

CITY OF NEWTON DEPARTMENT OF HEALTH AND HUMAN SERVICES  
REGULATIONS GOVERNING FOOD SAFETY INSPECTIONS

A. Authority

The Commissioner of Health and Human Services, hereby orders that the following Rules and Regulations are adopted this 1st Day of September 2015, under the authority of Section 31 of Chapter 111 of the Massachusetts General Laws. These Rules and Regulations shall take effect on October 1, 2015.

B. Purpose

The Newton Department of Health and Human Services (the Department) seeks to enhance the protection of the public's health by improving food safety and in doing so reducing foodborne illness by rigorous implementation of a risk and intervention-based food safety program. To this end, the Department will ensure that all retail food establishments are in compliance with the most recent Version of the United States Food and Drug Administration Food Code and Chapter Ten of Massachusetts State Sanitary Code, *Minimum Sanitation Standards for Food Establishments*, 105 CMR 590.000 (Chapter Ten) and all updated Federal and State Food Codes as they are updated every other year.

In addition, these regulations establish a scoring and grading system based on the results of retail food establishment inspections that will provide consumers with information with which to make choices. Evidence from other jurisdictions that have adopted a scoring and grading system has shown improved compliance with food safety regulations and a measurable reduction in foodborne illnesses.

C. Adoption of the 2013 FDA Food Code and all subsequent versions

The Department hereby adopts and incorporates by reference the 2013 Food Code published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration (FDA), provided, however, that the Department does not adopt those provisions of the 2013 Food Code corresponding to the provisions of the 1999 Food Code which are specifically stricken or modified by Chapter Ten, in which case the requirements of Chapter Ten will remain in effect. The Department will adopt each subsequent version of the FDA Food Code as they are released.

D. Inspection Reports and Scores

Inspection reports shall be completed using an inspection software chosen by the Commissioner. The inspection report will include a numerical score and a word corresponding to a point range. Each establishment begins with 400 points and points are deducted for violations based on criteria set by the most recent version of the FDA Food Code.

The inspector shall provide the person in charge of the food establishment with an electronic copy of the report.

E. Inspection Grades

The inspection grade will be determined as follows:

GRADE "Superior" is a score of 360 points or above

GRADE "Excellent" is a score of 320-359 points

GRADE "Fair" is a score of 280-319 points

GRADE "Unacceptable" is a score of 240-279 points

F. Public Notice of Inspection Results

The posting of food inspection grade placards will begin in October 2015. Routine inspections completed in October 2015, and thereafter will be required to follow the grade posting regulations.

(1) The person in charge of a food establishment which receives a grade of Superior, Excellent, Fair or Unacceptable shall post a grade placard provided by the Department.

(2) Upon correcting violations that could not be corrected at the time of the inspection, the restaurant will be provided a second placard via email indicating all the violations were corrected.

(3) Posting of notice. The grade placard and the second placard, if any, must be conspicuous and visible to the general public upon entering the food establishment. The notice must remain posted until the next routine inspection. Removal of the notice without the consent of the Commissioner shall be grounds for suspension or revocation of the food service establishment permit.

(4) The owner/manager of the graded food establishment will be required to pick up a copy of the grade placard from the health department and to post such placard within 5 business days from the date of the inspection report.

(5) Grade tampering- The grade placard that is issued to a food establishment shall not be changed. Changing the grade placard in size, content, or any other visual way is not permitted. Food establishments will be subject to suspension or revocation of permit if the grade placard is tampered with in any way.

G. Severability

If any provision of these regulations be declared invalid for any reason whatsoever, that decision shall not affect any other portion of these regulations, which shall remain in full force and effect; and to this end the provisions of these regulations are hereby declared severable.



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9.28.15

Edit to Health Regulations Adopting the 2013 Code and Food Grading

Scrivener's Error:

There was an unintentional error that occurred after the initial posting of the Health Regulations Adopting the 2013 FDA Food Code and Food Grading. The error was in the total number of points in section D. and E. The error of the initial regulation indicated that restaurants would be graded out of a total of 300 points, the correct total of points is actually 400 points. The resulting point ranges in the initial regulation in section E were therefore incorrect as well. The corrected point ranges are as follows:

GRADE "Superior" is a score of 360 points or above

GRADE "Excellent" is a score of 320-359 points

GRADE "Fair" is a score of 280-319 points

GRADE "Unacceptable" is a score of 240-279 points

The regulations were corrected, Law Department, and restaurants notified.