

**A Report on the KFC/Taco Bell Rodent Infestation
in Greenwich Village**

NYC Department of Health and Mental Hygiene

April 9, 2007

Executive Summary

Introduction

On February 22, 2007, the Health Department's food safety program inspected a Kentucky Fried Chicken/Taco Bell restaurant at 331 6th Avenue in Greenwich Village in response to a complaint involving rats. The restaurant passed the inspection. On February 23, several people reported seeing rats inside the restaurant and television media broadcast footage of rats roaming in the restaurant. On that morning, prior to the restaurant's scheduled opening, the food safety program conducted a full inspection of the facility and found clear evidence of rats and other violations. As a result of that inspection, the restaurant was ordered to close.

Rodents are not a significant cause of disease transmission in restaurants. They are repulsive, however, and their presence is indicative of poor sanitation. Besides provoking widespread disgust, the KFC/Taco Bell incident raised questions about the validity of the initial inspection and about the competence and integrity of the personnel who conducted and supervised it. At the request of the Health Department, the NYC Department of Investigation has reviewed those issues and will issue a separate report. Concurrently, the Health Department has conducted a broader review to understand the event-specific issues and address any systemic inadequacies in protocols or procedures. This report presents initial findings and summarizes the Department's intended course of action.

How the Review Was Conducted

This review included:

- An assessment of the restaurant's complaint and inspection history
- A detailed examination of the inspections at the restaurant on February 22nd and 23rd
- Inspections for rodent conditions in the restaurants and community surrounding the KFC/Taco Bell
- An analysis of the prior performance of the inspector who conducted the February 22nd inspection
- A review of the Health Department's procedures for handling complaints and conducting inspections related to rodents in restaurants
- An analysis of the general problem of rodents in restaurants and in the community

The Health Department's Food Safety and Rodent Control Programs

The Bureau of Food Safety and Community Sanitization's food safety program is responsible for conducting pre-permit, routine and complaint-generated inspections of approximately 25,000 food service establishments (FSEs), of which some 22,000 are restaurants. Each restaurant receives an annual inspection, during which an inspector examines a range of sanitary issues. Inspectors check for conditions conducive to rodents and for overt signs of rodent activity.

Inspections may also be triggered by complaints or by inspection failures. Under current policy, complaint inspections may be comprehensive or targeted to the complaint.

A separate Health Department program, the Office of Pest Control Services, assesses and responds to complaints about rats in communities. This program inspects properties for signs of rats and for conditions conducive to their presence. When violations are found, owners are ordered to rectify them. The program promotes an integrated pest management approach, which emphasizes prevention over extermination. The program also conducts a rodent-control academy for building operators and pest-control professionals. The Office of Pest Control Services recently offered its first course for food safety inspectors.

Findings and Planned Actions:

COMPLAINT INTAKE AND COMPLAINT RESPONSE SYSTEM

Findings

- Current policy is that when the Health Department receives a 311 complaint about rodents in a food service establishment, it responds with a warning letter requiring abatement of the conditions. No inspection is conducted.
- Following an initial 311 complaint concerning rodents in a restaurant, additional complaints received within 21 days are treated as duplicates. Under current policy, such complaints do not trigger additional warning letters or actions.
- An additional complaint received between 22 and 60 days after an initial rodent complaint may trigger an inspection.
- Five complaints were made about rodents in the KFC/Taco Bell between December 2006 and February 22, 2007 (see attached Addendum 1 for a complete complaint history). Three complaints via 311 occurred between 22 and 60 days after the initial complaint. In a call received on February 12th, an anonymous employee alleged that a co-worker had once been bitten by a rat in the establishment.
- The current system of handling complaints can allow severe rodent problems to go unnoticed. The Health Department's protocols are not sufficient to ensure stepped-up responses to multiple complaints that occur within a short period.
- The current complaint response protocol gives food safety program supervisors the discretion to order either a complaint-specific inspection or a full inspection. If the initial (February 22) inspection of KFC/Taco Bell had been comprehensive rather than complaint-specific, it might have revealed additional violations sufficient to cause a failed inspection.

Planned Actions

- The food safety program will develop a system to actively monitor 311 records for repeated complaints of rodent infestation and will establish a threshold for inspection based on the frequency and timing of complaints.

- The food safety program will work with 311 to improve the scripts that operators use to identify potentially severe rodent infestations.
- When an inspection is triggered by a complaint, the program will conduct full inspections rather than complaint-specific inspections.

