**The Department of Food & Consumer Safety**

The Department of Food & Consumer Safety’s mission is to prevent food-related illnesses and to improve food safety practices in Marion County retail food establishments. The department accomplishes this mission through inspections, education and enforcement.

The Department of Food & Consumer Safety licenses and inspects over 5,000 permanent retail food establishments. The department jurisdiction includes all retail food within Marion County, except for retail food operations on State property. Retail food establishments are operations that store, prepare, package, serve, vend or otherwise provide food for human consumption. Licensed establishments include operations as limited as a convenience store selling milk or as complex as a hospital kitchen. The department also licenses and inspects temporary events and farmers’ markets. We also investigate and close establishments operating without a license to prevent the public from becoming ill.

**What is a Retail Food Establishment?**

Indiana Code 16-18-2-137 defines a food establishment as any building, room, basement, vehicle of transportation, cellar, or open or enclosed area occupied or used for handling food.

**Examples of Retail Food Establishments:**

|  |  |  |
| --- | --- | --- |
| Restaurants | Hospital Food Service | Grocery Stores |
| Schools | Hotel Food Service | Bars/Taverns |
| Caterers | Bakeries | Food Pantries/Feeding Sites |
| Vending Machines | Micro Markets | Event Centers |
| Breweries | Food Trucks and Carts | Stadium Vendors |

**How often are retail food establishments inspected?**

Retail food establishments are inspected by staff at regular intervals based on risk. Studies have shown that the types of food served, the food preparation processes used, the volume of food, and the population served all have a bearing on the occurrence of foodborne illness risk factors in retail and foodservice establishments. The Department of Food & Consumer Safety on average conducts unannounced routine inspections 2 – 3 times a year at each retail food establishment based on establishment criteria. Inspectors review the menu, review processes, and document the violations seen at the time of inspection.

Typically, full-service restaurants are inspected every 120 days, fast food every 180 days and convenience stores that sell only packaged foods every 360 days. The risk level can be adjusted based on performance. For example, if a fast food restaurant has several violations, the risk level may be adjusted from a 180-day risk level to a 120-day risk level.

When violations are found, recheck or follow up inspections are completed to ensure compliance with the food code. The current Indiana retail food code denotes violations as either critical or non-critical. Critical violations are code sections that are high risk and contribute to food contamination or a foodborne illness, such as holding food at improper temperatures. Non-critical violations may not relate to foodborne illness, such as lack of hair restraints or general repairs. Inspection staff should make immediate interventions on critical violations when possible. In the example of food being held at improper temperatures, the food may need to be properly reheated or disposed of based on the nature of the violation.

**Enforcement**

The department uses compliance tools to ensure public health or to reinforce the importance of compliance. License suspensions, civil penalties, court action and more frequent inspections (risk level adjustments) are used to ensure retail food establishments are meeting food code requirements. The establishment may also be required to provide standard operating procedures to show how they will remain in compliance with the code.

**What does it mean when a license is suspended?**

Inspectors may find violations during an emergency, complaint investigation or on a regular inspection that may warrant the suspension of the establishment’s retail food license. The license suspension reason is documented in the report. Some license suspensions may be outside of the control of the food establishment, such as a car crashing into the dining room or a fire. The department posts closure signs in a conspicuous location (usually the front door) for the duration of the closure. Our code does not allow a facility to remove the sign and it must be removed by an inspector. License suspensions are documented as a separate form in the inspection report. Examples of imminent health hazards that would warrant license suspensions include:

* + - * Fire
      * Flood
      * An interruption of electrical or water service
    - A sewage back up
    - A misuse of poisonous or toxic materials
    - A possible foodborne illness outbreak
    - A gross insanitary occurrence or conditions
    - Pest infestations

**How are complaints investigated?**

Consumer complaints are designated into two categories: non-illness and illness complaints.

Non-illness complaints are observations that are violations of the food code, but not directly related to an illness. Examples of non-illness complaints would include sanitation concerns, pest observations or improper food handling. The inspector receives a complaint and performs an unannounced complaint investigation. The inspection will focus on the violations noted in the complaint. Our department goal is to investigate within 24 hours or the next business day. We prioritize inspections received and will sometimes investigate the same day based on the details of the complaint.

Illness complaints require additional information to ensure a thorough investigation and to prevent additional foodborne illnesses. We collect information on the suspect meal, symptoms and food history. Illness complaints are investigated through a different approach than non-illness or routine inspections. Inspectors perform environmental assessments to evaluate an operation and determine how and why someone became ill. The inspector will then ensure practices are put into place to prevent others from becoming ill. Foodborne illness outbreaks may also include sampling food and submitting to our public health laboratory to determine the cause of illness. Larger foodborne illness outbreaks may involve multiple inspectors, other MCPHD departments or state and federal agencies.

