

When discussing internet posting of restaurant scores or inspections make sure that you express the industry's desire that the public get only accurate food safety information and not subjective, inaccurate or misleading information regarding the safety of an individual restaurant. There are laws in place in 50 states, under the freedom of information act, that provide that the public has access to accurate public records. However, in no case should the public be given misleading or inaccurate working papers, opinion or subjective observations without due process and appropriate administrative review by the regulatory authority.

The National Restaurant Association feels that the public listing of closed restaurant establishments only, is the best and most accurate way to put forth accurate meaningful food safety information to the public. To do otherwise brings inherent inaccuracies, subjective opinions and misinformation into the process that must be fully addressed before any posting scheme can be established.

Arguments and questions against Internet posting:

- Who is paying for the web site, site design and data entry costs? Does the Health Department have the surplus funds necessary to spend on this scheme, and are all health inspections being conducted so personnel can be re-assigned to web support with out reducing health inspections?
- Is the information put on the site directly related to food safety or are other non-food safety violations also being posted? The public will believe that the information is food safety related and should be advised if it is not.
- Will a narrative including a full accurate description and significance of any food safety violation marked be listed with the violation? To not fully disclose the specific nature of any violation listed on the site would be inaccurate and deceptive.
- Will violations that have been corrected be listed as corrected? If not marked as corrected how will the public will know that there is no continuing problem. To do otherwise would be deceptive and inaccurate.
- Will challenged or questioned violations and inspection reports be listed on the web site as Department findings? Subjective, inaccurate or unfounded information should never be put on the site and a complete process of administrative review and confirmation should be set up for every inspection report put on the site. To do otherwise would be to condone deceptive or inaccurate information regarding the safety of an individual restaurant.
- Will there be a process for restaurants to appeal inaccurate information published on the web site and have it removed in a timely manor? Will the department be willing to compensate restaurants for damages caused by the publication of information found to be

inaccurate? The department must assume full legal responsibility for the accuracy of the information it publicizes, just as newspapers and other media sources do.

- Do the inspectors have certifications in food safety or as food safety professionals? Are the inspectors been tested on a regular basis to assure consistency of marked violations from establishments to establishment? What happens to inspectors that fail standardization testing? Without standardization of the inspectors the program is guaranteed to publish inaccurate inspection results.
- Are all establishments inspected on the same regular frequency to assure that the public gets an update accurate and consistent view of all establishments? How often will the web site be updated to show the most up to date inspection information? Without daily updating and consistent inspection schedules the public will not be able to compare the results posted and therefore the information will be inaccurate.
- Is there a sliding scale based upon the size and complexity of the food service operation? Will coffee shops and full service restaurants be graded on the same scale? How will the department inform the public regarding this issue and compensate for the size and complexity of foodservice operations that are wildly different. Again to not compensate for the size of an operation will be putting forth misleading information to the public.
- With out the proper checks in the system we suspect that this plan may have been proposed to make inspections easier for poorly trained inspectors and to benefit the news media. The media will generally use this type of negative industry information to create sensational stories to boost ratings and increase profits. Industry education, public understanding and regulatory industry relations may be the first casualties of any poorly developed Internet posting plan.
- Finally, what is the scoring scheme proposed for public notification? One of the tenants of modern public health thinking, incorporated in the FDA Food Code, has been to focus health inspections on food safety, and the elimination of simple inspection checklists and inherently deceptive scoring schemes. No matter what the inspection score, if one critical inspection violations exist that truly endangers the public, it should be corrected immediately or the facility should be closed. Conversely if the violations are not related to food safety and do not endanger the public then a low score is inaccurate and deceptive to the public as food safety indicator. Therefore, the only thing that should matter regarding an inspection is pass or fail and closed to give an establishment a failing or low score and simply post it on the Internet, is not in the public's best interest and should not be tolerated.