REVIEW OF THE INSPECTIONS OF THIS ESTABLISHMENT

Findings

- The food safety program’s scoring system requires large numbers of rodent droppings and/or extensive conditions conducive to rodent infestation to authorize failing or closing an FSE for rodent violations alone. The February 22nd inspector did not report conditions severe enough to fail or close the FSE. The second inspection, performed on February 23rd, noted several additional rodent-related conditions that were likely present the day before.
- A December 2006 inspection of the KFC/Taco Bell identified signs of rats and revealed holes in walls that constituted conditions conducive to rodents. The restaurant received a report of these findings at the time of the inspection and was instructed to abate the conditions. The hearing officer at the Administrative Tribunal, which adjudicates notices of violations of New York City Health Code, dismissed the findings of holes after the restaurant operator testified that they were a temporary result of plumbing work in the building.

Planned Actions

- The food safety program will implement better methods to measure the severity of rodent infestations in restaurants and to check restaurant operators’ compliance with rodent-control requirements.
- The food safety program will improve the training of inspectors to better identify rodent-related conditions. The newly developed rodent-control academy for food inspectors will be expanded and institutionalized.

REVIEW OF INSPECTOR WHO CONDUCTED INITIAL INSPECTION OF THIS ESTABLISHMENT AND THE SUPERVISION SHE RECEIVED

Findings

- Given the nature of the complaint – which specified “mice, rodents and dirt” – the assigning supervisor should have ordered a full inspection at the outset. Once the inspector filed her initial report, the Director of Customer Service could have elevated the targeted inspection to a full inspection. Before deciding *not* to elevate it, she should have sought advice from a superior.
- The inspector who conducted the February 22nd inspection has acknowledged that she failed to report some of the rodent-related conditions she observed in the restaurant, despite repeated questioning by supervisors during the inspection. Had she reported these conditions, the inspection could have been elevated to a full inspection. The restaurant could have failed that inspection, and might have been closed.

Planned Action

- The sanitarian who conducted the February 22nd inspection has resigned from the Health Department. The agency is reassigning the current Director of Customer Service and will pursue relieving her of supervisory responsibilities.

ANALYSIS OF RODENTS IN RESTAURANTS

Findings

- Properties that house restaurants or are very close to restaurants are more likely to have signs of rats than are properties farther away.
- Rodents are prevalent in New York City restaurants. Approximately 3% of inspections identify signs of rats and 20% identify signs of mice. Between 2006 and 2007, complaints about rodents in restaurants rose 48%.
- The current scoring system for restaurant inspections places greater emphasis on direct signs of rodents than it does on the conditions that give rise to them, a difference that is not consistent with the most effective rodent control strategies.
- The KFC/Taco Bell reported having regular exterminator services at the time of the February 22nd and 23rd inspections. The availability of an exterminator is insufficient to ensure the prevention of, and appropriate response to, rodents.

Planned Actions

- The Health Department will propose revisions to its inspection scoring system to place greater emphasis on conditions conducive to pests.
- The Department will adapt the curriculum of its rodent-control academy to include a course for food service operators. The food safety program will require food service operators with multiple rodent violations to enroll in this course.
- The Department will improve coordination between its food safety and pest control programs to identify and respond to rodent problems in restaurants and communities. When necessary, the Department will issue Notices of Violation requiring building owners to make appropriate repairs to buildings that house restaurants with rodent infestations.
- The Department will consider modifications to the Health Code to emphasize rodent prevention in the food-safety and pest-control codes.

ANALYSIS OF GENERAL RODENT ISSUES

Findings

- Rodent infestations are not specific to a single establishment or building; they reflect community-wide prevalence and infestation. Restaurants can also contribute to community-wide rodent infestations. The Health Department's pest control program has found that properties within 50 feet of a restaurant are 35% more likely to have signs of rodents than are

properties farther from restaurants. If a restaurant has been cited for rodents or poor garbage handling, nearby properties are 50% more likely to be infested.

- Persistent community infestations are unlikely to respond to piecemeal interventions. Coordinated rodent control efforts have the greatest likelihood of success.

Planned Actions

- The Department will continue to improve its rodent control strategy, and will pursue an approach that involves systematic tracking and abatement of rodent-related conditions.

Introduction

On February 22, 2007, the Health Department's food safety program inspected a Kentucky Fried Chicken/Taco Bell restaurant at 331 6th Avenue in Greenwich Village in response to a complaint involving rats. Although the inspector found signs of rats, the findings reported were insufficient to close the restaurant. On February 23, several people reported seeing rats inside the restaurant and television media broadcast footage of rats roaming in the establishment. On that morning prior to the restaurant's scheduled opening, the food safety program conducted a full inspection and found extensive evidence of rats as well as other violations. The restaurant was ordered to close.

