



# City of New York

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OFFICE OF THE COMPTROLLER

**Scott M. Stringer**  
**COMPTROLLER**



## **AUDITS AND SPECIAL REPORTS**

**Marjorie Landa**

Deputy Comptroller for Audit

Audit Report on the Department of  
Education's Compliance with Health  
and Safety Requirements for School  
Cafeterias (Manhattan)

SZ18-090A

**June 30, 2021**

<http://comptroller.nyc.gov>



THE CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
SCOTT M. STRINGER

June 30, 2021

To the Residents of the City of New York:

My office has audited the New York City (City) Department of Education to determine whether DOE complied with applicable laws and regulations regarding health and safety conditions of school cafeterias. (DOE) provides primary and secondary education to over one million pre-kindergarten to grade 12 students and provides meals free of charge throughout its 2,707 public school cafeterias, located within more than 1,800 public schools. We perform audits such as this to ensure that City agencies protect the safety and health of those who use City facilities.

The audit found that DOE generally did not maintain most of the 30 Manhattan-based school kitchens and cafeterias we visited at the standards its own policies and procedures required. Although we found that DOE's designated advisors and quality assurance staff periodically inspected the schools' kitchens and cafeterias, and that DOE generally complied with training and certification rules for school food service staff, we nevertheless identified unsatisfactory conditions at 27 of 30 sampled DOE kitchens and cafeterias (90 percent). The deficient conditions included unsanitary food preparation areas, evidence of pests, broken equipment, and food held and served at unsafe temperatures. Consequently, DOE was not in overall compliance with Health Code regulations and DOE's Food Safety Program at those schools.

Additionally, we found that DOE did not consistently comply with Section 23-702 of the NYC Administrative Code, which requires DOE to post on its website the results of the DOHMH's inspections of kitchens and cafeterias in the schools, by district. Our review of DOE's website found that for School Year 2018-2019, DOE did not post *any* Department of Health and Mental Hygiene (DOHMH) inspection reports for 250 of DOE's 461 schools in Manhattan (54 percent). During our visits to 30 sampled schools, we found evidence that although DOHMH had inspected their food service areas and provided all 30 schools with the inspection reports, DOE had posted the DOHMH inspection reports for only 24 of them (80 percent) on its website.

The report recommended eight measures to DOE, including the following: (1) periodically retrain staff; (2) ensure that cafeteria and kitchen employees verify that hot and cold food is held and served at prescribed temperatures; (3) ensure that thermometers are used during all food preparation processes, including cooking, cooling, reheating, and holding; and (4) ensure that cafeteria and kitchen employees are aware of the working condition of all food service equipment, that the agency tracks the related maintenance, repair, and replacement requests and that the responsible units promptly resolve them.

The results of the audit have been discussed with DOE officials, and their comments have been considered in preparing this report. Their complete written response is attached to this report. If you have any questions concerning this report, please e-mail my Audit Bureau at [audit@comptroller.nyc.gov](mailto:audit@comptroller.nyc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Scott M. Stringer".

Scott M. Stringer

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# THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER AUDITS AND SPECIAL REPORTS

## Audit Report on the Department of Education's Compliance with Health and Safety Requirements for School Cafeterias (Manhattan)

**SZ18-090A**

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### EXECUTIVE SUMMARY

The New York City Department of Education (DOE) provides primary and secondary education to over one million pre-kindergarten to grade 12 students. In connection with its educational mission, DOE provides meals free of charge throughout its 2,707 public school cafeterias, located within more than 1,800 public schools. DOE's Office of Food and Nutrition Services (OFNS) serves breakfast and lunch to New York City (City) public school children and provided approximately 850,000 meals per day for School Year 2018-2019.

OFNS developed and implemented a Food Safety Program as of September 2014 using Hazard Analysis Critical Control Points (HACCP) principles to identify areas where OFNS staff and procedures have a direct impact on food safety. The goal of implementing HACCP is to manage potential health and safety problems through risk assessment during food production with a focus on prevention rather than end-product testing.

As part of DOE's Food Safety Program, all schools, regardless of their designation, undergo periodic reviews of their food safety practices and procedures, and the conditions in their kitchens and cafeterias. DOE's OFNS conducts unannounced periodic inspections at all schools during each school year. DOE's inspectors, who work under the jurisdiction of the Food School Safety Program, include 10 HACCP Advisors and 10 Quality Assurance Specialists (QASs) who visit school kitchens and cafeterias throughout the City to ensure that the staff are adhering to the required policies and procedures and utilizing DOE's Food Safety Checklist and New York City's Department of Health and Mental Hygiene's (DOHMH's) self-inspection worksheet for food service establishments. DOHMH inspectors are required to inspect each school at least twice a year to review food handling operations and sanitary conditions. DOHMH inspectors complete an inspection report for each inspection that is supposed to be maintained in the school and posted on DOE's and DOHMH's websites as required by New York City Administrative Code (NYC Administrative Code) Section 23-702, *School cafeteria and kitchen inspection data*.

## Audit Findings and Conclusion

We found that DOE generally did not maintain most of the 30 Manhattan-based school kitchens and cafeterias we visited at the standards its own policies and procedures required. Although we found that DOE's HACCP Advisors and QASs periodically inspected the schools' kitchens and cafeterias and reviewed their food safety practices and procedures, and that OFNS generally complied with applicable rules for training and certification of school food service staff, we nevertheless identified specific unsatisfactory conditions at 27 of 30 sampled DOE kitchens and cafeterias (90 percent). The deficient conditions we found included unsanitary food preparation areas, evidence of pests, broken equipment, and food held and served at unsafe temperatures. Consequently, DOE was not in overall compliance with DOHMH Health Code regulations and DOE's Food Safety Program at those schools.

In the 30 sampled schools we found that food service staff generally completed DOE's internal Food Safety Checklist daily, that at least one employee with a DOHMH Food Protection Certificate was on-site during the preparation and serving of food, and that DOHMH had inspected the schools' kitchens and cafeterias bi-annually as required. However, despite those measures, we also found unsatisfactory conditions in 27 of the 30 (90 percent) sampled schools as noted above. Moreover, our review of DOE's and DOHMH's inspection reports found that both agencies' inspectors had reported similar unsatisfactory conditions in 6 of the 30 schools we visited.

Additionally, we found that DOE did not consistently comply with Section 23-702 of the NYC Administrative Code, which requires DOE to post on its website the results of the DOHMH's inspections of kitchens and cafeterias in the schools, by district. DOHMH is supposed to inspect each school's kitchen and cafeteria at least twice each school year. However, our review of DOE's website found that for School Year 2018-2019, DOE did not post *any* DOHMH inspection reports for 250 out of its 461 schools in Manhattan (54 percent). During our visits to 30 sampled schools, we found evidence that although DOHMH had inspected their food service areas and provided all 30 schools with the inspection reports, DOE had posted the DOHMH inspection reports for only 24 of them (80 percent) on its website.

Appendix I contains a list of the schools we visited with the violation types we found in each school (identified by the violation code numbers DOHMH and HACCP assign). Appendix II contains a list of DOHMH violation types and code numbers. Appendix III contains a list of HACCP's violation types and code numbers.

## Audit Recommendations

To address the issues raised by this audit, we recommended eight measures, specifically, that DOE:

- Periodically retrain staff so they are cognizant and periodically reminded of current food safety and health regulations and practices.
- Ensure that cafeteria and kitchen employees verify that hot and cold food is held and served at the prescribed temperatures under DOE's and DOHMH's guidelines.
- Ensure that thermometers are used during all food preparation processes, including cooking, cooling, reheating, and holding.

- Ensure that cafeteria and kitchen employees are aware of the working condition of all food service equipment, that the agency tracks the related maintenance, repair, and replacement requests, and that the responsible units promptly resolve them.
- Ensure that kitchen and cafeteria employees follow DOHMH Food Protection regulations relating to hygiene, including the use of approved gloves and other approved barriers to eliminate bare hand contact with food being served.
- Ensure that the kitchen staff clean all range hoods monthly and log the relevant information in accordance with DOHMH and DOE requirements.
- Ensure that its website contains inspection results covering the required three-year period.
- Coordinate with DOHMH to improve the functionality of both agencies' School Food Inspection websites so all inspection reports are publicly available and readily searchable as required by law.

## Agency Response

In its response, DOE agreed with six of the audit's eight recommendations and stated that several are "consistent with its practices and longstanding policies." DOE disagreed with two recommendations. DOE also stated, "The DOE thanks the auditors for their thoughtful and thorough review of Food Safety protocols in school kitchens and cafeterias. We support the goals of the audit and largely accept the recommendations outlined in the report."

# AUDIT REPORT

## Background

DOE provides primary and secondary education to over one million pre-kindergarten to grade 12 students. In connection with its educational mission, DOE provides meals free of charge throughout its 2,707 public school cafeterias, located within more than 1,800 public schools. DOE's OFNS serves breakfast and lunch to City public school children and provided approximately 850,000 meals per day for School Year 2018-2019. According to the Mayor's Management Report for Fiscal Years 2019 and 2020, DOE spent \$313.1 million and \$332.8 million, respectively, to ensure that school children were fed.

OFNS developed and implemented a Food Safety Program as of September 2014 using HACCP principles to identify areas where OFNS staff and procedures have a direct impact on food safety. The goal of implementing HACCP is to manage potential health and safety problems through risk assessment during food production with a focus on prevention rather than end-product testing. OFNS employees receive initial and on-going training in HACCP and food safety principles.<sup>1</sup> HACCP and food safety practices are included in the materials used to train DOE staff, and safe food handling techniques are built into their daily tasks. Training is provided to all food handlers (cooks, assistant cooks, and school lunch helpers).

