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## Plan to Post Health Dept. Grades in Restaurants Gets Mixed Response

By [GLENN COLLINS](#)

It is a basic, unannounced ritual, performed 52,657 times last year and enacted at 9:14 one recent morning.

"I'm Inspector Williams from the department of health, and you're going to have your inspection today," said Corey K. Williams, holding out badge No. 3042 to Sonia Kim in the Best of the Best Deli at 11 Park Place in the financial district.

Soon Mr. Williams was methodically working his way through the restaurant's subterranean kitchen and storage rooms. "My heart is racing," said the owner, Peter Kim.

Mr. Kim, 62, like thousands of owners of food service establishments, lives in fear not only of fines and their effect on his thin profit margin, but also of being shut down immediately and forced to post the dreaded yellow closing notice.

"They are so strict," he said. "They cost me, \$2,000, \$3,000, easy, each time they come."

In July 2010, the stakes will be even higher, with the results posted for customers to see: a large blue A, a green B or a yellow C on an 8-by-10-inch inspection placard.

The postings, a first for New York, are part of an ambitious new food-safety program announced last month by Dr. [Thomas R. Frieden](#), commissioner of the Department of Health and Mental Hygiene. The city's nearly 25,000 restaurants will be compelled to prominently [display their inspection grade](#), either an A, B or C. The lower the grade, the more often the restaurant will be inspected.

Under the current system, restaurants are inspected only once a year, and the numerical grades — anything above 28 is a failing mark — are available at the department or online at [www.nyc.gov/health](http://www.nyc.gov/health).

In Los Angeles County, where the letter system has been in effect for more than a decade, 91 percent of the populace likes it, according to a 2007 study by the county's Department of Public Health.

New York's new program will require hiring some 50 inspectors — adding to the current roster of 117, with 60 already focusing on restaurants — at a cost of nearly \$5 million over two years; this comes as budgets for the department and other city agencies are being reduced.

Some restaurateurs tentatively endorsed the plan. "I think the letter grading is probably a good system," said [Bobby Flay](#), proprietor of Mesa Grill and Bar Americain in Manhattan. "But if a restaurant gets a bad grade

due to a paperwork technicality, the consumer will be misled.”

The program has touched off opposition from the restaurant operators’ trade group, however. “We think of this as more of a gimmick than a good regulatory tool,” said Robert Bookman, legislative counsel for the New York City chapters of the New York State Restaurant Association.

“A letter grade simply reflects conditions at a particular moment, and that sends the wrong message to the customer,” he said.

But Mayor [Michael R. Bloomberg](#), who has praised Los Angeles for its practice, defended the system. “Come on,” he said. “If you can’t pass an inspection one time, you can’t pass an inspection every time.”

In the city last year, 9,301 restaurants failed an inspection, 1,057 restaurants were shuttered, and food service establishments paid \$26.8 million in fines.

[E. Charles Hunt](#), executive vice president of the city chapters of the restaurant association, said he was concerned that the new plan was primarily a recession revenue-enhancer.

But Elliott S. Marcus, an associate health commissioner, countered that “if we wanted to raise revenues, then we would raise the fines,” which will remain at \$200 to \$2,000, depending on the severity of the infraction.

Though the new postings will not appear for nearly 18 months, some New Yorkers are already reacting positively. “You’d definitely notice the ratings,” said John Sahlke, a 44-year-old clerk in the Department of Justice who was approaching the salad bar at the Arome Restaurant at 325 Broadway. “It could be an incentive to owners to clean up their act.”

Tina Neal, a government accountant who had already taken her salad upstairs to the balcony, agreed. “I would only go to A’s,” she said.

Dr. Jonathan E. Fielding, director of public health for Los Angeles County, said an independent study showed that its letter system had not only reduced food-borne illness outbreaks associated with restaurants, but also had lowered associated hospitalizations by 20 percent.

Through the years the number of A-grade restaurants climbed to 83 percent in 2007, from 40 percent in 1998, and revenues increased in those restaurants, he said.

California operators have found that “people certainly give the letter grades consideration if they are choosing a restaurant,” said David Myers, owner of Sona and Comme Ça in Los Angeles, who has earned A ratings.

New York officials plan to issue letter grades on the spot after inspections, but — in another sore point for restaurateurs — do not plan to change the process for challenging a finding: a hearing three weeks later at the administrative tribunal at 66 John Street.

To Mr. Bookman, of the restaurant association, “That is a violation of any standard of due process.”

The department acknowledges the issue but does not “see a way to have an instant adjudication,” said Mr.

Marcus, the associate health commissioner. But any letter-rating upgrades will be supplied in an “expeditious time frame,” the department said. Mr. Bookman also expressed concern that the new inspection system would be “an open invitation for bribery and corruption,” he said. “It’s one thing to post inspection results on a Web site, but another to post it in the window.”

But Dr. Fielding in Los Angeles said that “in the last decade we’ve had only one case of attempted bribery, and the inspector wound up in jail.”

In New York — where nearly 40 inspectors were convicted in a 1988 bribery scandal — Mr. Marcus said corruption has been rare in recent years, thanks to controls. Among them: inspectors’ assignments are rotated so they do not make repeated visits to restaurants, and supervisors monitor some inspections.

On a legal point, the Restaurant Association also contends that the rating plan is a regulatory issue that requires City Council approval, though the department holds that it is a public-health issue requiring only a posting in The City Record and a public hearing.

Back in Best of the Best Deli, Mr. Williams, 27, was navigating the slippery tile kitchen floor. At 6-foot-4 and 210 pounds, he may have been imposing — “Nobody is glad to see us,” he said — but he was unfailingly soft-spoken, almost professorial, as he attempted to educate the kitchen workers about proper food-safety techniques.

“You name it, and I’ve seen it,” Mr. Williams said. “I’ve even seen managers panic and try to take moldy food out the back door while I’m watching.” Happily, he said, he has seen more dead rats than live ones — both provoke the same fine, however.

In the end, the inspection took an hour and a quarter. Mr. Williams sat in the dining room, entering 15 points of data in his 8-inch-wide Fujitsu notebook computer. Then he printed out the inspection report on a portable printer and handed it to Mrs. Kim, 53, the manager.

The restaurant had passed with a score of 21, the equivalent of a B grade under the new system, and a court appearance was scheduled.

Mrs. Kim, who had gotten up at 3:30 a.m. in Fort Lee, N.J., so she could supervise baking in the restaurant at 5 a.m., smiled with relief. She signed the interactive computer screen to acknowledge the citations. The inspection was done.

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