This incident raised questions about the validity of the initial inspection and about the competence of the staff that conducted and supervised it. At the request of the Health Department, the NYC Department of Investigation reviewed those issues and will issue a separate report. Concurrently, the Health Department has conducted a broader review to understand the event and address any systemic inadequacies in protocols or procedures. This report, *A Report on the KFC/Taco Bell Rodent Infestation in Greenwich Village*, presents initial findings and summarizes the Department's intended course of action based on this review.

Background on the Health Department's Food Safety Program

The Bureau of Food Safety and Community Sanitization's food safety program is responsible for conducting pre-permit, routine, and complaint-generated inspections of approximately 25,000 food service establishments (FSEs), of which 22,000 are restaurants. Each restaurant receives at least one annual inspection, during which an inspector examines a range of sanitary issues, including conditions conducive to rodents and overt signs of rodent activity. Inspections may also be triggered by complaints or by inspection failures. Under current policy, complaint inspections may be comprehensive or targeted to the complaint. The food safety program conducts some 60,000 inspections per year.

Most inspections are performed by public health sanitarians, who are college graduates proficient in many areas of environmental health. Sanitarians (or "inspectors"), undergo four months of rigorous training before they are allowed to inspect FSEs. Inspectors are expected to cite the violations they observe and provide food service operators with feedback on how to run their establishments more safely. The program further promotes food safety by mandating that every restaurant have on duty during all hours of operation a supervisor who has successfully completed a 15-hour food protection course. The food safety program uses rigorous corruption control procedures to promote the integrity of inspectors and the fairness of inspections.

RESTAURANT SAFETY AND INSPECTION PROTOCOL

Safety and sanitation in New York City restaurants are primarily the responsibility of FSE operators. The owner of any building that houses a restaurant bears responsibility for maintaining conditions that enable the establishment to operate safely and hygienically. The Health Department's food safety program is responsible for setting and enforcing restaurant policies that uphold the New York City Administrative and Health Codes and the New York State Sanitary code. The program monitors food safety by performing regular inspections of food service

establishments. These include comprehensive inspections, in which the inspector examines the full range of conditions, and targeted inspections, in which the inspector may only examine the permit, check to ensure that at least one employee has a food protection certificate, and evaluate conditions related to a specific complaint. An inspector, usually in consultation with a supervisor, may elevate a targeted inspection to a full inspection when conditions warrant.

The Department's food safety program inspects restaurants at least once annually and more often if the restaurant fails an inspection and meets the threshold for a compliance inspection. These inspections are comprehensive. Once an inspection is completed, the restaurant is scored according to strict criteria set forth in the Health Department's *Inspection Scoring System for Food Service Establishments*, which is distributed to all FSEs. A Notice of Violation, which may result in monetary penalties, is issued whenever an inspector finds at least one critical violation or assigns 14 or more points for general violations. Regardless of the type of inspection performed, the failing score is 28 points. A failure triggers a subsequent compliance inspection to assure the FSE is operating safely.

The scoring system used during inspections reflects the seriousness of unsanitary conditions or other factors associated with food-borne illness. Factors most associated with food-borne illness include:

- Improper personal hygiene practices
- Bare-hand contact with ready-to-eat foods
- Improper cooking and storage temperatures
- Food from unapproved sources

Other factors assessed during inspections include evidence of vermin activity and conditions conducive to harborage of vermin. An inspector will cite a critical violation if direct signs of rodent activity (seeing a rat or mouse, or finding rodent feces or rub marks along walls and equipment) are found. Most rodent-related conditions are corrected while the inspector is present. Conditions that cannot be immediately abated require the restaurant owner to make repairs, improve sanitation, and hire and supervise an exterminator.

HOW RODENT-RELATED CONDITIONS ARE SCORED

The Health Department's current guidelines classify direct evidence of rodents as a "critical violation," with penalties ranging from 5 to 28 points depending on the severity. Very severe rodent infestations could result in the closure of a restaurant.

Less serious "general violations" are cited for conditions conducive to vermin when there are no visible droppings. Scoring for these violations depends on the number of holes or openings or the extent of harborage conditions found, with penalties ranging from 2 to 5 points. These conditions include

- Holes in walls and other openings large enough for a rodent to pass through
- Outside doors left ajar

- Discarded perishables not stored in rodent-proof cans
- Garbage left at curbside (garbage left outside overnight when rats forage is a major contributor to infestations in New York City)
- Food and equipment stored on the floor (making it difficult to detect entry holes and signs that rodents are active)

These violations, along with other general or critical violations, may trigger fines, and a restaurant operator who fails to correct violations before the compliance inspection may receive additional penalties. FSE operators are entitled to contest their citations before a hearing officer at the Health Department's Administrative Tribunal, which adjudicates notices of violation of the NYC Health Code.