DOE is required to ensure that at least one employee from the staff at each school attends a course provided by the DOHMH in basic sanitation and food handling procedures. After completion of the course, the employee receives a DOHMH Food Protection Certificate with the date of the completed training, which must be posted in the school the employee is working in. The training certificate does not expire, and at least one holder of the DOHMH certificate must be on-site for the preparation, processing, and distribution of the food.

DOHMH requires all eating establishments, including DOE's cafeterias and kitchens, to obtain and maintain a current permit before and while operating. The permit informs the public that DOHMH has given the establishment a permit to operate and indicates that DOHMH has inspected or will inspect the premises.

OFNS categorizes schools into three groups: Feeder Sites, Receiver Sites, and Stand-Alone schools. Feeder Sites prepare meals not only for their students but also for students at an off-site school (Receiver Site). Stand-Alone schools are neither feeder nor receiver schools; these schools prepare meals for their students only.

As part of DOE's Food Safety Program, all schools, regardless of their designation, undergo periodic reviews of their food safety practices and procedures, and the conditions in their kitchens and cafeterias. DOE's OFNS conducts unannounced periodic inspections at all schools during each school year. DOE's inspectors, who work under the jurisdiction of the Food School Safety Program, include 10 HACCP Advisors and 10 QASs who visit school kitchens and cafeterias throughout the City to ensure that the staff are adhering to the required policies and procedures

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<sup>1</sup> Hazard Analysis Critical Control Points is an internationally recognized method of identifying and managing food safety related risk and, when central to an active food safety program, can provide the public and regulatory agencies assurance that a food safety program is well managed. HACCP is utilized by the United States Food and Drug Administration (FDA) and the United States Department of Agriculture (USDA).

and utilizing DOE's Food Safety Checklist and DOHMH's self-inspection worksheet for food service establishments.

HACCP Advisors on an annual basis inspect all areas of each school's kitchen and cafeteria, including hygiene and food protection, food temperatures, food safety practices, storage areas, and kitchen facilities, and are responsible for communicating with staff any issues identified so that they can be corrected immediately. The HACCP Advisor's yearly assessment for each assigned school is documented in an HACCP Review Form. Each QAS is required to inspect two to three schools that have food storage areas daily as well as food distribution and manufacturers' sites, focusing on the quality and standards of the food itself. The QAS inspects and evaluates kitchen and cafeteria facilities, including proper freezer and refrigerator temperatures, proper food handling, and sanitation procedures of kitchen employees. The QAS also checks whether an employee with a DOHMH Food Protection Certificate is on-site and reviews the grading of the food to ensure that it adheres to DOE standards.<sup>2</sup>

DOE employs 51 OFNS District Supervisors throughout the five boroughs, each of whom oversees the schools within an assigned school district. District Supervisors are required to inspect school cafeterias annually and are responsible for reviewing food safety, sanitation, and conformance to HACCP principles, as well as signage, storage, and equipment. DOE's 387 OFNS Managers are responsible for food service staff's overall performance and compliance with standard operating procedures during all hours of operation. The food service staff in each school are responsible for the receiving, handling, preparing, and serving of food, and for completing the Food Safety Checklist daily. The OFNS Manager assigned to oversee one of more schools is responsible for reviewing DOE's internal Food Safety Checklist on a weekly basis for those schools.

In addition to the inspections that DOE's above-mentioned employees conduct, DOHMH inspectors are required to inspect each school at least twice a year to review food handling operations and sanitary conditions.<sup>3</sup> DOHMH inspectors complete an inspection report for each inspection that is supposed to be maintained in the school and posted on DOE's and DOHMH's websites as required by NYC Administrative Code Section 23-702, *School cafeteria and kitchen inspection data*.

Section 23-702 of the NYC Administrative Code further requires that the inspection reports posted on the DOE and DOHMH websites be searchable by school and address and include the nature of any violations, citations to the applicable law, and any corrective measures taken. Further, at least once every school year, the principal of every school must inform the parent or legal guardian of each student that this information is available on DOE's website.

This audit focused on the 461 schools located in Manhattan, of which 257 are designated as Receiver schools; 125 are designated as Feeder schools; and 79 are designated as Stand-Alone schools.

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<sup>2</sup> Food grading involves the inspection, assessment, and sorting of various foods regarding quality, freshness, legal conformity, and market value.

<sup>3</sup> NYC DOE *SchoolFood Food Safety Plan*: Monitoring, page 37, issued September 2014.



## Objective

The objective of the audit was to determine whether DOE complied with applicable laws and regulations regarding health and safety conditions of school cafeterias.

## Scope and Methodology Statement

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

This audit scope covered School Year 2018-2019. The Detailed Scope and Methodology section at the end of this report describes the specific procedures and tests that were conducted.

## Discussion of Audit Results

The matters covered in this report were discussed with DOE officials during and at the conclusion of this audit. A preliminary draft report was sent to DOE and discussed with DOE officials at an exit conference held on June 11, 2021. On June 14, 2021, we submitted a draft report to DOE with a request for written comments. We received a written response from DOE on June 28, 2021. In its response, DOE agreed with six of the audit's eight recommendations and stated that many of them are "consistent with its practices and longstanding policies." DOE also stated, "The DOE thanks the auditors for their thoughtful and thorough review of Food Safety protocols in school kitchens and cafeterias. We support the goals of the audit and largely accept the recommendations outlined in the report."

DOE stated that it disagreed with recommendations #4 and #8. In response to recommendation #4, that DOE ensure that kitchen staff maintain awareness of the working condition of all food service equipment and that the agency properly track and resolve related work orders, DOE stated that it "maintains and uses a highly reliable system for tracking equipment service requests" and that no "widespread issue" exists in this regard. In response to recommendation #8, that DOE coordinate with DOHMH to improve both agencies' School Food Inspection websites, DOE stated, "Inspection results are readily accessible by the public on the DOE website." We address these points of disagreement in the relevant sections of the report. The full text of DOE's response is included as an addendum to this report.

## FINDINGS AND RECOMMENDATIONS

At the times of our inspections, DOE generally did not maintain most of the 30 Manhattan-based school kitchens and cafeterias we visited at the standards its own policies and procedures required. Although we found that DOE's HACCP Advisors and QASs periodically inspected the schools' kitchens and cafeterias and reviewed their food safety practices and procedures, and that OFNS generally complied with applicable rules for training and certification of school food service staff, we nevertheless identified specific unsatisfactory conditions in 27 of 30 sampled DOE kitchens and cafeterias (90 percent). The deficient conditions identified included unsanitary food preparation areas, evidence of pests, broken equipment, and food held and served at unsafe temperatures. Consequently, DOE was not in overall compliance with DOHMH Health Code regulations and DOE's Food Safety Program at those schools.

In the 30 sampled schools we found that food service staff generally completed DOE's internal Food Safety Checklist daily, that at least one employee with a DOHMH Food Protection Certificate was on-site during the preparation and serving of food, and that DOHMH had inspected the schools' kitchens and cafeterias bi-annually as required. However, despite those measures, we also found unsatisfactory conditions in 90 percent of the sampled schools as noted above. Moreover, our review of DOE's and DOHMH's inspection reports found that both agencies' inspectors had reported similar unsatisfactory conditions in 6 of the 30 schools we visited.

Additionally, we found that DOE did not consistently comply with Section 23-702 of the NYC Administrative Code, which requires DOE to post on its website the results of the DOHMH's inspections of kitchens and cafeterias in the schools, by district. DOHMH is supposed to inspect each school's kitchen and cafeteria at least twice each school year. However, our review of DOE's website found that for School Year 2018-2019, DOE did not post *any* DOHMH inspection reports for 250 out of its 461 schools in Manhattan (54 percent). During our visits to 30 sampled schools, we found evidence that although DOHMH had inspected their food service areas and provided all 30 schools with the inspection reports, DOE had posted the DOHMH inspection reports for only 24 of them (80 percent) on its website. By failing to post the health inspection reports as required, DOE diminishes the transparency of its food service operations and deprives parents and guardians of what is supposed to be a readily available means for them and other members of the public to learn of the food safety conditions in the schools their children attend.

The above-described issues are discussed in detail in the following sections of this report.

### Unsatisfactory and Unsanitary Conditions Found in Sampled School Cafeterias

DOE states that food safety is a top priority in City schools. Accordingly, DOE and DOHMH policies, procedures, training, and inspections are in place as part of an effort to ensure safe and sanitary handling and preparation of the food served in the schools. However, despite the daily inspections by DOE kitchen staff, the bi-annual inspections by DOHMH, and DOE's yearly QAS inspections, we observed unsatisfactory and unsanitary conditions that contravened DOE's School Food Program standards and DOHMH regulations in 27 of the 30 sampled school kitchens and cafeterias we inspected in Manhattan (90 percent). Some of the conditions we observed could potentially cause harm to students.

Specifically, we found a total of 59 unsanitary conditions in violation of DOE’s School Food Program and DOHMH regulations in the 27 schools, including:

- hot food not held at or above 140° Fahrenheit;
- essential kitchen equipment, such as freezers and refrigerators, not properly maintained and not operating at the required temperatures;
- nonfood contact surfaces and equipment not properly maintained;
- dented canned food products; and
- cleaning logs for exhaust hoods not maintained.

See Appendices I, II, III for, respectively: (1) a list of the schools we visited with the violation types we found in each school (identified by the violation code numbers DOHMH and HACCP assign); (2) a list of DOHMH violation types and code numbers; and (3) a list of HACCP’s violation types and code numbers.

The following table lists the 59 violations we observed in our inspections and the number of schools where we observed each listed violation.

