



COLORADO

Department of Public Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

PROGRAM:	RETAIL FOOD
EFFECTIVE REGULATION:	<i>Colorado Retail Food Establishment Rules and Regulations, January 1, 2019</i>
INTERPRETIVE MEMO NO.:	19-09 (revised)
DATE:	February 15, 2020 (effective date)
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) of the Colorado Revised Statutes (C.R.S.) requires that inspection ratings be determined in conformance with a system adopted by the department. Section 25-4-1611.5, C.R.S., changes enforcement from one that focuses on individual violations to one that uses violation pervasiveness to evaluate overall compliance. This interpretive memo is being updated to align the new enforcement methodology to the requirements for communicating inspection results pursuant to 25-4-1611.5(2), C.R.S., including the department’s system for generating a score, an associated rating, and the requirements for displaying ratings on an agency’s website.

A copy of the inspection checklist is included as Attachment A.

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 with the attached rating symbols will serve as the singular tool to be utilized by any agency that is communicating an inspection result.

The system is intended to rate routine or re-inspections only. Each observed violation is assessed a value based on risk and the total point value is then applied. Some violations have only one possible point value. Other violations may be assessed a higher or lower point value based on the prevalence of the observed conditions as detailed in Table 1.

TABLE 1

Violation Number	Violation Description	Low	Medium	High
1	Person in charge present, demonstrates knowledge, and performs duties	0	15	15
2	Certified Food Protection Manager	0	10	10
3	Management, food employee and conditional employee; knowledge, responsibilities and reporting	0	5	5
4	Proper use of restriction and exclusion	0	25	25
5	Procedures for responding to vomiting and diarrheal events	0	5	5
6	Proper eating, tasting, drinking, or tobacco use	0	10	10
7	No discharge from eyes, nose, and mouth	0	5	5
8	Hands clean & properly washed	0	10	25
9	No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed	0	15	25
10	Adequate handwashing sinks properly supplied and accessible	0	10	10
11	Food obtained from approved source	0	25	25
12	Food received at proper temperature	0	10	20
13	Food in good condition, safe, & unadulterated	0	5	20
14	Required records available: shellstock tags, parasite destruction	0	10	10
15	Food separated and protected	0	10	10
16	Food contact surfaces; cleaned & sanitized	0	10	20
17	Proper disposition of returned, previously served, reconditioned & unsafe food	0	20	20



Violation Number	Violation Description	Low	Medium	High
18	Proper cooking time & temperatures	0	5	25
19	Proper reheating procedures for hot holding	0	10	20
20	Proper cooling time and temperature	0	10	20
21	Proper hot holding temperatures	0	10	20
22	Proper cold holding temperatures	0	10	20
23	Proper date marking and disposition	0	5	10
24	Time as a Public Health Control; procedures & records	0	5	20
25	Consumer advisory provided for raw/undercooked food	0	5	5
26	Pasteurized foods used; prohibited foods not offered	0	20	20
27	Food additives: approved & Properly used	0	20	20
28	Toxic substances properly identified, stored & used	0	5	10
29	Compliance with variance / specialized process / HACCP	0	5	20
30	Pasteurized eggs used where required	0	5	5
31	Water & ice from approved source	0	20	20
32	Variance obtained for specialized processing methods	0	5	5
33	Proper cooling methods used; adequate equipment for temperature control	0	10	20
34	Plant food properly cooked for hot holding	0	5	5
35	Approved thawing methods used	0	2	2
36	Thermometer provided & accurate	0	5	5
37	Food properly labeled; original container	0	2	10
38	Insects, rodents, & animals not present	0	10	10
39	Contamination prevented during food preparation, storage & display	0	15	15
40	Personal cleanliness	0	10	10
41	Wiping Cloths; properly used & stored	0	2	2
42	Washing fruits & vegetables	0	15	15
43	In-use utensils: properly stored	0	2	2
44	Utensils, equipment & linens: properly stored, dried, & handled	0	2	2
45	Single-use / single-service articles: properly stored & used	0	10	10
46	Gloves used properly	0	1	2
47	Food & non-food contact surfaces cleanable, properly designed, constructed, & used	0	2	5
48	Warewashing facilities: installed, maintained, & used; test strips	0	5	5
49	Non-food contact surfaces clean	0	2	2
50	Hot & cold water available; adequate pressure	0	10	20
51	Plumbing installed; proper backflow devices	0	2	10
52	Sewage & waste water properly disposed	0	20	20
53	Toilet facilities: properly constructed, supplied, & cleaned	0	5	5
54	Garbage & refuse properly disposed; facilities maintained	0	2	2
55	Physical facilities installed, maintained, & clean	0	2	10
56	Adequate ventilation & lighting; designated areas used	0	1	2

The inspection rating is determined by adding the point value assessed for each item found OUT of compliance. The sum of the points is then compared to the schedule below to determine the rating.



Inspection Rating

Pass: The risk index is below 50 points.

Re-inspect: The risk index is 50-109 points.

Closed: The risk index is 110 or above.

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

This rating system is intended to rate routine inspections and re-inspections. This system provides the means to determine whether total cumulative violations (points) are sufficient to require a re-inspection pursuant to 25-4-1611.5(2), and potential enforcement actions pursuant to 25-4-1611.5(2)(d) and (e) and/or license suspension pursuant to 25-4-1611.5(9)(c).

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 "Pass", "Re-inspection", or "Closed" as the system adopted by the department. These ratings are to be displayed in the format of the Attachment B rating symbols.

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:

Core item means a provision in this Code that is not designated as a priority item or a priority foundation and usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

Priority foundation item means a provision in this Code whose application supports, facilitates or enables one or more priority items. Priority foundation item includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling;

Priority item means a provision in this Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard and includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, handwashing.