**How do I make a complaint?**

The Department of Food & Consumer Safety has multiple methods to submit a complaint. State law prohibits the release of complainant information. While you may leave an anonymous complaint, providing contact information allows us to obtain additional information to conduct our investigation and to inform you if there is an immediate concern based on the result of the inspection.

Email: [foodsafe@marionhealth.org](mailto:foodsafe@marionhealth.org)

Phone: 317-221-2222

Website: <https://marionhealth.org/program-complaint-forms>

**What do inspectors do?**

The department divides the county into geographical districts. Staff spend most of the day in their district performing inspections. Inspectors document these inspections on tablets, which allow them to enter the inspection, review the report with the person in charge, and leave a copy of the inspection report. They also make immediate public health interventions on site to ensure the safety of the public.

**How are inspectors trained?**

The training program for new employees is comprehensive and meets FDA Retail Food Standards, as well as other national guidelines. Regulatory staff need the proper training before they can conduct risk-based inspections. A risk-based inspection means a food establishment inspection approach that utilizes the technical skills and attributes identified in five performance areas, foodborne illness risk factors and Food Code interventions, good retail practices, inspection equipment and communication, with particular emphasis on Food Code interventions and foodborne illness risk factors.

Training takes 10-12 weeks to be released for independent inspections. The classroom curriculum covers prevailing statutes, regulations, and ordinances; public health principles; communication skills; epidemiology; microbiology; and HACCP. The second phase of training is in the field. On-site training focuses on specific inspection tasks such as interviewing, making observations, measuring conditions such as temperatures and sanitizer strength, assessing the control operators have over the foodborne illness risk factors, ensuring implementation of Food Code interventions, and completing the inspection form. Inspectors observe twenty-five field inspections at the beginning of training. The inspector is then the lead on twenty-five inspections before their final evaluation and release to complete independent inspections. The department provides ongoing training for inspection staff after they are released to ensure uniformity and up to date knowledge.

**How do food establishments get approved to operate?**

New food establishments are required to go through a plan review process. The function of plan review, construction inspections, pre-operational inspections, and the permit approval process is to provide a comprehensive overview of proposed operations with an emphasis on contents of plans, equipment specifications, architectural design, and operational procedures. The end goal of the plan review process is to prevent foodborne illness resulting from poor sanitary facility design and/or floor plans, and, where applicable, when the process is based on menu, food preparation, and food product flow. Retail food establishments require approval and a license to operate. After approval, the establishment will receive an initial inspection to evaluate their food safety practices. New food establishment inspections and change of ownership inspections are prelicensing or licensing inspections.

**What is the Retail Food Establishment Report Inspection portal?**

An online portal where the public can access inspection reports and history of violations.

**Why does the Department of Food & Consumer Safety provide this portal?**

The department has provided an inspection portal since 2013. We want to allow consumers easy access to information which may assist them in their food establishment choices. The information in these reports shows the conditions seen at the time of their inspections. Looking at various reports over time gives a better picture of the establishment’s violations and ability and willingness to correct those violations. The portal also allows consumers to see the inspection and outcome of complaints.

**Are the full inspection reports provided?**

Inspections on the portal performed after 2020 provide the full inspection report. Inspections prior to 2020 provide a summary of violations found on the portal. The department can provide full inspection reports upon request for inspections performed prior to 2020.

**How often is the portal updated?**

The portal is updated daily. Inspection reports are posted ten days after the inspection due to State law requirements. The department will make exceptions if there is an imminent health hazard or risk of illness.

**What should I look for on establishment inspection reports?**

The Centers for Disease Control and Prevention (CDC) has identified foodborne illness risk factors found to most often to contribute to foodborne illness. Violations in these categories may be indicative of poor retail food practices and a lack of a food safety culture.

* *Poor Personal Hygiene.*
* *Improper Holding Temperatures.*
* *Contaminated Equipment/Cross-Contamination.*
* *Improper Cooking Temperatures.*
* *Food from Unsafe Sources.*

Violations are also designated as critical or non-critical to reflect the severity of the violation and if it contributes to foodborne illness. An inspection report with pages of violations may be an indicator that the establishment does not have Active Managerial Control or has a weak food safety culture. The department provides education, enforcement and interventions to eliminate these violations, but a consumer may want to consider this when making decisions about where to eat.

**Key Terms:**

**Critical Violations:** Code sections that are high risk and contribute to food contamination or a foodborne illness, such as holding food at improper temperatures. These violations take main priority and will cause harm if left uncorrected.

**Non-critical Violations:** Violations that may not immediately cause harm, but if left uncorrected for an extended period, may cause harm to consumers. Non-critical violations may not directly relate to foodborne illness, such as lack of hair restraints or general repairs.