<b>Table I</b>			
<b>Summary of the 59 Violations of the 30 Sampled Schools</b>			
(Table is presented on two pages)			
<b>Violation Type</b>	<b>Violation Number</b>	<b>Number of Schools with Violations</b>	<b>Percentage of Sample</b>
<b>DOHMH Self Inspection Worksheet</b>			
Hot food not held at or above 140° F	2B	8	<b>26.67%</b>
Accurate thermometer not provided in refrigerated or hotholding equipment. Equipment not at correct temperature	10E	7	<b>23.33%</b>
Non-food contact surface or equipment improperly maintained	10F	6	<b>20.00%</b>
Canned food products observed dented not segregated from other consumable food items	9A	5	<b>16.67%</b>
Cold food/beverage items held above 41° F	2G	4	<b>13.33%</b>
Food worker does not use proper utensils to eliminate bare hand contact with the food that will not receive additional heat treatment	4C	4	<b>13.33%</b>
Records and logs not maintained to show HACCP plan has been properly implemented	6H	2	<b>6.67%</b>

<b>Table I</b>			
<b>Summary of the 59 Violations of the 30 Sampled Schools</b>			
(Table is presented on two pages)			
Food, food preparation area or area used by employees or patrons contaminated by sewage or liquid waste	4F	2	<b>6.67%</b>
Live roaches present in the facility's food and/or non-food areas.	4M	1	<b>3.33%</b>
Flies present in facility's food and/or non-food areas.	4N	1	<b>3.33%</b>
Duties of an officer of DOHMH interfered with or obstructed	7A	1	<b>3.33%</b>
<b>HACCP Review Form Issues</b>			
Exhaust hood cleaning log is not maintained	F5	5	<b>16.67%</b>
Food thermometers are washed, rinsed and sanitized after each use	B1c	1	<b>3.33%</b>
Warmers/steam tables are pre-heated before hot food placed in unit	B3	1	<b>3.33%</b>
Non-operating equipment labelled not for use	C5	3	<b>10.00%</b>
Hand washing sinks are unobstructed, operational and clean.	A6b	2	<b>6.67%</b>
DOH Operating Permit posted in kitchen	F1b	2	<b>6.67%</b>
Food items are labeled, dated, and rotated	D7a	2	<b>6.67%</b>
Storage areas are clean and organized	D8	1	<b>3.33%</b>
Employees' personal belongings are separated from food items	D11	1	<b>3.33%</b>
No violations		<b>3</b>	<b>10.00%</b>
<b>Total number of violations recorded for the 30 sampled schools</b>		<b>59</b>	

The following photographs and narratives depict and describe some of the violations we observed during our inspections.

**Photo 1 – Food at Unsafe Temperatures**

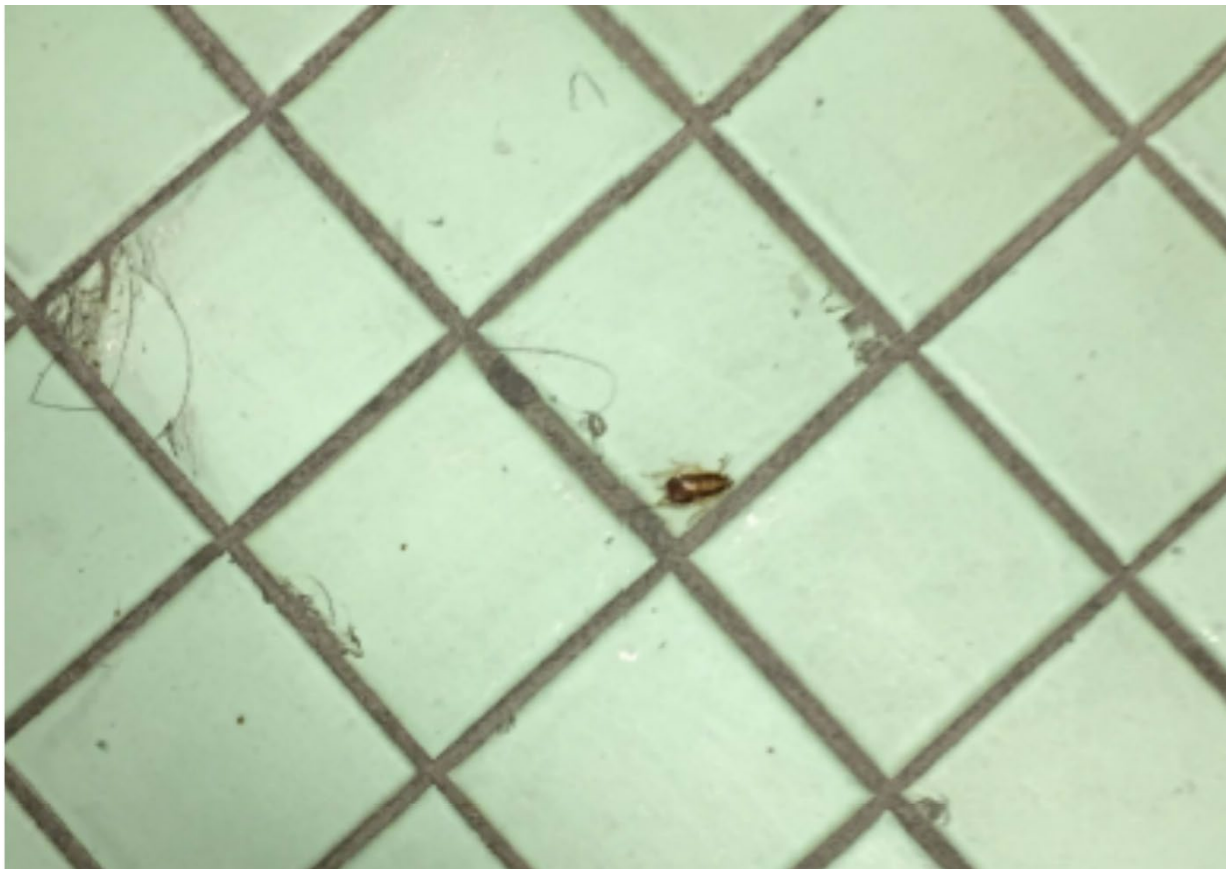
At P.S. 015 Roberto Clemente, visited on October 16, 2018, we tested the temperature of a hamburger using two different thermometers. The required temperature is 140 degrees Fahrenheit. However, as photographed below, both thermometers measured 98 degrees Fahrenheit.



**Photo 2 – Evidence of Pests**

At University Neighborhood Middle School, visited on October 18, 2018, we observed a dead cockroach on the floor in the serving area, as photographed below. The DOHMH Health Code

requires food service establishments to be free from roaches, rats, mice, and flies, and from conditions that can lead to pests, regardless of whether pests are present. Dead pests are a health hazard, especially where food is prepared and served.




As illustrated above we observed a dead roach on a damaged floor in a food serving area.

According to the Centers for Disease Control and Prevention (CDC), roaches are considered an allergen source and an asthma trigger. Roaches have been known to carry *Salmonella typhimurium*, *Entamoeba histolytica*, and the poliomyelitis virus. Roaches, rats, mice, and flies can spread diseases as they move around food contaminating the food and potentially causing illness for students who consume it.

### **Photo 3 – Range Hood Not Cleaned**

At the Urban Assembly School for Global Commerce, visited on December 3, 2018, we observed the posted cleaning log for the range exhaust hood, shown below, which noted that the last cleaning had occurred on May 26, 2018, more than four months before our observation. The DOHMH Health Code requires food service establishments to keep such surfaces clean, including

surfaces that do not come in contact with food. Under DOE regulations, the range hood should have been cleaned monthly.


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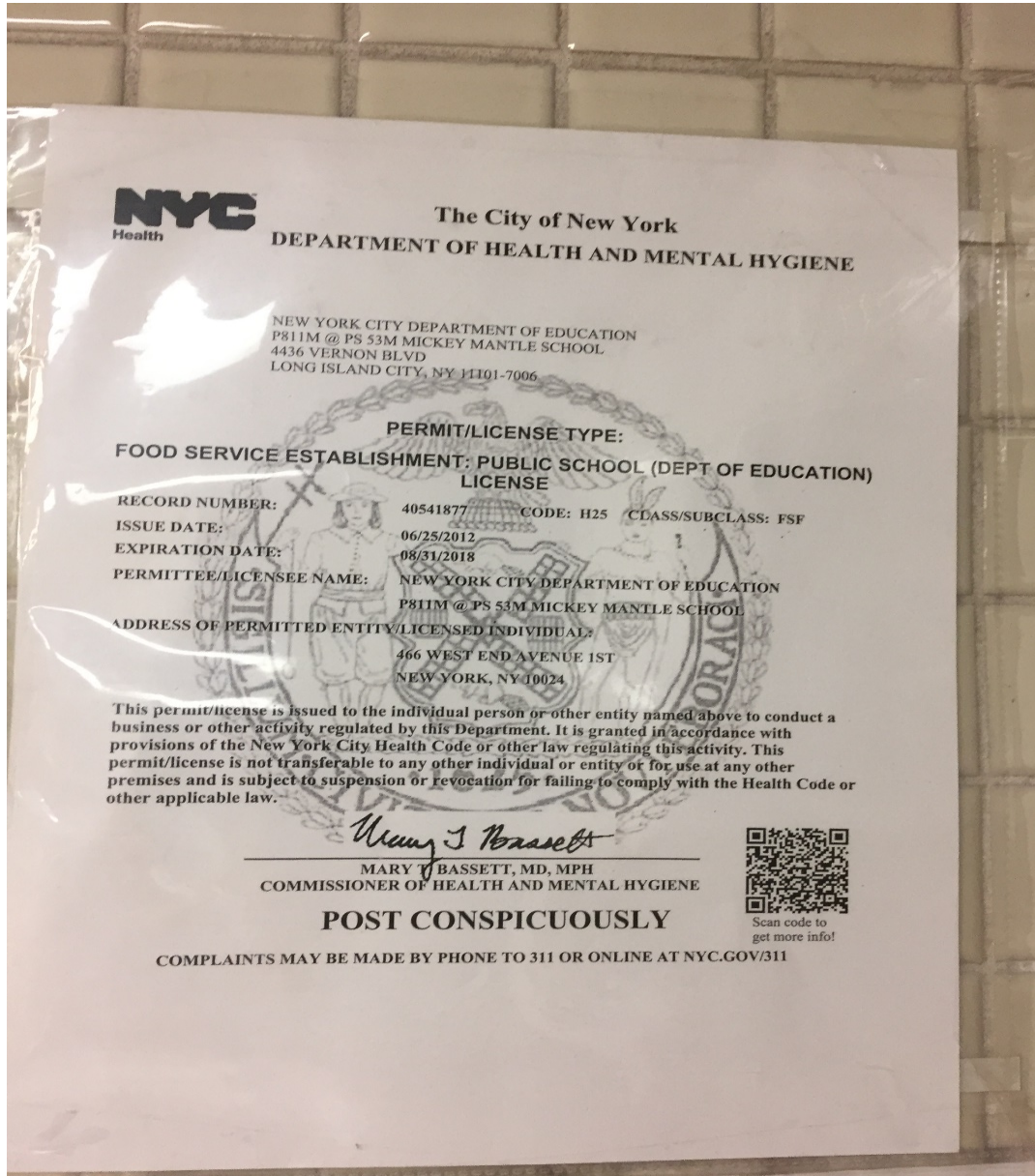
MONTHLY CLEANING OF RANGE HOOD FILTERS AND VISUAL DUAL DUCT INSPECTIONS.