THE COMPLAINT PROCESS

Besides conducting routine inspections, the food safety program responds to public complaints about restaurant conditions. The program receives complaints through three mechanisms: calls to 311 (most complaints are received in this manner), regular or electronic mail, and referrals from within the Health Department.

During a 311 call, the complainant describes the reason for the call and the operator categorizes the complaint according to a list of predetermined descriptors reflecting possible violations. The 311 computer system is programmed to assign each complaint (e.g., dirty conditions, absence of hand washing facilities, presence of mice or rats) one of three priority levels, based on information from the food safety program. The priority levels reflect potential risk to public health. Once a descriptor is selected by the 311 operator, the system automatically assigns the complaint a priority level. The levels associated with complaints about restaurants, and the associated responses, are as follows:

- **Normal complaints.** Letters are sent by the Health Department to the FSE operator, detailing the specifics of the complaint and the need for remediation. If a similar complaint about the FSE is received within 21 days of the initial complaint, current policy is for the complaint to be classified as a duplicate observation of the same condition, and for no additional letter to be sent. But if an establishment generates one or more additional complaints within 22 to 60 days of the initial complaint, the later complaints are treated as evidence that the original problem has not been successfully addressed. The food safety program has instructed 311 to flag these complaints for additional attention, which may include a scheduled inspection. Rat sightings or droppings are examples of a normal complaint.
- **Prompt Complaints.** Complaints in this category require an inspection by the food safety program within 14 days. Probable health hazards, such as the use of unpasteurized milk, are classified as "prompt." No rodent-related complaint falls into this category. Prompt complaints are downloaded from the 311 system three times each week to the food safety program's database and are assigned to inspection once a week.
- **Urgent Complaints.** These complaints require an inspection within 24 hours. An example is the presence of raw sewage in a restaurant. No rodent-related complaint falls into this

category. Employees of the food safety program monitor the 311 database twice a day for urgent complaints and assign them for inspection within one day.

Complaints received via mail or referred from within the Health Department trigger an inspection regardless of the perceived public health risk. Current policy is that the food safety program inspects within two weeks of receiving this type of complaint.

The Department's Office of Pest Control Services

The Health Department's Office of Pest Control Services assesses and responds to complaints about rats in communities. (Complaints about rodents in restaurants are referred to the food safety program as described above.) The program's public health sanitarians inspect properties for signs of rats and for conditions conducive to rodents. When violations are found, property owners are ordered to correct conditions. The pest-control program also carries out exterminations on public properties and on private properties when owners fail to correct conditions. This office promotes an integrated-pest-management approach, emphasizing prevention over extermination, and conducts a rodent-control academy for building managers and pest-control professionals. The rodent academy recently offered its first course for food safety program inspectors and a module is being developed for restaurant operators.

How the Review Was Conducted

In an attempt to understand the KFC/Taco Bell incident and address any systemic inadequacies in protocols or procedures, the Health Department has conducted:

- An assessment of the restaurant's complaint and inspection history
- A detailed examination of the inspections at the restaurant on February 22nd and 23rd
- Inspections for rodent-related conditions in the restaurants and community surrounding the KFC/Taco Bell
- An analysis of the prior performance of the inspector who conducted the February 22nd inspection
- A review of the Health Department's procedures for handling complaints and conducting inspections related to rodents in restaurants
- An analysis of the general problem of rodents in restaurants and in the community

The review involved extensive discussions and interviews with senior program staff, a review of written protocols, a reappraisal of internal and external referral systems, and an analysis of administrative data associated with 311 and the food-safety and pest-control programs.

Findings

COMPLAINT INTAKE AND COMPLAINT RESPONSE SYSTEM

A systematic review of the notes from 311 operators and other sources of complaints reveal clear indications that the KFC/Taco Bell had a severe rat infestation before the food safety program

conducted its February 22nd inspection. Between December 23, 2006 and February 12, 2007, five complaints were received via 311, email and internal referral about the establishment. Four of the five were calls to 311 reporting rats in the restaurant. One of these calls, on February 12th, was made anonymously by someone claiming to be an employee of the restaurant. The person reported that the restaurant was severely infested, that an employee had been bitten by a rat some time in the past, and that the restaurant operator was indifferent to the problem.

As described earlier in this report, complaints to 311 concerning rodents in restaurants are classified as “normal,” not as “prompt” or “urgent.” Normal complaints automatically generate a warning letter from the Health Department’s Call Center. Current policy is that if 311 receives multiple complaints about the same establishment within 21 days, they should be flagged as duplicates and closed out so that only one warning letter is sent. There is currently no protocol for stepping up the response to multiple complaints about a facility within 21 days.

If 311 receives a duplicate complaint 22 to 60 days after the initial complaint, when the food service operator has had at least three weeks to correct the condition, the 311 system should flag the complaint and leave it open. The Health Department’s current policy requires that an inspection be scheduled within 28 days of the duplicate complaint, but it does not provide the immediate attention that an egregious situation may warrant.

