

Still Enough to Make You Sick

*An Analysis of 2005 New York City
Supermarket Sanitation Inspections*

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In the spring of 2000, then-Assemblyman Jeff Klein shined a spotlight on filthy conditions in New York City supermarkets and retail food stores with a report entitled *Enough to Make You Sick*. That report outlined widespread sanitary violations and rampant insect and rodent infestations at an alarming number of city supermarkets. Klein's report and subsequent public hearings led to the passage of tough new supermarket safety legislation later that year. Unlike restaurants, which are inspected by city and county health departments, supermarket sanitation requirements are uniform across the state and enforced by state inspectors from the Department of Agriculture and Markets. To demonstrate that dirty supermarkets are not only a New York City problem, Senator Klein expanded his investigations to include the supermarkets of Westchester County in 2005 and showed that rodents, insects and other pests can be found wherever sanitation standards and food safety training are lax. His primary focus, however, continues to be improving the pest control and sanitation in the supermarkets and retail food establishments of New York City where urban density makes proper sanitation and diligent pest control critical to ensuring the safety of our retail food supply.

2000 Supermarket inspection reforms

The supermarket safety law authored by Klein went into effect at the end of 2000 and now requires that every supermarket and retail food store in the state be inspected at least once a year. Troubled supermarkets failing two consecutive inspections are singled out for more frequent biannual inspections and other remediation services from the Department of Agriculture and Markets. If those efforts fail and a store cannot or will not clean up its act, the law gives the department the authority to revoke the state food processing license of any licensed establishment that fails three consecutive inspections. If an establishment is operating under an expired or revoked license, the department can seek an injunction ordering that store to cease any food processing operations which require a license under article 20-c of the agriculture and markets law or to close down altogether until any unsanitary conditions are corrected. Similarly, if a retail food establishment is not required to be licensed because it only sells pre-packaged foods and conducts no food preparation or processing operations of its own, the department can still protect the safety of our retail food supply after three consecutive inspection failures by seeking an injunction ordering the store to cease all retail operations until its unsanitary conditions are corrected.

Does my supermarket post its inspection results?

Klein's experience studying New York's supermarkets has taught him to appreciate the value of public awareness. Before the 2000 report, many shoppers never questioned the safety of the food they bought at their local supermarket and never suspected that they might be bringing home rodent and insect contamination in their shopping bags. Six years later, consumers use a more critical eye to judge the cleanliness of their supermarket's public areas and rely on inspection postings to make sure that proper pest control, and safe food handling and storage procedures are being followed in the areas they can't see.

One of the most visible changes for New York consumers as a consequence of the new law is that every supermarket and retail food store is now required to post the date and results of their most recent state sanitary inspection. The law does not require supermarkets to post a list of their particular violations, but simply whether it has passed or failed its most recent inspection. A supermarket is deemed to have passed inspection if no critical deficiencies in its sanitary conditions or food handling procedures are found by state inspectors. Less serious general deficiencies are cited in the inspection reports but cannot, on their own, result in a failing grade. Customers who want more information can ask store management to see a copy of the actual inspection report filed by the state inspector which outlines any general or critical deficiencies and furnishes details about any food seizures and possible rodent and insect problems that were observed.

Compliance with the new supermarket posting requirement got off to a slow start around the state, with 24% not posting in New York City and 22% failing to post statewide in the first full year after the law took effect. Some stores may have been slow to post because of a lack of information about the new law, but many repeat offenders were cited on several consecutive inspections for failure to post. A major problem with enforcing the new posting law is that failure to post only constitutes a general deficiency. A store could not fail its inspection or incur a financial penalty simply for failing to comply with the new posting law, as they could if they failed to correct a critical deficiency. Fortunately, state inspectors seem to have solved the problem through better education of store managers, because non-compliance with the posting requirement has plunged to below 1% in 2005.

Will my supermarket be shut down if it fails an inspection?

The existing process for revoking a supermarket's state license gives store owners far more than the three chances the department is required to provide. Despite the department's increased authority under the 2000 to close down or revoke the licenses of habitually unsanitary supermarkets after three consecutive inspection failures, Klein has found cases in New York City of the department waiting for five or even six failures before even starting to revoke a store's license. This delay can add several months to the revocation process and unnecessarily expose consumers to food that is stored and processed under unsanitary conditions.