HOOD FILTER REMOVAL AND CLEANING	VISUAL DUCT INSPECTION	DATE	INSPECTED BY	COMMENTS
Yes	Yes	7/3/17	AS	None
Yes	Yes	4/30/17	AS	None
Yes	Yes	5/30/17	AS	None
Yes	Yes	6/10/17	AS	None
Yes	Yes	7/27/17	A	None
Yes	Yes	8/14/17	AS	None
Yes	Yes	9/22/17	AS	None
Yes	Yes	10/20/17	AS	None
Yes	Yes	11/5/17	AS	None
Yes	Yes	12/10/17	AS	None
Yes	Yes	1/20/18	AS	None
Yes	Yes	2/28/18	AS	None
Yes	Yes	3/27/18	AS	None
Yes	Yes	4/10/18	AS	None
<b>4</b>	<b>4</b>	<b>4/10/18</b>	<b>AS</b>	<b>None</b>

Surfaces in kitchens and cafeterias that are not regularly cleaned, including surfaces that normally do not come into direct contact with food, can provide food, water, or shelter for pests and can accumulate food particles, dust, and dirt that can end up in food. Keeping such surfaces clean avoids pest problems and reduces the chance that food will become contaminated and potentially make students sick.

#### Photo 4 – Expired DOHMH Food Permit

At P.S. M811 - Mickey Mantle School, visited on November 5, 2018, we observed a DOHMH Food Permit that had expired on August 31, 2018, two months prior. According to DOHMH, all establishments including schools must obtain and maintain a current permit or license before they may prepare or serve food.



#### Photo 5 – Unsanitary Food Handling & Unsafe Food Temperatures

At the High School of Fashion Industries, visited on October 24, 2018, we observed cafeteria personnel not wearing gloves while testing the temperature of a waffle chicken sandwich (photo below), a violation of §81.07(j) of DOHMH Health Code, which prohibits “bare hand



contact” and states that “*Convenient and suitable* disposable food grade gloves, waxed paper or an equivalent barrier shall be provided and used to prepare or serve food to eliminate bare hand contact and prevent contamination.”



In addition, we observed that the thermometer was not cleaned or rinsed prior to being used and was not sanitized prior to testing the milk.

We also tested a carton of milk at the same school and found that the temperature was 46 degrees Fahrenheit, not the required temperature of at or below 40 degrees Fahrenheit. Additionally, we found one refrigerator, which contained fruit, measured at 47 degrees Fahrenheit on both internal and external thermometer readings, warmer than the required temperature range of 36 to 40 degrees Fahrenheit.

These and other violating conditions were found in several schools, as discussed below.

### **Hot Food Was Not Held At or Above 140° Fahrenheit**

The New York City Health Code requires that hot food be held at or above 140 degrees Fahrenheit. However, we found conditions that violated this requirement at 8 of the 30 sampled schools in Manhattan (27 percent), as follows:

- At the Lower Manhattan Community Middle School, we tested the temperature of a tray of chicken nuggets that was reheated and found that it measured 120 degrees Fahrenheit.
- At the Association for Metro Area Autistic Children, Inc. (a Receiver school), we tested a prepackaged meal from the warmer and found that the meal was at 138.5 degrees Fahrenheit.
- At P.S. 015 Roberto Clemente School, we tested the temperature of one hamburger using two different thermometers. Both times the temperature measured only 98 degrees Fahrenheit.
- At Fiorello H. LaGuardia High School of Music & Art and Performing Arts, we tested two batches of hamburgers as they were about to be served. Neither batch was at the required temperature—one measured 121 degrees Fahrenheit, and the second measured 135 degrees Fahrenheit.
- At the Urban Assembly School for Global Commerce, we tested and found plantains held at 120 degrees Fahrenheit.
- At Frederick Douglass Academy, we tested one of the hamburgers that was going to be served and found that it measured 120 degrees Fahrenheit.
- At I.S. 528 Bea Fuller Rodgers School, we found that a hamburger was being held at 131 degrees Fahrenheit.
- At P.S. I.S. 187 Hudson Cliffs, we found three hamburgers in a batch about to be served that measured 130 degrees Fahrenheit.

When hot food is determined to be at incorrect temperatures, DOE regulations require that “[f]ood is immediately reheated to 165°F once within 2 hours and held for service at 140°F or above OR Food is immediately discarded.” During our observations, we witnessed the kitchen staff either reheat or discard the food after we notified them of incorrect food temperatures.

Keeping potentially hazardous food at safe temperatures is critical to protecting students from foodborne illness. According to DOHMH’s regulations, “Potentially hazardous foods include meat, fish, dairy products, cooked rice, cooked vegetables, and sliced fruit. When these foods are held at between 41 and 140 degrees Fahrenheit, they are in the temperature danger zone, where hazardous bacteria and other pathogens can grow rapidly. If the food is held in the temperature

danger zone for too long, there can be enough growth of these pathogens that the food can make people sick.”<sup>4</sup>

### **Kitchen Appliances Were Not Properly Maintained**

DOHMH’s Health Code requires that thermometers in kitchen equipment (i.e., refrigerators and freezers) be accurate, maintained at specific temperatures, and in good working order. However, we found conditions that violated this requirement at 7 of the 30 sampled schools (23 percent), as follows:

- At P.S. 015 Roberto Clemente School, one refrigerator located in the kitchen area did not have an internal thermometer as required by DOHMH and DOE regulations. Consequently, neither the auditors nor the kitchen staff could determine whether the refrigerator was being maintained at the proper temperature.
- At City Knoll Middle School, one freezer did not have a working thermometer. Consequently, neither the auditors nor the kitchen staff could determine whether the refrigerator was being maintained at the proper temperature.
- The High School of Fashion Industries had one refrigerator with fruit inside whose internal and external thermometer readings measured 47 degrees Fahrenheit, warmer than the required temperature range of 36 to 40 degrees Fahrenheit.
- The District 2 Pre-K Center at 590 Sixth Avenue had a freezer that did not work properly. Staff stated that the freezer was being used as a refrigerator. Therefore, the school did not have a working freezer, which contravenes DOE policy.
- At Harlem Renaissance High School, we found one refrigerator above the required temperature range of 36 to 40 degrees Fahrenheit. The refrigerator registered at 55 degrees Fahrenheit on both the external and internal thermometers.
- At P.S. / I.S. 187 Hudson Cliffs, the temperature in one refrigerator measured above the required temperature range of 36 to 40 degrees Fahrenheit. The refrigerator registered 50 degrees Fahrenheit.
- At Murray Hill Academy, we found one refrigerator that was above the required temperature range of 36 to 40 degrees Fahrenheit. The refrigerator registered 50 degrees Fahrenheit on both the external and internal thermometers.

During our observations, where refrigerators were missing an internal thermometer or had malfunctioning internal or external thermometers, the thermometers were replaced while the auditors were on site. The replacement thermometers were calibrated and in working order. In addition, we observed that the kitchen staff submitted requests to DOE OFNS to replace the thermometers that were missing or malfunctioning. For the school where the freezer was used as a refrigerator, the auditors saw that a previous work order had been submitted but had not been acted upon. The kitchen staff placed another work order for that freezer.

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<sup>4</sup> NYC DOHMH Food Protection Training Manual, [www1.nyc.gov/assets/doh/downloads/pdf/rii/fpc-manual.pdf](http://www1.nyc.gov/assets/doh/downloads/pdf/rii/fpc-manual.pdf)

Refrigerators and freezers should be capable of maintaining foods at or below the required temperatures, and equipment and its fixtures should be kept in working order to ensure food is kept and stored properly.

