

County of Santa Clara
Department of Environmental Health

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Chief Executive Officer/Clerk,
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BY STEPHANIE WONG



August 14, 2013

To: Gary Graves, Chief Operating Officer, Office of the County Executive

Through: Amy Brown, Director of Agriculture and Environmental Management and Jim Blamey, Interim Director of Environmental Health

From: Heather Forshey, Director of Consumer Protection Division, Department of Environmental Health

Cc: Sylvia Gallegos, Deputy County Executive

Subject: Response to Civil Grand Jury Report "Oversight of Food Truck Operations by the Department of Environmental Health"

Please accept this response to the Santa Clara Grand Jury report dated June 26, 2013.

Finding 1 Trucks' daily use of the commissaries is important to ensure that they are cleaned and serviced to avoid health hazards.

Recommendation 1: The County should evaluate methods to determine if Trucks are using commissaries daily.

Response: The respondent agrees with the finding and has been implementing the recommendation.

All mobile food Trucks must be cleaned and serviced in approved commissaries to avoid violations, per California Health & Safety Code. The County of Santa Clara Department of Environmental Health has been evaluating strategies to determine the best method for ensuring the daily use of commissaries by mobile Trucks, and regularly discusses this issue with other environmental health jurisdictions to identify successful strategies for confirming compliance with these Statewide regulations. Unannounced late afternoon inspections at commissaries have commenced and early morning inspections may also be conducted as necessary, as these are the best times to verify the mobile Trucks' use of their designated commissary.

Finding 2 Official Inspection Reports do not identify the commissary associated with a Truck.

Recommendation 2: **The County should ensure that an OIR includes the commissary identification so that violations that could potentially implicate the commissary can be identified.**

Response: The respondent partially agrees with the finding. The recommendation will not be implemented because it is not warranted.

The Official Inspection Report (OIR) does not clearly identify the name of the commissary associated with the mobile Truck, but it does identify the commissary's address, because this address is considered the Truck's site address. Additionally, the commissary's address is required to be clearly labeled on the side of the permitted Truck. The commissary information is also maintained in the permit holder's file and recorded in the Department's database. The address posted on the side of the mobile Truck is its required location for overnight parking. Therefore, the Department believes that the OIR adequately identifies the commissary associated with each Truck.

Finding 3 The Consumer Protection Division has no record of where a particular Truck parks overnight.

Recommendation 3: **The County should continue to explore tracking technologies such as GPS for Trucks, to ensure they are parking at a commissary or another approved facility overnight.**

Response: The respondent does not agree with the finding. The recommendation will not be implemented because it is not warranted.

Each permitted mobile food Truck is required to post the commissary's physical address on the side of the Truck. This is the same address where the Truck is required to park overnight. Effective September 1, 2012, each Truck is required to submit a "Commissary Agreement/Approved Facility" form annually. The Department now has a record of the most current commissary information for all Trucks that have renewed their permit subsequent to September 2012. The submission of this form is required for all permit renewals and for the issuance of new permits, and it is verified with the commissary operator and Department inspection staff familiar with the named commissary prior to issuance of an annual operating permit. Therefore, the Department believes there already are adequate safeguards to ensure overnight parking at a commissary or other approved facility.

Finding 4 It can be difficult for CPD inspectors to locate a Truck in the field for random inspections.

Recommendation 4 **The County should continue to explore tracking technologies such as GPS for Trucks to enhance CPD's ability to conduct random inspections.**

Response: The respondent partially agrees with the finding. The recommendation requires further analysis.

Many mobile food Trucks now post their schedules on social media sites (e.g., Facebook, Twitter, Roaming Hunger), which are monitored by the Department, and this information is used to locate them for random, unannounced inspections. For Trucks with regular sales routes, the route information is now gathered annually, as part of the permit renewal process. For Trucks that do not have regular routes or post on social media, the Department asks for (and documents) the places/events the operator plans to go to during the course of a year to sell food. The Department is looking for ways to efficiently and effectively store this information in its database and keep the information current. The Department obtains as much information as possible from operators during the permit issuance and annual permit renewal inspections, and is communicating regularly with other agencies to identify alternative strategies for locating Trucks in the field for random inspections. Other options currently being explored by the Department include requirements by Truck operators to more frequently notify the Department of the scheduled operating location of the Truck, or utilizing GPS technologies to provide the operating location of the Truck. Knowing the Truck's location is necessary in order to perform unannounced inspections during periods of food preparation. Conducting unannounced inspections of Trucks is consistent with the Department's inspection practice with fixed restaurants.