**Potentially Hazardous Food**: Foods that require time and temperature control to prevent bacteria growth. Temperature is controlled through proper hot or cold holding.

**Public Health Intervention**: Control measures introduced into a process to reduce, and ultimately, prevent or eliminate food safety risks. An example would be correcting a violation on site during an inspection.

**Risk Factors**: Violations that are found to most often to contribute to foodborne illness.

**Active Managerial Control**: A tool used by food service managers to actively lead food workers in food handling practices that reduce the occurrence of foodborne illness risk factors. AMC is about having a plan for checking that safe food handling practices are in place and being followed. On a daily basis, AMC prevents food safety problems, corrects food safety problems and creates a culture of food safety. With good AMC, a food service establishment will reduce the risk of foodborne illness and be assured of serving safe, quality food to its customers

**Food Safety Culture**: A restaurant's food safety culture is the shared beliefs of restaurant personnel that affect their practices in ways that impact food safety. A weak food safety culture is emerging as a common risk factor for foodborne outbreaks. The food safety beliefs and behaviors of restaurant personnel could affect a restaurant's food safety practices. The food safety culture of a restaurant either promotes or discourages safe food practices.

**Important terms documented on the inspection include:**

**Establishment name**: the DBA ("doing business as") name of an establishment

**ID#:** This is the unique licensenumber assigned to the retail food establishment that shows the type of establishment and the year licensed. For example, FOOD23, is a retail food establishment that was licensed in 2023.

Examples of types of establishment license prefix abbreviations:

FOOD – retail food establishment MFU- mobile food unit SKU – shared kitchen user TEV- temporary event vendor FMV-farmers’ market vendor

**Purpose**: This is the type of inspection documented, such as routine, recheck, initial.

**Violation**: Cited observations during the inspection.

**Violation Description**: The section of food code that has not been followed and causes that action to be in violation.

**Corrective Action**: What action needs to be taken to correct the violation and be in compliance.

**Corrected on site**: When a violation is corrected during the inspection as an immediate intervention.

**Inspection Comments**: Further observations or summaries of the inspection documented by the inspector.

**Person Interviewed/Person in charge**: All retail food operations are required to have a person-in-charge during periods of operation. The person-in-charge must ensure that food safety requirements are being met. The inspectors review the report with the person in charge during the interview process after staff complete the inspection. Inspection reports have the person interviewed documented.

**Re-check or follow up date**: The date when the inspector will come back to make sure the violations listed in the report have been corrected. Recheck dates are based on the severity of the violation.

**Inspection Date and Time**: The date and times of inspection are documented in the inspection report. The department inspects establishments when they are in operation or when food preparation is occurring to best observe how they operate.

**Additional Department Information**

Visit our website at <https://marionhealth.org/programs/environmental-health/food-and-consumer-safety-2/> to find out more about our program and for food safety information.

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**Want to be involved in improving food safety in the community?**

**Join our Food Safety Partnership**

The Food Safety Partnership was developed to improve the knowledge base of retail food employees, share food safety data, encourage feedback, identify gaps, and communicate. The partnership is a method to encourage and develop strong working relationships with industry, academia, and the community. Visit our website for more information.

**Take a Food Safety Day Training Class**

Food & Consumer Safety offers a free in-person class. This class focuses on the 5 CDC foodborne illness risk factors: employee hygiene, temperature control, cleaning and sanitizing, cooking temperatures, and unsafe sources.

This training is great for those who are new to the food industry, refresher employee training, new hires, volunteers, a prep course for the food manager certification, and home cooks.

Visit our website to register for an upcoming class or contact us to present for your group. The department also provides a presentation on what requires a license aimed at food entrepreneurs. Contact us for more information.

**Visit our Environmental Tracking Site**

The Marion County Public Health Department’s Environmental Public Health Tracking Program was created in August 2022 after the agency was awarded a grant to join the Center for Disease Control’s (CDC) National Environmental Public Health Tracking Program. The Department of Food and Consumer Safety has used this grant to improve the data we collect and share. Food safety data will be provided through the tracking site in the future. Visit the website to explore existing data and learn more about the tracking program. <https://marionhealth.org/ephtracking/>

**Learn More about the FDA Retail Food Standards**

The Department of Food & Consumer Safety has been enrolled in the Food and Drug Administration Voluntary National Retail Food Regulatory Program Standards since 2013. The purpose of the Voluntary National Retail Food Regulatory Program Standards is to establish best practices for regulatory programs that license and inspect foodservice and retail food establishments. The Retail Food Program Standards has 9 standard areas: <https://www.fda.gov/food/retail-food-protection/voluntary-national-retail-food-regulatory-program-standards>.