### **Exhaust Hoods Not Cleaned & Cleaning Logs Not Maintained**

DOE regulations require that range hoods be cleaned each month and the cleaning recorded in a log. At 5 of the 30 sampled schools (17 percent), we observed that the range exhaust hoods were not clean and that the cleaning logs indicated that the range hoods had not been cleaned for months prior to our observations. Therefore, we were unable to determine whether the range hoods were cleaned monthly as required but not logged as cleaned as required, or whether the range hoods were not cleaned each month as required. The kitchen staff at these schools did not answer directly when we asked whether the range hoods had been cleaned and why the cleaning dates were not being recorded in the range hood cleaning log.

- At M.S 260 Clinton School Writers & Artists, on October 17, 2018, the date of our observation, the range hood cleaning log indicated that the last cleaning occurred in June 2018, four months prior.
- At P.S. 452, on October 17, 2018, the date of our observation, the range hood cleaning log indicated that the last cleaning occurred on May 11, 2018, five months prior.
- At City Knoll Middle School, on October 23, 2018, the date of our observation, the range hood cleaning log indicated that the last cleaning occurred in May 2018, five months prior.
- At the Urban Assembly School for Global Commerce, on November 20, 2018, the date of our observation, the range hood cleaning log indicated that the last cleaning occurred on May 26, 2018, six months prior.
- At J.H.S. 054 Booker T. Washington, on January 11, 2019, the date of our observation, the range hood cleaning log indicated that the last cleaning occurred on November 6, 2018, two months prior.

If range hoods and other non-contact food surfaces are not cleaned regularly, they can become areas that provide food, water, or shelter for pests such as roaches, mice, and flies. In addition, dust and dirt can potentially end up in the food. Keeping surfaces clean can prevent potential pest problems and reduce the chance that non-food contact surfaces will become contaminated and potentially make the students sick.

### **Non-food Contact Surfaces and Equipment Were Not Maintained Properly**

According to DOHMH §81.1(e) *Non-food contact surfaces*, floors, ceilings, walls, equipment and fixtures, including but not limited to, light fixtures, vent covers and hoods, fans, ducts, and decorative materials “shall be easily cleanable, and kept clean and in working order.” Contrary to that requirement, however, we found 6 out of 30 schools were in violation, as follows:

- At University Neighborhood Middle School, a few areas on the floor in the kitchen were discolored or scuffed.

- At City Knoll Middle School, one wall in the kitchen was severely dented at the bottom in two places.
- At Manhattan Hunter Science High School, two refrigerators did not have a shatterproof bulb, and one refrigerator did not have a working light bulb.
- At Frederick Douglass Academy, the light bulb in one freezer did not work.
- At P.S. / I.S. 187 Hudson Cliffs, an oven was not operating properly and did not heat the food.
- At I.S. 528 Bea Fuller Rodgers School, one refrigerator was without a working light bulb.

Surfaces in DOE’s school kitchens and cafeterias not used in food preparation (such as walls and floors) and equipment used to store or prepare food (such as refrigerators and ovens) should be kept in proper working order to avoid risks such as the presence of pests and contamination of food.

### **Canned Food Products Were Dented**

DOE regulation states that dented canned food products should not be used, should be segregated from other consumable food items, and should be returned to the distributor or, if dented while in storage, discarded.<sup>5</sup> However, we found dented cans in the food storage rooms in the following five schools:

- The High School of Fashion Industries
- The River School
- P.S. 149 Sojourner Truth
- The Urban Assembly School for Global Commerce
- P.S. 138 @ P.S. 380M

### **Additional Observations**

Overall, we found that DOE kitchen staff were trained in proper food handling and that they generally completed DOE’s internal Food Safety Checklist daily. In addition, we found the following areas of compliance:

- At least one employee with a DOHMH Food Protection Certificate was on-site during the preparation and serving of food to the students at each school we visited.
- At each school we visited, OFNS Managers maintained the Food Safety Checklist in a logbook or folder and signed a weekly checklist to indicate that it was reviewed.
- We reviewed DOE’s HACCP review forms, QAS inspections, DOE daily inspection reports, and District Supervisors’ inspection reports, which generally were up to date for our sampled schools.

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<sup>5</sup> DOE School Food Safety Plan, Sept 2014, *Preventing Cross-Contamination During Storage & Prep*. Deeply dented cans be a source of botulism. The FDA recommends discarding cans that are “dented along the seams that run along the top or side” because such damage could allow bacteria to get inside the can. U.S. Food and Drug Administration, *Surplus, Salvaged, and Donated Foods*, <https://www.fda.gov/food/buy-store-serve-safe-food/surplus-salvaged-and-donated-foods>

- During our visits we encountered: (a) QAS staff as they were performing their reviews at several schools; and (b) District Supervisors observing the preparation of food at several schools.
- Moreover, we found evidence that DOHMH inspectors performed inspections at the 30 sampled schools during the months of July 2018 through October 2018 based on the reports posted in the schools' cafeterias.

Nevertheless, notwithstanding the above-mentioned evidence of training and oversight intended to ensure food safety in the schools, we observed the unsatisfactory conditions during our visits at 27 of the 30 sampled schools. Although some of the observed conditions may have just occurred (e.g., food not maintained at the appropriate temperature), other conditions (e.g., kitchen appliances not working, range hoods not cleaned or documented as cleaned in months) suggested ongoing problems and violations of applicable standards. Our review of the DOE and DOHMH inspection reports found that in 6 of the 30 schools, those agencies' inspectors found similar unsatisfactory conditions both before and after our visits.

During our observations, in response to our questions about why the unsanitary conditions existed, kitchen staff in many of the 27 schools with violations cited poor working conditions. Of particular concern for the staff was poor ventilation in the kitchens, which they said increased the ambient temperatures and made working in the kitchens difficult. Also, kitchen staff stated that it can take a month or more to have kitchen equipment repaired.

Food safety in DOE's schools requires ongoing diligence and concerted efforts by all responsible DOE employees and offices. They include the schools' kitchen staffs, OFNS Managers, DOE District Supervisors, OFNS' QASs and HACCP Advisors, and DOE management.

It is ultimately DOE management's responsibility to ensure that the kitchen appliances and equipment DOE uses to store, prepare, and serve food to students are working properly, maintained regularly, and repaired promptly, and that equipment that is not functioning properly is replaced until repairs are completed. DOE's training, quality-assurance consultation, and inspections are not fully effective unless they ensure that surfaces in schools' food storage, preparation, and serving areas are cleaned frequently and repaired as necessary, and that kitchen and cafeteria staff receive necessary support, including adequate light and ventilation in the kitchens, cafeterias, and storage areas where they work.

Moreover, DOE inspectors should ensure that reportable conditions are followed up timely and consistently until the conditions are rectified. The consequences of unsanitary conditions can be detrimental to the health and well-being of staff and students.

## **DOE Did Not Post DOHMH School Cafeteria Inspection Reports on Its Website**

Our audit found that DOE did not post DOHMH school cafeteria inspection reports on its website as required by Section 23-702, *School cafeteria and kitchen inspection data*, of the NYC Administrative Code, which states,

Whenever any cafeteria or kitchen in a school of the city school district is inspected by the department of health and mental hygiene, the city school district shall post

the following information on its website: the date of the inspection or re-inspection; the name and address of the school where the inspected cafeteria or kitchen is located; the facts established observed violations, if any, during such inspections and the severity level of such violations; citations to the laws, regulations or rules for any violations observed during such inspection; and any corrective actions taken in response to such inspection.

The above-cited section of the Administrative Code further requires DOHMH inspectors to inspect “a cafeteria or kitchen in a school” at least twice a year to review food handling operations and sanitary conditions. For each inspection conducted, DOHMH inspectors are required to complete an inspection report. Therefore, DOHMH inspectors should have inspected the 461 public schools in Manhattan at least twice in School Year 2018-2019, which should have resulted in 922 inspection reports. The inspection reports should have been posted on DOE’s and DOHMH’s websites. However, for School Year 2018-2019, we found that DOE did not post *any* DOHMH inspection reports on its website for 250 of those 461 Manhattan-based public schools (54 percent). For the remaining 211 schools, we found that 200 schools had only one inspection report posted, and that only 11 schools had two inspection reports posted as required.

Section 23-702 of the NYC Administrative Code was enacted to ensure that parents and guardians have publicly available means to be informed of the conditions the City’s health inspectors found in the kitchens and cafeterias of the schools that their children attend. Over one million students within the New York City school system rely on school cafeterias for breakfast and/or lunch every school day. Parents expect those cafeterias to be sanitary and safe.

The same statute also requires DOHMH to post its school food inspection reports on its website. Our review of DOHMH’s website found that it did not comply with that requirement. For School Year 2018-2019, DOHMH did not post inspection reports for 310 of the 461 public schools in Manhattan (67 percent). The results of our review will be reported separately to DOHMH.

Moreover, for the 30 sampled schools, we found the schools had DOHMH inspection reports, which evidences that inspections were conducted in those schools. However, inspection reports for 24 schools were not posted on either DOE’s or DOHMH’s website.

Furthermore, Section 23-702 of the NYC Administrative Code also requires that the posted inspections must be searchable by school and address and include the nature of any violations, citations to the applicable law, and any corrective measures taken. However, our review of both DOE’s and DOHMH’s websites found that the websites were difficult to navigate and that information on one agency’s website did not always correspond with information posted on the other agency’s website. Searching for inspection reports for specific schools was difficult and time-consuming as a result of the various issues described above.

Consequently, since the majority of DOHMH’s inspection reports for the 461 schools in Manhattan are not posted on either DOE’s or DOHMH’s websites, we were unable to verify that inspectors performed the required number of inspections at each school. We were able to verify that the 30 sampled schools had been inspected by DOHMH only because we saw the DOHMH inspections posted on site at the schools when we visited them.

## Recommendations

1. DOE should periodically retrain staff in accordance with food protection regulations to ensure that they are kept abreast and periodically reminded of applicable food safety and health regulations and proper practices.