In the case of the KFC/Taco Bell incident, duplicate complaints were not flagged. Thus, four warning letters were sent requiring the restaurant to correct the condition. Three of the 311 calls about the KFC/Taco Bell facility occurred during the 22-to-60-day window. It was the fifth complaint – an internal referral on February 7th from the Health Department’s Bureau of Intergovernmental Affairs – that prompted the February 22nd inspection. Addendum 1 includes a detailed timeline of the complaint and response history.

Under the current protocol for responding to a 311 complaint, supervisors have the discretion to order a complaint-specific inspection or a full inspection. In this case, a full inspection on February 22nd might have produced additional maintenance and food-safety violations sufficient to result in a failed inspection.

REVIEW OF THE INSPECTIONS OF THIS RESTAURANT

The Health Department conducted annual inspections of this KFC/Taco Bell restaurant in 2004, 2005 and 2006. None identified signs of rats. On each inspection, however, signs of mice were cited and the restaurant operator was instructed to correct the condition. None of these inspections resulted in a failure, and the restaurant was thus not subject to a compliance inspection. During this three-year period, the food safety program received six complaints via 311 about the restaurant, none related to rodents.

The food safety program conducted an annual inspection of the KFC/Taco Bell on December 11, 2006. The inspection found seven violations, including rat droppings and conditions conducive to vermin. The restaurant received a report of these findings at the time of the inspection and was instructed to abate the conditions. The restaurant passed the inspection with a score of 20 points. A hearing officer of the Health Department’s Administrative Tribunal dismissed the finding of conditions conducive to rodents after the restaurant operator testified that holes observed by the

inspector were a temporary result of plumbing work in the building. Citations related to rodent droppings were sustained.

On February 22nd, 2007, an inspector from the food safety program was directed by a supervisor to conduct a targeted inspection for rodents after receiving a complaint of “mice, rodents and dirt.” The inspection began at 4:54 PM. The inspector identified three areas with a combined total of 76 to 87 rat droppings, as well as a 15-inch hole in the kitchen dishwasher area through which rats could enter from the other parts of the building. The inspector instructed the operator to clean the droppings. While at the restaurant, the inspector contacted her supervisor to review the findings. When the supervisor asked whether the establishment had other conditions related to rodents, the inspector said she had seen no such conditions. According to the inspector’s later statements, however, she did observe an additional rodent condition but failed to note it on her inspection form or report it to the supervisor, even when asked.

A supervisor spoke to the inspector by phone during the February 22nd inspection, and relayed the inspector’s initial report to the program’s Director of Customer Service. Because the reported number of droppings was less than 100 – the threshold for automatic closure under current policy – the director advised the inspector to check for other evidence of rats. When the inspector reaffirmed that she had seen no further evidence, the director authorized an inspection report that included just 10 violation points for the rodent droppings and the hole in the wall. The presence of widespread rat droppings during business hours was a clear sign of inadequate cleaning and unsanitary conditions. In light of the initial complaint, which alleged both “rodents” and “dirt,” the director should have ordered a full inspection. By failing to escalate the inspection, the Director of Customer Service allowed the restaurant to continue operating. At 6:22 PM, the inspector printed her report and gave it to the establishment’s operator.

Overnight, 311 received three calls complaining of up to 50 rats inside the KFC/Taco Bell, which was closed. On the morning of February 23rd, local news media began to broadcast images of rats running around the establishment. Senior managers of the food safety program learned of this report and assigned a supervising inspector to prevent the restaurant from opening and to perform a full inspection. The supervising inspector conducted a full inspection, which she finished that afternoon. Numerous violations were found, 106 points were assigned, and the restaurant was ordered to remain closed. (Due to a transcription error on the scoring sheet, 14 points were left off the total and the final initial inspection was scored with 92 points.) The 106 points included 28 for signs of rats and 5 points for conditions conducive to vermin.

A comparison of the rodent-related findings on the two days reveals differences in the number of droppings and in the number of locations where droppings were found. On February 22nd, droppings were reported in just three areas. On February 23rd, droppings were found in the same areas, as well as under a refrigerator and deep fryer. The inspector who conducted the first inspection has since acknowledged that additional droppings were seen but not reported that day. The second inspection also found that there was no heat in the restaurant, though this was not cited on the first inspection.

REVIEW OF THE INSPECTOR WHO CONDUCTED THE INITIAL INSPECTION AND THE SUPERVISION SHE RECEIVED

At the request of the Health Department, the DOI investigated the conduct of the investigator and the supervision she received on February 22nd. DOI will issue a separate report.

