Illinois Food Service Sanitation Code including:
 - i. Failure of the establishment to demonstrate knowledge of foodborne illness prevention, application of HACCP principles and Illinois Food Service Sanitation Code Requirements
 - ii. Failure of the establishment to report a disease or medical condition as required in the Illinois Control of Communicable Disease Code
 - iii. Nonconformance with Critical Items/Risk Factor Violations of the Food Sanitation Code
 - iv. Failure of the establishment to demonstrate the ability to perform with procedures, monitoring, verification and corrective actions
 - v. Failure of the establishment to provide records for determining conformance with a HACCP plan when required
 - vi. Nonconformance with the HACCP plan
 - c. HACCP (Hazard Analysis Critical Control Point)
 - i. HACCP Plan Validation/ Verification

- HACCP Plans, where required, shall be reviewed to determine if the processes are being implemented and effective in the control of critical/ risk factors violations.
 - This shall occur at a minimum- annually. And/or if conditions in the facility change (i.e., new owner, change in HACCP plan process).
 - The following documents are to be referenced:
 - 2017 FDA Food Code and Annexes
 - Managing Food Safety: A Manual for the Voluntary Use of HACCP Principles for Operators of Food Service and Retail Establishments
2. Verification of Documentation of Correction
- a. After observing a correction of a critical item violation or HACCP plan deviation at the time of inspection, the Jersey County Health Department shall enter the violation and information about the corrective action on the inspection report
 - b. After receiving notification that the establishment has corrected a critical item violation, HACCP plan deviation, or at the end of the specified period of time, the Jersey County Health Department shall verify correction of the violation, document the information on an inspection report and maintain a record for the establishment.

Section E: Variances

1. The Jersey County Health Department shall follow the 2017 FDA Food Code, in regard to variance requirements in food establishments. Further guidance as to when a variance is required can be found in the following documents:
- Managing Food Safety: A Regulator’s Manual for Applying HACCP Principles to Risk- based Retail and Food Service Inspections and Evaluating Voluntary Food Safety Management Systems
 - 2017 FDA Food Code and Annexes

Section F: Ceasing Operations and Reporting

1. An establishment shall immediately discontinue operations and notify the Jersey County Health Department if an imminent health hazard exists because of an emergency such as fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary conditions or other circumstance that may endanger public health.
2. If operations are discontinued, the establishment shall obtain approval from the Jersey County Health Department before resuming operations.
3. When the health authority has reasonable cause to suspect the possibility of disease transmission from any food service establishment or retail food store employee, the health authority shall secure a morbidity history of the suspected employee, or make

other investigation as may be indicated, and take appropriate action. The health authority may require any or all of the following measures:

- a. The immediate exclusion of the employee from all food service establishments or food stores.
- b. The immediate closure of the food service establishments or a food stores concerned until, in the opinion of the health authority, no further danger of disease outbreak exists.
- c. Restriction of the employee's services to some area of the establishment or store where there would be no danger or transmitting disease.
- d. Adequate medical and laboratory examination of the employee, of other employees, and his/her body discharges.