**DOE's Response:** "DOE agrees with this recommendation which is consistent with its practices and longstanding policies to conduct such training routinely."

**Auditor's Comment:** We are pleased that DOE agrees with the recommendation. Although DOE claims that the recommendation is consistent with its practices and longstanding policies, we found instances of noncompliance and encourage DOE to review the effectiveness of its current "routine" training. Accordingly, we encourage DOE to review its practices and take additional steps to comply with this recommendation as warranted.

2. DOE should ensure that all cafeteria and kitchen employees adhere to the guidelines outlined in the HACCP Review Form and the DOHMH Self Checklist to verify that all hot and cold food is being held and served at the prescribed temperature.

**DOE's Response:** "DOE agrees with this recommendation, which is consistent with its practices and longstanding policies. DOE has a robust mechanism in place to ensure that all relevant food handling procedures are followed. Food Safety protocols feature prominently in daily meetings led by cooks in charge."

**Auditor's Comment:** We are pleased that DOE agrees with the recommendation. Although DOE claims that the recommendation is consistent with DOE's practices and longstanding policies, we found instances of noncompliance. Accordingly, we encourage DOE to take additional steps to monitor and reinforce the importance of full compliance with this critical food safety measure.

3. DOE should ensure that thermometers are routinely used during all aspects of the food preparation process, which includes cooking, cooling, reheating, and holding.

**DOE's Response:** "DOE agrees with this recommendation, which is consistent with its practices and longstanding policies. The use of thermometers is already a routine feature of food preparation, storage, and service."

**Auditor's Comment:** We are pleased that DOE agrees with the recommendation. Although DOE claims that the recommendation is consistent with DOE's practices and longstanding policies, we found instances of noncompliance. As with the preceding recommendation, this recommendation concerns a critical food safety issue, and we encourage DOE to make sure that working thermometers are fully deployed and consistently used.

4. DOE should ensure that all cafeteria and kitchen employees are aware of the working condition of all equipment and that the agency properly tracks the requests its employees submit for maintenance, repair, and replacement of food service equipment and that the designated units responsible for fulfilling them follow up on all unfulfilled requests to ensure that the requests are satisfactorily resolved in a timely manner.



**DOE's Response:** "DOE disagrees with this recommendation because the premise of the finding being a widespread issue is inaccurate. DOE maintains and uses a highly reliable system for tracking equipment service requests. A review of the records maintained in this system does not support the assertion in the draft report that a service request was not fulfilled in one school."

**Auditor's Comment:** This recommendation is based on our observation of nonfunctioning kitchen equipment that was the subject of an unresolved work order, followed by a second work order the staff submitted in our presence. We do not know whether the issue is widespread and so did not state that it was. However, we did observe multiple instances of food service and storage equipment that were missing or not properly functioning in the schools we visited. Those concerns are sufficient to warrant the recommended action, and we encourage DOE to implement it.

5. DOE should ensure that all kitchen and cafeteria employees are following the proper dress code and personal hygiene guidelines outlined in the DOHMH Food Protection regulations, including but not limited to the use of approved gloves, waxed paper, or other approved barrier to eliminate bare hand contact with food being served.

**DOE's Response:** "The DOE agrees with this recommendation, which is consistent with its practices and longstanding policies.

Dress code, personal hygiene, and the resulting impacts for food safety are a fundamental component of kitchen staff training. Any failure to adhere to these guidelines is immediately acted upon by supervisors. As the auditors note, gloves are indeed available in ample supply at all kitchens, and the one instance observed of a kitchen employee handling a thermometer with bare hands is highly unusual."

**Auditor's Comment:** We are pleased that DOE agrees with the recommendation. Although DOE claims that the recommendation is consistent with DOE's practices and longstanding policies, we found instances of noncompliance. Accordingly, we encourage DOE to use this audit report as a tool to raise and reinforce awareness of its policies and to enforce them in practice.

6. DOE should ensure that the kitchen staff clean all range hoods monthly and that the required information evidencing such cleanings is recorded in the relevant logs in accordance with DOHMH and HACCP requirements.

**DOE's Response:** "DOE agrees with this recommendation and will reinforce compliance in future training modules."

7. DOE should ensure that its website contains inspection results covering the last three-year period.

**DOE's Response:** "DOE agrees with this recommendation and is in the process of updating the website to display all DOHMH inspection results covering the recent three-year period."

8. DOE should coordinate with DOHMH to modify the design and improve the functionality of the School Food Inspection websites of both agencies to ensure that all inspection reports are readily available to the public and are easily searchable by the search criteria the law prescribes.

**DOE's Response:** "DOE disagrees with this recommendation. Inspection results are readily accessible by the public on the DOE website, using the main 'Search for a School' function. This is a commonly-used, user-friendly and accessible solution, which is used to communicate an array of information about DOE schools."

**Auditor's Comment:** Although DOE disagreed with this recommendation to coordinate with DOHMH, we are pleased that DOE has updated its website and that "inspection results are . . . accessible." The "Search for a School" function, discussed in DOE's response, became operational after the issuance of the draft of this report and prior to DOE's submission of its response. During the audit, we used the following link to search DOE's website <http://schoolfoodnyc.org/dohviolations>, which is now no longer active. Following our receipt of DOE's response, we utilized the "Search for a School" function and were successful in our search for our sample schools' inspection results. However, we observed that the search for the schools' inspection results required numerous steps and required preexisting knowledge of how to navigate DOE's website. Specifically, the search required the user to enter the school name, highlight the school name link, then click on "Overview," then "Free School meals," then "DOHMH Inspections." We therefore encourage DOE to follow up on its recent improvements and further streamline the processes for conducting such searches.

## DETAILED SCOPE AND METHODOLOGY

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

This audit scope covered School 2018-2019. To obtain an understanding of the policies and procedures governing DOE's SchoolFood Safety, we reviewed DOE's SchoolFood Safety standard procedures and its application in NYC public and chartered school cafeterias within all five boroughs. On February 8<sup>th</sup>, 2018, we conducted a walkthrough with DOE officials to obtain an understanding of the inspection process. We made unannounced visits to the 30 sampled schools during school years 2018 and 2019.

In addition, to obtain a general understanding of DOE's policies, procedures and regulations governing DOE's compliance with Health and Safety requirements in public schools, we reviewed and used as criteria the following:

- State of New York Law S 4173-A;
- NYC Administrative Code, Title 17, Section 23-702, which requires schools to post cafeteria inspections online;
- Local Law 112 of 2017;
- HACCP Review Form;
- NYC Department of Health Self Inspection Worksheet;
- New York City Health Code Article 45, General Provisions governing Schools and Children's Institutes;
- New York City Health Code Article 81, Food Preparation and Food Establishments;
- NYC Department of Health Rule Book;
- NYC DOE Food Safety Plan 2014;
- NYC DOE Food Safety Checklist 2015;
- DOHMH Food Protection Training Manual;
- DOHMH Food Protection Study Guide;
- New York State Report: *An Investigation into the Dirtiest New York City Public School Cafeterias*, Issued November 2016; and
- New York City Department of Health Enforcement Guidelines for Common Sanitary Violations.

Upon our request, DOE submitted a list of all Public and Chartered Schools located within New York City. The list contained 2,707 school cafeterias, which included the name of the school, the school address(es), the School Food Code, and the number of cafeterias housed within each building. To determine the reliability of the list of schools and cafeterias overseen by DOE, we compared it against the list of schools posted on the DOE website.

Since this audit focused only on schools located in Manhattan, we extracted from the list of 2,707 school cafeterias 461 cafeterias located in Manhattan. We then randomly selected 30 of the 461 (10 Feeder School; 10 Receiver Schools and 10 Stand-Alone Schools) as a sample.

We created an inspection checklist, which contained a combination of the DOHMH Self Inspection Worksheet and the HACCP Review Form. This checklist enabled our auditors to identify conditions that were satisfactory or unsatisfactory in accordance with the requirements of DOHMH and HACCP. The inspection checklist included the school's name, location, and conditions seen at each cafeteria. Using this inspection checklist, we performed an inspection of the 30 sampled schools to determine whether the cafeterias, kitchens, and staff adhered to DOE and DOHMH regulations. In our inspections we completed an inspection checklist and took photos to document any unsatisfactory or satisfactory conditions in each school location. We documented the conditions of the kitchens and cafeterias we inspected whether they were positive or negative.

At the 30 sampled schools, we interviewed kitchen staff to determine whether they were aware of the DOHMH/DOE regulations. We reviewed DOE inspection reports on site including QAS inspections, DOE daily inspections, HACCP review forms, reports and District Supervisor inspection reports.

For those schools where we found equipment that was not in service or was not functioning properly, we observed kitchen staff fill out requisition forms to request repairs or replacement items (if they did not have the item on hand, such as internal or external thermometers). In addition, we reviewed their daily checklist logs to determine whether the missing or malfunctioning and non-functioning equipment had been observed and noted prior to our visit. If it had been documented, we asked to see the request and repair logs to determine whether the items had been requested previously. Missing and malfunctioning equipment (internal and external thermometers) that could be replaced with equipment on hand was immediately replaced. In addition, requisitions were completed for replacements of the on-hand equipment that replaced missing, malfunctioning, and non-functioning equipment so that the stock would be replenished and made available for future use.

We checked both the DOE and DOHMH websites to confirm that school cafeteria inspections in all five boroughs were posted online. This report concerns only Manhattan schools.