The Health Department assessed whether this inspector had a history of poor performance or was unusually lenient in scoring. From June 1, 2006, to February 7, 2007, restaurants inspected by this sanitarian had a failure rate of 39.3%. The average failure rate among inspectors during the same period was 23.7%. The inspector's average inspection score was 26.7 points, compared to 20.8 for all inspectors. This inspector was also slightly more likely than other inspectors to cite restaurants for signs of rats, observing them on 2.7% of all inspections, compared to 2.4% for all inspectors. The inspector found mice on 24.9% of inspections, compared to an average of 18.8% among all inspectors, and harborage conditions on 34.1% of inspections, compared to an average of 25.3% among all inspectors. An assessment of failure rate, average scores and rodent citations in the weeks immediately preceding February 22nd found that this pattern had not changed.

Following the closure of the KFC/Taco Bell, the food safety program re-inspected all restaurants that had been inspected by this sanitarian during weeks of February 12th and February 19th. The sanitarians conducting these inspections were given no information except that the inspections needed to be completed within the assigned time frame. They did not read the previous inspections, nor were they informed that they were conducting re-inspections. Fifteen inspections were conducted over a two-day period with the following results.

- Two restaurants were closed, primarily due to vermin. In both cases, the original inspector had cited the restaurant for signs of rodents and for conditions conducive to their presence, but the problems had not been corrected and rodent activity had increased. In one of the two restaurants closed on re-inspection, a carbon monoxide problem with a hot water heater was found that did not exist at the time of the previous inspection.
- Average scores for these 15 restaurants did not differ appreciably between the initial and repeat inspections. The original inspections averaged 18.5 points, compared to 19.6 for the re-inspections.

All differences in inspection scores could have been due to factors that can change over a period of two weeks, such as food not held at the appropriate temperature and changes in the level of rodent activity. In no case was a structural inadequacy found on re-inspection that was not observed on the initial one. In one restaurant, re-inspection found the need for a hand sink in an area that had not been previously used for food preparation, and where a sink had not been required.

In summary, the inspector of February 22nd has admitted that she failed to cite violations she clearly observed. Had these conditions been cited, sufficient points might have been assigned to result in an inspection failure. But the Health Department found no evidence from a careful review of prior performance and recent inspection activity to suggest a pattern of inferior work.

The supervisory system failed in three ways. First, in light of the wording of the complaint (mice, rodents, dirt), the assigning supervisor should have ordered a full inspection instead of a partial one. Second, the food safety program's Director of Customer Service failed to order a full inspection of the establishment, despite evidence of unsanitary conditions and a significant rodent infestation. Third, this individual did not consult managers who were still at work at the time of the inspection, even though she was concerned about the possibility of a larger sanitary problem.

ANALYSIS OF THE EXTENT OF RODENTS IN RESTAURANTS

While rodents are capable of transmitting certain diseases, such occurrences are unlikely and rodents are not a significant health threat in restaurants. Their presence reflects a broader failure to operate a safe and hygienic restaurant. Rodents are present when food and water are available, when conditions enable them to enter and exit freely, and when garbage handling and general property maintenance are poor.

When restaurants don't correct these conditions, rodent populations can spiral out of control, causing neighborhood-wide infestations that affect other restaurants, businesses and residences. The Health Department has found that properties within 50 feet of a restaurant are 35% more likely to harbor rodents than are properties farther from restaurants, and 50% more likely if the restaurant has been cited for rodents or poor garbage-handling.

Rodents are found throughout New York City and negatively affect the quality of life for many residents, contributing to a sense of urban blight in certain neighborhoods. The Health Department's pest control program received more than 26,000 non-restaurant rodent complaints between July 2005 and July 2006 (complaints have increased by 22% since July 2006). Approximately 20% of property inspections initiated by these complaints find signs of rats. Likewise, 20% of restaurant inspections find signs of mice, while 3% find signs of rats. Complaints about rodents in restaurants rose 48% between 2006 and 2007. Rat infestation contributed to 8% of restaurant closings in 2006, but only four restaurants were closed solely on account of rats.

Our analysis suggests that the current system for scoring rodent-related violations in restaurants places too little emphasis on the conditions that promote and sustain infestations. A restaurant may clean up droppings, thus eliminating the outward signs of rodent activity without correcting the underlying problem. Under current policy, inspectors can issue only five violation points for openings or harborage conditions, no matter how extensive the problem. The Health Department does require that a restaurant contract for professional pest control services when it has failed its inspection and rodent-related conditions contributed to that failure. The KFC/Taco Bell had an exterminator available to provide services at the time of the February 22nd and 23rd inspections. This event demonstrates that the availability of exterminating services alone is insufficient to ensure the prevention of, and appropriate response to, rodents.

