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| PROGRAM: | RETAIL FOOD |
| EFFECTIVE REGULATION: | <i>Colorado Retail Food Establishment Rules and Regulations, July 1, 2013</i> |
| INTERPRETIVE MEMO NO.: | 17-03 |
| DATE: | Issue date June 1, 2017; effective date July 1, 2017 |
| SUBJECT: | Colorado Retail Food Program Requirements for Communicating Inspection Ratings |

The department or a local public health agency (LPHA) may decide to display an inspection rating for a retail food establishment on their website. Section 25-4-1607.7(2) C.R.S., requires that inspection ratings be determined in conformance with a system adopted by the department. This memo establishes the department’s system for generating a score and associated rating, and the requirements for displaying ratings on an agency’s website.

I. HOW TO DETERMINE A RATING

This rating system was developed to provide a uniform methodology for the thorough analysis of inspection results and the performance of retail food establishments (RFE) as noted during the “rated” inspection. This system is intended to serve as the singular tool to be utilized by CDPHE and local public health agencies for communicating inspection result.

The system is intended to rate routine inspections only. Each observed violation is assessed a point value based on risk and the total point value is then applied to the rating system. The value for critical violations are 5, 10, 15, or 20 points. Non-critical violations are assigned a value of 1 or 2 points (see Table 1).

TABLE 1

| POINT VALUES FOR EACH VIOLATION CITATION | | | | | |
|--|---|----------------------------------|--|--|-----------------------------------|
| 1 POINT | 2 POINTS | 5 POINTS | 10 POINTS | 15 POINTS | 20 POINTS |
| 9A, 10B, 11A, 11B, 11C, 12B, 12D, 13A, 13B, 14A 14C, 14D, 14E, 14F, 14G, 14H, 15A, 15B | 9B, 10A, 10C, 12A, 12C, 13C, 14B | 1E, 1F, 2E, 3F, 6C, 7C, 8B | 2D, 4A, 4B, 4C, 5B, 5C, 6B, 7A, 8A | 1A, 1B, 1D, 2C, 2F, 3C, 3E, 5A, 5D, 6A, 7B, 8C | 1C, 2A, 2B, 2G, 3A, 3B, 3D, 3G |

The inspection rating is determined by adding the point values for each item found OUT of compliance. The sum of the values is then compared to the schedule below to determine the rating. The lower the sum of the points the better the sanitation level at the time of inspection.

Inspection Rating

- EXCELLENT:** The risk index is 0 to 19 points and cannot include the following violations: 1C, 2A, 2B, 2G, 3A, 3B, 3D, 3G. If any other critical violations are found and the report is still within this risk index range, the critical violation(s) must be corrected during the time of the inspection and the report must indicate this and also the method used to achieve correction.
- GOOD:** The risk index is 20 to 39 points. This may include one of the following violations: 1C, 2A, 2B, 2G, 3A, 3B, 3D, 3G.
- FAIR:** The risk index is 40 to 69 points. This may include up to three of the following violations: 1C, 2A, 2B, 2G, 3A, 3B, 3D, 3G.
- MARGINAL:** The risk index is 70 to 99 points. This may include up to four of the following violations: 1C, 2A, 2B, 2G, 3A, 3B, 3D, 3G.
- UNACCEPTABLE:** The risk index is above 100. This may include more than five of the following violations: 1C, 2A, 2B, 2G, 3A, 3B, 3D, 3G.



II. LICENSEE CHANGE

A rating should reflect the current licensee. Previous inspections conducted under an old licensee shall not be reflected under the current licensee.

III. ENFORCEMENT

An establishment can be rated in any of the categories and enforcement actions for correction of a violation still may be necessary. Section 11-204 of the *Colorado Retail Food Establishment Rules and Regulations* gives the procedures for the correction of violations. Other enforcement actions that can be taken when an establishment is in violation of the rules, regulations and law are located in the *Food Protection Act, 25-4-16, C.R.S.*

IV. DISPLAY OF INFORMATION

Nothing in the statute or this memo prevents an LPHA from allowing the public to access inspection results from their website. The requirements contained herein pertain to when the display of the inspection results also contain an inspection rating. This memo establishes the ratings of “Excellent”, “Good”, “Fair”, “Marginal”, or “Unacceptable” as the system adopted by the department.

If an LPHA chooses to display inspection ratings on their website, the following information must also be provided on the website along with the rating:

A. A general description of the “ratings scoring methodology”.

B. Definitions including, but not limited to:

Critical Item - a requirement of the rules and regulations that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or an environmental health hazard.

Excellent - At the time of inspection, the establishment had no serious critical violations associated with cooling, reheating, cooking, refrigeration and hot-holding equipment, cross-contamination between raw animal foods and ready-to-eat foods, employee hygiene, and other items with risk index values of 20. Some secondary critical and non-critical items may be in violation. The risk index range is 0-19 points.

Good - At the time of inspection, the establishment could have one serious critical violation and other items with risk index values of 20. Alternatively, the establishment could have one or more secondary critical violations with risk index values of 5-15, as well as some non-critical violations. The risk index range is 20-39 points.

Fair - At the time of inspection, the establishment could have three serious critical violations and other items with risk index values of 20. The establishment could have one or more secondary critical violations with risk index values of 5-15, as well as some non-critical violations. The risk index range is 40-69 points.

Marginal - At the time of inspection, the establishment could have four serious critical violations and other items with risk index values of 20. The establishment could have one or more secondary critical violations with risk index values of 5-15, as well as some non-critical violations. The risk index range is 70-99 points.

Unacceptable - At the time of inspection, the establishment could have more than five serious critical violations and other items with risk index values of 20. The establishment could have one or more secondary critical violations with risk index values of 5-15, as well as some non-critical violations. If an imminent public health hazard is present, immediate corrective action and/or closure of the establishment will be required. The risk index range is 100 points and above.

C. An ability to search for an establishment by name of facility, city, etc.

D. A list of inspections conducted including but not limited to the last 3 years and the associated rating result. For example:

| <u>Inspection Date</u> | <u>Result</u> |
|------------------------|---------------|
| 9/5/2016 | Excellent |
| 2/15/2016 | Fair |
| 7/23/2015 | Fair |
| 1/25/2015 | Good |
| 4/1/2014 | Excellent |
| 10/6/2013 | Excellent |

E. Access to a summary of the critical violations noted during the inspection with an indication if they were corrected on site.

F. A detailed listing of the violations cited for the establishment and an indication of the level of risk of each violation.

G. General information about the inspection. This would include:

- (1) Date of the inspection
- (2) Type of inspection - Routine
- (3) The ability to see the entire inspection results

25-4-1601 C.R.S. provides CDPHE's authority for the uniform statewide administration, implementation, interpretation, and enforcement of *The Colorado Retail Food Establishment Rules and Regulations*. This interpretive memo is issued in accordance with this authority and CDPHE expects its contents to be implemented uniformly.

All previous interpretive memoranda and guidance issued pertaining to this subject are hereby superseded as of the effective date above.



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