We also reviewed the food distribution process (from vendors to the school kitchens), which entailed reviewing delivery and receiving documents and visiting warehouses. We visited the Driscoll Foods distribution center in New Jersey on February 7, 2019. There we were able to observe the process of receiving and storage of the goods which eventually were to be delivered to the schools. The company is the supplier of bulk frozen foods to the Bronx, Queens and District 6 in Upper Manhattan. We also returned to the Driscoll Foods distribution center on February 28, 2019, where we observed the preparation of the food for transport and the subsequent loading of the trucks for delivery. We also followed delivery trucks along their designated routes to observe the delivery and receiving process at schools scheduled for March 1, 2019 delivery. On March 1, 2019, we observed the delivery of the food to the designated school to determine whether the food was unloaded, received, and stored properly. We observed food items loaded into the "THERMO KING" refrigerated trucks. We checked the temperature of the trucks to determine whether items that were required to be delivered frozen or refrigerated were loaded in the appropriate sections of the trucks. On March 1, 2019, we arrived at the schools and observed whether and how the schools received the requested items, whether the items were still frozen

as required or whether they appeared to have been thawed. Once the food items were unloaded, we determined whether they were stored appropriately. We checked the freezer and refrigerator temperatures and all applicable storage areas after delivery. We observed while the appropriate kitchen staff indicated where the delivery workers should place dry, refrigerated and frozen items, counted the items received compared to the delivery invoice, marked products with the delivery date with a black marker and the expiration date with a red marker, and began packing the items into the kitchen's storage room, refrigerator, or freezer. This receiving and storage activity included an inspection of perishable foods, frozen foods and foods that required refrigeration.

The results of the above tests and observations, while not projectable to the entire population, provided a reasonable basis for us to assess and to support our findings regarding DOE's compliance with applicable laws and regulations regarding health and safety conditions of the school cafeterias we observed.

## Schools with Unsatisfactory Conditions Found during Inspections with DOHMH and HACCP Violation Numbers

\*Violation numbers identified in black are DOHMH Food Service Establishment Self Inspection Worksheet Violations (Appendix III). Violation numbers identified in blue are HACCP Review Form Violations (Appendix IV). N/A is identified as no violations.

#	School	Address	SF Code	Designation	Date Visited	Violation Numbers
1	Stuyvesant High School	345 Chambers Street	02519	Feeder	2/18/2018	N/A
2	Lower Manhattan Community Middle School	26 Broadway	02893	Receiver	10/11/2018	2B
3	Battery Park City School	55 Battery Place	02276	Feeder	10/12/2018	2G
4	Harvey Milk High School	2-10 Astor Place	01843	Receiver	10/12/2018	2G, 4C
5	M.S. 260 Clinton School Writers & Artists	10 East 15th Street	02260	Feeder	10/15/2018	A6b, F5
6	Association for Metroarea Autistic Children, Inc.	25 West 17 Street	02991	Receiver	10/16/2018	2B
7	P.S. 015 Roberto Clemente	333 East 4 Street	01015	Feeder	10/16/2018	2B, D11, 10E
8	P.S. 452	210 West 61 Street	03452	Receiver	10/17/2018	F5
9	East Side Elementary School, PS 267	213 East 63rd Street	02267	Stand alone	10/17/2018	A6b
10	University Neighborhood Middle School	220 Henry Street	01632	Feeder	10/18/2018	4M, 10F, 10F
11	Murray Hill Academy	111 East 33rd Street	02539	Receiver	10/23/2018	10E, 6H
12	City Knoll Middle School	440 West 53 <sup>rd</sup> Street	02833	Stand alone	10/23/2018	10F, 4N, 4F, 10F, C5, 10E, 2G, 2G, F5
13	Pathways to Graduation @ Manhattan Learning Program	317 West 52nd Street	02950	Receiver	10/23/2018	B3
14	The High School of Fashion Industries	225 West 24 Street	02533	Feeder	10/24/2018	9A, 4C, 2G, B1c, 10E
15	Satellite Academy High School	120 West 30 Street	02581	Stand alone	10/24/2018	N/A
16	Pre-K Center at 590 Sixth Avenue	590 Sixth Avenue	02692	Receiver	10/30/2018	4C, 10E

17	Eleanor Roosevelt High School	411 East 76 Street	02584	Receiver	10/30/2018	N/A
18	The River School	425 East 35th Street	02281	Feeder	10/31/2018	9A
19	P.S. 149 Sojourner Truth	41 West 117 <sup>th</sup> Street	03207	Feeder	11/2/2018	D7a, C5, 9A
20	Harlem Renaissance High School	22 East 128th Street	05585	Receiver	11/2/2018	10E, 6H
21	P.S. M811 - Mickey Mantle School	466 West End Avenue	03820	Stand alone	11/5/2018	F1b
22	Fiorello H. LaGuardia High School of Music & Art and Performing Arts	100 Amsterdam Avenue	03511	Stand alone	11/20/2018	2B, C5, D7a, 4C
23	Manhattan / Hunter Science High School	122 Amsterdam Avenue	03551	Receiver	11/20/2018	10F, 10F
24	The Urban Assembly School For Global Commerce	2005 Madison Avenue	05157	Feeder	12/3/2018	9A, F5, 2B
25	Harlem Village Academy Charter High School	35 West 124 <sup>th</sup> Street	05609	Stand alone	12/4/2018	F1b,7A
26	Frederick Douglass Academy	2581 7 <sup>th</sup> Avenue	05010	Feeder	12/4/2018	4F, D8, 2B, 10F
27	J.H.S. 054 Booker T. Washington	103 West 107 <sup>th</sup> Street	03054	Stand alone	1/11/2019	F5
28	P138M @ PS 380M	508 West 153 <sup>rd</sup> Street	06826	Stand alone	1/14/2019	9A
29	I.S. 528 Bea Fuller Rodgers School	180 Wadsworth Avenue	06228	Stand alone	1/15/2019	2B, 10F
30	P.S./I.S. 187 Hudson Cliffs	349 Cabrini Boulevard	06187	Stand alone	1/15/2019	2B, 10E, 10F

**DOHMH REGULATIONS**

**Bureau of Food Safety and Community Sanitation**

**PART ONE – SCORED VIOLATIONS**

**CRITICAL VIOLATIONS**

**FOOD TEMPERATURE**

<b>2B*</b>	Hot food item not held at or above 140°F.
<b>2G*</b>	Cold food item held above 41°F (smoked fish and reduced oxygen packaged foods above 38°F) except during necessary preparation.

**FOOD PROTECTION**

<b>4C*</b>	Food worker does not use proper utensil to eliminate bare hand contact with food that will not receive adequate additional heat treatment.
<b>4F*</b>	Food, food preparation area, food storage area, area used by employees or patrons contaminated by sewage or liquid waste.
<b>4M</b>	Live roaches present in facility’s food and/or non-food areas.
<b>4N</b>	Filth flies or food/refuse/sewage-associated (FRSA) flies present in facility’s food and/or non-food areas. Filth flies include house flies, little house flies, blow flies, bottle flies and flesh flies. Food/refuse/sewage-associated flies include fruit flies, drain flies and Phorid flies.

**PERSONAL HYGIENE & OTHER FOOD PROTECTION**

<b>6H</b>	Records and logs not maintained to demonstrate that HACCP plan has been properly implemented.
<b>7A</b>	Duties of an officer of DOHMH interfered with or obstructed.

**FOOD SOURCE**

<b>9A</b>	Canned food product observed dented and not segregated from other consumable food items.
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**FACILITY MAINTENANCE**

<b>10E</b>	Accurate thermometer not provided in refrigerated or hot holding equipment.
<b>10F</b>	Non-food contact surface improperly constructed. Unacceptable material used. Non-food contact surface or equipment improperly maintained and/or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides, above and underneath the unit.



**HACCP REVIEW FORM**

New York City Department of Education Office of SchoolFood

**HACCP REVIEW FORM**

**A. Food Protection & Personal Hygiene**

- 1. DOH Food Protection Certificate holder is on site
- 2. Cuts and burns are covered
- 3. Utensils and gloves are used to prepare and serve food
- 4. Eating, drinking and chewing gum are done only in a designated area
- 5. Employees wash hands after using the toilet, coughing, sneezing, smoking, eating, and preparing foods
- 6a. Proper hand washing is performed as required at designated sink
- 6b. Hand-washing sinks are unobstructed, operational, and clean
- 6c. Hand-washing sinks are stocked with dispenser soap, disposable towels and hot and cold water
- 7. Uniform policy followed
- 8. Fingernails are short, unpolished and clean (no artificial nails)
- 9. Jewelry is limited to a wedding band without stones and a watch
- 10. Food is protected from potential sources of contamination during storage, preparation, transportation, display or service

**B. Food Preparation & Service**

- 1a. Thermometers are routinely used to evaluate temperatures during preparation, cooking, cooling, reheating and holding
- 1b. Food thermometers are calibrated
- 1c. Food thermometers are washed, rinsed and sanitized after each use
- 1d. Sanitizing solution is readily available when temperatures are being taken
- 2. Oven/stoves/steamers are clean and maintained
- 3. Warmers/steamtables are preheated before hot food is placed in unit.
- 4. Warmers/steamtables are clean and maintained
- 5. Food is tasted using a single-serve utensil
- 6. Foods are cooked to 165° F before holding
- 7. Hot foods are held at or above 140° F
- 8. Cold foods are held at or below 40° F
- 9. Foods are cooled by an approved method within temperature and time frame
- 10. Reheated foods are cooked to 165° F or above within 2 hours
- 11. Single-service items are properly stored and used for service

**C. Equipment**

- 1a. Warmers have accurate thermometers
- 1b. Ovens have accurate thermometers
- 1c. Cold wells have accurate thermometers
- 1d. Refrigerators have accurate thermometers
- 1f. Milk Chests have accurate thermometers
- 2a. Refrigerators, salad bars, cold wells and freezers have shielded or shatterproof bulbs