While restaurant operators are responsible for maintaining safe and sanitary conditions within restaurants, property owners bear responsibility for maintaining conditions in the buildings to prevent rodents from gaining entry. Currently, the Health Department has no formal protocol for informing the pest control program of infestations in restaurants. Similarly, no system exists to

alert the food safety program when pest-control inspectors find rodents in buildings that house restaurants.

Actions to Be Taken by the Health Department in Response to this Event

Rodent infestation is a common problem in New York City restaurants. Although other unsanitary conditions, such as keeping food at temperatures conducive to bacterial growth and failing to ensure hand washing, pose far greater risks to human health, improved measures are needed to help prevent and minimize rodent infestation.

The Health Department will undertake the following initiatives in response to these findings:

IMPROVE COMPLAINT HANDLING

- The food safety program will develop a system to actively monitor 311 records for repeated complaints of rodent infestation and will establish a threshold for inspection, based on the frequency and timing of complaints.
- The food safety program will improve the scripts that 311 uses to identify potentially severe rodent infestations.
- When a complaint triggers an inspection, the program will conduct full inspections instead of partial ones.

IMPROVE THE QUALITY AND OUTCOME OF INSPECTIONS

- The food safety program will implement better methods of measuring the severity of rodent infestations in restaurants and checking restaurant operators' compliance with rodent-control requirements.
- The program will train inspectors to better identify rodent-related conditions. The newly developed rodent academy for food inspectors will be expanded and institutionalized.
- The sanitarian who conducted the February 22nd inspection has resigned from the Health Department. The agency is reassigning the current Director of Customer Service and will pursue relieving her of supervisory responsibilities.

HELP PREVENT AND RESPOND TO RODENTS IN RESTAURANTS

- The Department will propose revisions to its inspection scoring system to place greater emphasis on conditions conducive to pests.
- The Department will expand its rodent academy curriculum to include a course on rodent control for food service operators. The program will require food service operators with multiple rodent violations to enroll in this course.
- The Department will improve coordination between its food safety and pest control programs to identify and respond to rodent problems in restaurants and communities. When necessary, the Department will issue Notices of Violation requiring building owners to make appropriate repairs to buildings that house restaurants with rodent infestations.

- The Department will consider modifications to the Health Code to emphasize rodent prevention in the food-safety and pest-control codes.

HELP PREVENT AND RESPOND TO RODENTS IN COMMUNITIES

- Rats thrive where food and shelter are abundant. These conditions are rarely confined to a restaurant, a building or even a city block. Over the past year, the Health Department has been testing a new program that replaces a largely reactive approach with a more pro-active one. Under this model, pest control specialists walk the streets of neighborhoods to find and report every property contributing to a rodent problem. This approach involves repeated exterminations and requires owners of building with signs of rats to hire professional services to perform simultaneous exterminations and repair conditions that foster rodent activity. If resources were available to support such an approach, it would put more inspectors, exterminators, educational materials and rodent-resistant trashcans into New York City neighborhoods.

ADDENDUM 1:

The KFC/Taco Bell Timeline of Events

The Kentucky Fried Chicken/Taco Bell at 331 6th Avenue in Manhattan has held a Health Department permit for that site since October 14, 1998. The Department conducted three annual inspections of this KFC/Taco Bell restaurant between 2004 and prior to December 11, 2006. None identified signs of rats. On each inspection, however, signs of mice were cited and the restaurant operator was instructed to correct the condition. None of these inspections resulted in a failure, and the restaurant was not subject to a compliance inspection. During this period, the food safety program received six complaints via 311 about the restaurant, none related to rodents.

December 11, 2006. The food safety program conducted an annual inspection at the KFC/Taco Bell. Seven violations were noted, including rodent droppings and conditions conducive to rats, but the restaurant passed the inspection with a score of 20 points. The Health Department's Administrative Tribunal dismissed citations for conditions conducive to rodents after the restaurant operator testified that the holes were temporary due to plumbing repairs. The tribunal sustained citations related to rodent droppings.

December 23, 2006. A caller to 311 complained that the establishment had rats running around the restaurant. A warning letter was sent to the establishment describing the complaint and requesting remediation.

February 3, 2007. A caller to 311 complained of seeing rats in the restaurant. A warning letter was sent.

February 7, 2007. The Health Department's Bureau of Intergovernmental Affairs referred a complaint by Council Member Maria del Carmen Arroyo regarding mice, rodents and dirt in the facility. Because of administrative error, no action was taken until February 22, 15 days after the complaint was received.

February 11, 2007. A caller to 311 complained of seeing five rats behind the counter. A warning letter was sent.