Pass means the establishment meets fundamental food safety standards. The establishment could have some priority, priority foundation or core violations. Some or all violations were corrected during inspection. The risk index range is 0-49 total points.

Re-Inspection means that food safety violations were found. Corrections may have been made but the rating requires a re-inspection to ensure basic food safety standards are met. The establishment has a higher level of risk with several priority, priority foundation or core violations. The risk index range is 50-109 total points.

Closed means that significant unsanitary conditions or other imminent health hazards were found. The establishment has multiple priority, priority foundation or core violations representing high risk. Facility must cease operations until conditions and violations are corrected. Facility must receive prior approval by the health authority before reinitiating operations. The risk index range is 110 total points or higher.

- 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>
9/1/2019	Pass
2/15/2019	Re-Inspection
7/23/2018	Re-Inspection
1/25/2018	Pass
4/1/2017	Pass
10/6/2016	Re-Inspection

- E. Access to a summary of the risk 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 or re-inspection
 - (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.



Jeff Lawrence, Director
 Division of Environmental Health and Sustainability



Time In:

FOOD ESTABLISHMENT INSPECTION REPORT

FACILITY NAME:		OWNER:		
ADDRESS:				
DATE:		INSPECTION TYPE:		
FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS				
<p>Risk factors are important practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public health interventions are control measures to prevent foodborne illness or injury. Compliance status to be designated as IN, OUT, NA, NO for each numbered item.</p> <p align="center"> IN=In compliance OUT=Not in compliance NO=Not observed NA=Not applicable COS=Corrected on site R=Repeat violation </p>				
Compliance Status			COS	R
Supervision				
1		Person in charge present, demonstrates knowledge, and performs duties		
2		Certified Food Protection Manager		
Employee Health				
3		Management, food employee and conditional employee; knowledge, responsibilities and reporting		
4		Proper use of restriction and exclusion		
5		Procedures for responding to vomiting and diarrheal events		
Good Hygienic Practices				
6		Proper eating, tasting, drinking, or tobacco use		
7		No discharge from eyes, nose, and mouth		
Preventing Contamination by Hands				
8		Hands clean & properly washed		
9		No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed		
10		Adequate handwashing sinks properly supplied and accessible		
Approved Source				
11		Food obtained from approved source		
12		Food received at proper temperature		
13		Food in good condition, safe, & unadulterated		
14		Required records available: shellstock tags, parasite destruction		
Protection from Contamination				
15		Food separated and protected		
16		Food contact surfaces; cleaned & sanitized		
17		Proper disposition of returned, previously served, reconditioned & unsafe food		
Time/Temperature Control for Safety				
18		Proper cooking time & temperatures		
19		Proper reheating procedures for hot holding		
20		Proper cooling time and temperature		
21		Proper hot holding temperatures		
22		Proper cold holding temperatures		
23		Proper date marking and disposition		
24		Time as a Public Health Control; procedures & records		
Consumer Advisory				
25		Consumer advisory provided for raw/undercooked food		
Highly Susceptible Populations				
26		Pasteurized foods used; prohibited foods not offered		
Food/Color Additives and Toxic Substances				
27		Food additives: approved & Properly used		
28		Toxic substances properly identified, stored & used		
Conformance with Approved Procedures				
29		Compliance with variance / specialized process / HACCP		

ATTACHEMENT A

GOOD RETAIL PRACTICES					
Good Retail Practices are preventative measures to control the addition of pathogens, chemicals, and physical objects in foods. OUT =Not in compliance COS =Corrected on site R =Repeat violation					
Compliance Status				COS	R
Safe Food and Water					
30		Pasteurized eggs used where required			
31		Water & ice from approved source			
32		Variance obtained for specialized processing methods			
Food Temperature Control					
33		Proper cooling methods used; adequate equipment for temperature control			
34		Plant food properly cooked for hot holding			
35		Approved thawing methods used			
36		Thermometer provided & accurate			
Food Identification					
37		Food properly labeled; original container			
Prevention of Food Contamination					
38		Insects, rodents, & animals not present			
39		Contamination prevented during food preparation, storage & display			
40		Personal cleanliness			
41		Wiping Cloths; properly used & stored			
42		Washing fruits & vegetables			
Proper Use of Utensils					
43		In-use utensils: properly stored			
44		Utensils, equipment & linens: properly stored, dried, & handled			
45		Single-use / single-service articles: properly stored & used			
46		Gloves used properly			
Utensils, Equipment and Vending					
47		Food & non-food contact surfaces cleanable, properly designed, constructed, & used			
48		Warewashing facilities: installed, maintained, & used; test strips			
49		Non-food contact surfaces clean			
Physical Facilities					
50		Hot & cold water available; adequate pressure			
51		Plumbing installed; proper backflow devices			
52		Sewage & waste water properly disposed			
53		Toilet facilities: properly constructed, supplied, & cleaned			
54		Garbage & refuse properly disposed; facilities maintained			
55		Physical facilities installed, maintained, & clean			
56		Adequate ventilation & lighting; designated areas used			

Food Inspection

PASS



Met basic food safety standards at
the time of inspection

Date of Inspection:

XXXXX XX, XXXX

For inspection details

go to: <url@url.url>

Food Inspection

RE-INSPECTION REQUIRED



Food safety violations were found
Corrections were made

A re-inspection will occur within 10 days

Date of Inspection:
XXXXX XX, XXXX

For inspection details
go to: url@url.url

Food Inspection

CLOSED



Unsanitary conditions or other
imminent health hazards were found.
Facility must cease operations until
violations are corrected.

Date of Inspection:
XXXXX XX, XXXX

For inspection details
go to: url@url.url