2b. Refrigerators, salad bars, cold wells and freezers have adequate lighting
3. Fixed equipment is clean and maintained
4a. Air temperature within refrigerators, milk chests and cold wells is 40° F or below
4b. Air temperature within freezers is 10° F or below
4c. Air temperatures in warmers is 140° F or above
5. Non-operating equipment is labeled not for use
<b>D. Food Source &amp; Storage</b>
1. Food are from approved sources and are evaluated for acceptability
2. Frozen foods are received in a frozen state
3. Frozen foods are stored in a frozen state
4. Dented, swollen, leaking or rusted cans are labeled and segregated from the other consumable food items
5. Food are defrosted and thawed by an approved method
6a. Food items are stored 6" off the floor
6b. Paper, cleaning and miscellaneous items are stored 6" off the floor
7a. Food items are labeled, dated and rotated
7b. Food items are not expired
8. Storage areas are clean and organized
9. Chemicals are labeled and stored away from food items
10. Employees' personal food items are stored separately in a designated area
11. Employees' personal belongings are separated from food items
<b>E. Cleaning &amp; Sanitizing</b>
1a. Sink sanitizing method
1b. If using heat sanitizing, equipment and utensils are immersed in 170° F water for 30 seconds
1c. If using a chemical sanitizer, it is mixed correctly and chlorine test paper is used to test concentration
1d. Sanitizing water is not soiled or cloudy
2. Sanitizing solution is readily available
3. Cloths are stored in sanitizing solution
4a. Water jets/water coolers are washed, rinsed and sanitized before and after use
4b. Cutting boards are able to be washed, rinsed, and properly sanitized (no deep grooves or discoloration)
4c. Can opener base and blade are washed, rinsed and sanitized before and after use
4d. Slicer surfaces are washed, rinsed and sanitized before and after use
4e. Utensils are washed, rinsed and sanitized before and after use
4f. Other food contact surfaces are washed, rinsed, and sanitized before and after use
5. Garbage cans are clean and covered
6. Sanitized equipment and utensils are dried using an approved method
<b>F. Compliance</b>
1. Hand washing policy sign posted in kitchen or serving area
1a. Designated hand- washing sink sign posted in kitchen
1b. DOH Operating Permit posted in kitchen
1c. Justice For All poster posted in dining room

1d. No Smoking sign posted in kitchen
1e. Non-Discrimination [EEOC] sign posted in kitchen
1f. Choking poster posted in dining room
1g. Copy of most recent DOH report posted in kitchen or serving area
2. Food Safety Checklist is maintained
3. Food temperature logs re maintained
4. Equipment temperature logs are maintained
5. Exhaust hood cleaning log is maintained
6a. Drinking water is available
<b>G. Kitchen Facilities</b>
1a. Kitchen facility is free of contamination of sewage and liquid waste
1b. Food storage areas is free of contamination of sewage and liquid waste
1c. Service areas is free of contamination of sewage and liquid waste
1d. Restrooms are free of contamination of sewage and liquid waste
2a. Both hot and cold water is available at adequate pressure
2b. Faucets do not leak or drip
2c. Hot and cold knobs are functioning properly
3. Sinks have indirect waste connections
4. Lighting is adequate and protected
5. Wall, floors and ceilings are in good condition
6. Vent covers and fans are clean and maintained
7. Exhaust hood and filters are clan and maintained
8b. Food areas and/or non-food areas [rats]
9b. Food areas and/or non-food areas [mice]
10b. Food areas and/or non- food areas [roaches]
11b. Food areas and/or non-food areas [flies]
12. No other pest life
13. No conditions conducive to attracting vermin exist
15. Rodent bait stations are used in accordance with applicable laws
<b>H. Employee Facilities</b>
2. Hand-washing sink in employee bathroom has hot and cold water
3. Employee bathroom has a self-closing door
4. Employee bathroom has a soap dispenser
5. Employee bathroom has toilet paper and paper towels
6. Employee bathroom has a covered trash can
7. Employee bathroom has hand-washing sign posted



June 28, 2021

Marjorie Landa  
Deputy Comptroller for Audit  
The City of New York  
Office of the Comptroller  
One Centre Street  
New York, NY 10007-2341

**RE: Audit Report on the Department of Education's  
Compliance with Health and Safety Requirements  
for School Cafeterias (Manhattan) – SZ18-090A**

Dear Ms. Landa:

This letter will serve as the New York City Department of Education's (DOE) formal response to the New York City Office of the Comptroller's (Comptroller) draft audit report on the DOE's Compliance with Health and Safety for School Cafeterias (Report).

The DOE thanks the auditors for their thoughtful and thorough review of Food Safety protocols in school kitchens and cafeterias. We support the goals of the audit and largely accept the recommendations outlined in the report.

This audit, initiated in 2017, is based on visits conducted in 2018 at 30 school kitchens. Much has evolved since 2018, and we can confidently assert that our system-wide Food Safety compliance program is more robust today than ever. In the Spring of 2017, we created the role of Director of Food Safety and Quality Assurance. Tasked with consolidating all related Standard Operating Procedures into a single Food Safety and Quality Assurance strategy, the Director designed and implemented a streamlined incident response protocol and increased overall attention to Food Safety throughout our organization. Our success in this area is evident in vastly improved Department of Health and Mental Hygiene (DOHMH) inspection outcomes: in 2021, thus far, not a single kitchen has been cited.

At the specific 27 schools in which the auditors identified items of concern, swift action was taken to remediate those issues; all subsequent DOHMH inspections at these locations have demonstrated these gaps were adequately and permanently resolved.

For clarity, it is worth noting that kitchen permits are managed, issued, and renewed by the DOHMH. As identified by the Comptroller, delays in updated permit issuance do sometimes occur; in such cases, expired permits remain posted in the kitchens.

Additionally, kitchen inspections, their frequency, and schedules are determined by DOHMH. While DOE is responsible for posting inspections results provided by DOHMH, the DOE's website is only updated when the inspections are completed and the DOE receives the results. It is likely that the DOHMH inspections were still pending at the time the auditors tested the online inspection results. We will continue to partner with DOHMH to ensure complete transparency around our high standards of Food Safety, and we are updating the DOE website to display three years' worth of inspection results, as required.

Response to Recommendations:

**Recommendation 1.** *DOE should periodically retrain staff in accordance with food protection regulations to ensure that they are kept abreast and periodically reminded of applicable food safety and health regulations and proper practices.*

**Response:** DOE agrees with this recommendation which is consistent with its practices and longstanding policies to conduct such training routinely.

**Recommendation 2.** *DOE should ensure that all cafeteria and kitchen employees adhere to the guidelines outlined in the HACCP Review Form and the DOHMH Self Checklist to verify that all hot and cold food is being held and served at the prescribed temperature.*

**Response:** DOE agrees with this recommendation, which is consistent with its practices and longstanding policies. DOE has a robust mechanism in place to ensure that all relevant food handling procedures are followed. Food Safety protocols feature prominently in daily meetings led by cooks in charge.

**Recommendation 3.** *DOE should ensure that thermometers are routinely used during all aspects of the food preparation process, which includes cooking, cooling, reheating, and holding.*

**Response:** DOE agrees with this recommendation, which is consistent with its practices and longstanding policies. The use of thermometers is already a routine feature of food preparation, storage, and service.

**Recommendation 4.** *DOE should ensure that all cafeteria and kitchen employees are aware of the working condition of all equipment and that the agency properly tracks the requests its employees submit for maintenance, repair, and replacement of food service equipment and that the designated units responsible for fulfilling them follow up on all unfulfilled requests to ensure that the requests are satisfactorily resolved in a timely manner.*

**Response:** DOE disagrees with this recommendation because the premise of the finding being a widespread issue is inaccurate. DOE maintains and uses a highly reliable system for tracking equipment service requests. A review of the records maintained in this system does not support the assertion in the draft report that a service request was not fulfilled in one school.

**Recommendation 5.** *DOE should ensure that all kitchen and cafeteria employees are following the proper dress code and personal hygiene guidelines outlined in the DOHMH Food Protection regulations, including but not limited to the use of approved gloves, waxed paper, or other approved barrier to eliminate bare hand contact with food being served.*

**Response:** The DOE agrees with this recommendation, which is consistent with its practices and longstanding policies.

Dress code, personal hygiene, and the resulting impacts for food safety are a fundamental component of kitchen staff training. Any failure to adhere to these guidelines is immediately acted upon by supervisors. As the auditors note, gloves are indeed available in ample supply at all kitchens, and the one instance observed of a kitchen employee handling a thermometer with bare hands is highly unusual.

**Recommendation 6.** *DOE should ensure that the kitchen staff clean all range hoods monthly and that the required information evidencing such cleanings is recorded in the relevant logs in accordance with DOHMH and HACCP requirements.*

**Response:** DOE agrees with this recommendation and will reinforce compliance in future training modules.

**Recommendation 7.** *DOE should ensure that its website contains inspection results covering the last three-year period.*

**Response:** DOE agrees with this recommendation and is in the process of updating the website to display all DOHMH inspection results covering the recent three-year period.

**Recommendation 8.** *DOE should coordinate with DOHMH to modify the design and improve the functionality of the School Food Inspection websites of both agencies to ensure that all inspection reports are readily available to the public and are easily searchable by the search criteria the law prescribes.*

**Response:** DOE disagrees with this recommendation. Inspection results are readily accessible by the public on the DOE website, using the main “Search for a School” function. This is a commonly-used, user-friendly and accessible solution, which is used to communicate an array of information about DOE schools.

Sincerely,



Kevin Moran  
Chief School Operations Officer