February 12, 2007. A caller to 311 complained of rats. The transcription of the call notes states, "He works at the Taco Bells and he has seen rats and rodent droppings in the oil where the food is fried, in the corn and nachos, and on soda machines. In addition, caller [says] the owner and the managers are not doing anything to fix the problem at all, and if a customer [says] they have seen rodents they are given their food for free. Caller also [says] workers are told not to eat the food. Caller [says] there are 2 restaurants in one and they both have the problem the restaurants are Taco Bell/KFC. Caller [says] the basement is the worst place of all. An employee was bit by a rat in the basement and did nothing about it." A warning letter was sent.

February 21, 2007. Staff from the Bureau of Intergovernmental Affairs contacted the food safety program to follow up on the status of the complaint originally referred on February 7th. A supervisor assigned an inspector to conduct a complaint-specific inspection at the KFC/Taco Bell.

February 22, 2007. The complaint inspection began at 4:54 PM at the restaurant, which was open and busy. The Health Department sanitarian identified three areas with a combined total of 76 to 87 rat droppings, as well as a 15-inch hole in the kitchen dishwasher area through which rats could enter

from the other parts of the building. In view of the placement and number of droppings found, the inspector assigned a score of 10 points in violations; 8 points for evidence of rats and 2 points for conditions conducive to rodent infestation. The inspector concluded the inspection at 6:22 PM and issued a Notice of Violation, setting a date for a hearing at the Administrative Tribunal and providing instructions for correcting the violations.

February 23, 2007 (1:18 AM to 4:32 AM). 311 received three calls complaining of up to 50 rats inside the KFC/Taco Bell, which had closed for the evening.

February 23, 2007 (by 10:00 AM). Local news media started to broadcast images of rats running around the establishment. The Health Department learned of this report and assigned a supervising inspector to prevent the restaurant from opening and to perform a full inspection.

February 23 (10:50 AM). A supervising inspector began a full initial inspection prior to the facility's normal opening time of 11:00 AM. On the strength of her initial observations, the inspector prevented the FSE from opening for the day.

February 23 (4:00 PM). The inspector ended the inspection at 4:00 PM and identified violations totaling 106 points, of which 33 were rodent-related. Due to a transcription error on the scoring sheet, 14 points were left off the total and the full initial inspection was scored with 92 points. The 106 points assigned during the inspection included:

- 9 points for food not cooled by approved method
- 8 points related to inappropriate metal stem-type thermometer
- 28 points for evidence of rats (194 rat droppings in six different areas)
- 10 points for inadequate hand washing facility
- 5 points for tobacco use near food preparation/dishwashing area
- 28 points for lack of heat
- 5 points for facility not being rodent-proof
- 2 points for plumbing not properly installed
- 4 points for inadequate lighting/bulb not protected
- 2 points for accurate thermometer not provided in refrigerator
- 5 points for non-food contact surface improperly constructed

ADDENDUM 2

Follow-Up Inspections Specific to the KFC/Taco Bell Infestation

Follow-up Inspection Activity on ADF Food Service Establishments

The Kentucky Fried Chicken/Taco Bell at 331 6th Avenue in Greenwich Village is owned by ADF Corporation, which owns 21 additional restaurants in New York City. The Health Department's food safety program conducted inspections of these ADF restaurants.

- On Wednesday, February 28th, 2007, 11 ADF establishments were fully inspected; 3 were closed for health risks and extensive unsanitary conditions, including evidence of rodents, and the remaining 8 received citations numbering between 6 and 23 points.
- On Thursday, March 1st, 2007, the ADF Corporation chose to close the remaining 10 restaurants before the food safety program could initiate inspections.

Assessment of Food Establishments and the Community in the Immediate Vicinity of the KFC/Taco Bell

The severity of the infestation found at the KFC/Taco Bell prompted the pest control program and the NYC multi-agency Rodent Task Force to conduct a thorough community assessment in the surrounding blocks. The assessment revealed significant rodent problems, including burrows in adjacent playgrounds. The appropriate agencies are responding.

The Health Department's food safety program also inspected all 64 FSEs within 450 feet of 331 6th Avenue. The outcomes of these inspections:

- 9 passed the inspection with 6 or fewer violation points.
- 27 passed the inspection with between seven and 27 violation points.
- 16 failed the inspection with more than 28 violation points and will receive compliance inspections.
- 4 were closed for extensive unsanitary conditions; they have since re-opened and are now assigned to a more intensive monitoring program, which involves more frequent inspections and stricter penalties for failure.
- 8 were found to be out of business or temporarily closed, preventing inspectors from gaining access.
- 7 had signs of rats (violation points ranging from 6 to 7), 27 had signs of mice (points from 5 to 28) and 26 had conditions conducive to rodents (points from 2 to 5).