New York State recognizes that each supermarket and retail food store represents a family's livelihood, and the jobs of several employees; so, before moving to revoke a supermarket license or close an unlicensed store, the department will attempt remediation. This often involves educating store owners and personnel about proper food handling and pest control procedures. After a store fails two consecutive inspections, a fine is levied by the state and a compliance session is scheduled so a representative from the department can meet with store representatives to discuss the steps that need to be taken to solve the store's pest problems or any other recurring critical violations. One additional inspection is likely to be scheduled before the session and another will always be scheduled a short time afterwards so the department can ascertain whether or not the corrections discussed at the compliance session have been implemented. Under this system, it is possible for a store to fail up to four consecutive inspections before the state can determine whether or not remediation efforts have been successful. However, after the second failure, escalating fines are imposed after each failed inspection.

If remediation does not succeed and the store still cannot pass inspection, the department will schedule an administrative hearing during which the store owner can offer evidence as to why his or her license should not be revoked. Ideally, the department should schedule a revocation hearing as soon as possible after a store fails to implement the corrections that were discussed and agreed upon at the compliance session.

Before the revocation hearing takes place, at least one additional pre-hearing inspection is conducted. If the store passes its pre-hearing inspection, its revocation hearing is postponed with a warning that it will be rescheduled if the store fails a future inspection. If the store fails its pre-revocation hearing, the hearing takes place as scheduled and the store's license is typically revoked. After revocation, a post-hearing inspection is scheduled to make sure that the store is no longer conducting those food processing activities which require a

license. If the store passes this inspection, it may apply for a new license. It is generally allowed to operate while application for the new license is pending.

If a supermarket continues to process food under a revoked or expired license, the department must go to court seeking an injunction ordering the store to cease all retail food sales and food processing operations until it passes a state inspection. If the store ignores that injunction, the department must go to court again to have the store owner held in contempt of court. With retail food stores that do not conduct any licensable food processing operations, the department follows the same remediation and fine assessment procedures. If those efforts fail, no administrative hearing is necessary. The department can go directly to court seeking an injunction to close the establishment down until it passes an inspection.

Pests and the public health

Rat Facts

- Carry bubonic plague, typhus and germs that cause food poisoning.
- Also carry fleas which are dangerous carriers of disease.
- Most common in New York are brown rats, also known as Norway rats or sewer rats. They are among the fiercest of all rat species.
- Live under floors and in walls and are shaken from underground by subway vibrations, making them more plentiful around busy transit lines,
- Mark Nealon, restaurant safety consultant, "I tell restaurant owners : Try to keep three feet away from the dead rat. The flea can detect drops in body temperature and they are looking for a new warm body. That's why cats aren't good. They get rid of rats and mice, but they're susceptible to fleas." (NY Daily News, June 2, 1998)

Mouse Facts

- Like rats, carry disease-producing organisms such as salmonella on their feet and in their intestinal tracts.
- Fresh droppings in food areas are virulent, more likely to cause disease.

Rodents have plagued mankind since prehistoric times and continue to be a major problem for the food industry today. The rodents most troubling to the supermarkets and other members of the food industry are Norway rats, roof rats and house mice.

Rodents are highly resourceful creatures and can survive in almost any environment. A Norway rat can jump up to four feet, survive a 50 foot drop, burrow down to four feet underground, swim up to a half mile in

open water and tread water for three days, climb trees or vines and travel along telephone and power lines. Most frightening is their ability to enter a building through an opening as small as 1/2 inch square. An ordinary house mouse has less impressive physical talents but needs an opening of only 1/4 inch in diameter to gain entry to a building.

There are an estimated 250 million rats in the United States -- about one for every person. The ratio of rats to humans is even higher in major cities like New York because urban squalor and poor sanitation in overcrowded cities attract rodents which feed off garbage and food waste. Fueling the rat population explosion is the fact the American urban rats can produce ten offspring every six or seven weeks. Norway rats, the dominant rat species in the eastern states, will eat almost any food, but prefer garbage, meat, fish, cereals, nuts, fruit, vegetables and pastries. House mice, even more common than rats in the U.S., will also eat a variety of foods including cereals, grains, nuts, seeds, butter, meat, insects, pastries and candy. A single rat eats between 25 and 27 pounds of food per year, and can contaminate or defile a great deal more. Rodents defile and contaminate food and other materials through gnawing, chewing, body contact and by the discharge of bodily wastes. An average rat sheds between 500,000 and 1 million hairs and produces about 25,000 droppings in a year. A rat also dribbles about a pint of urine a month, or 1 1/2 gallons per year.

In addition to their tendency to instill terror and revulsion in humans, rats and mice are also riddled with parasites and can pass along as many as 35 known diseases, including rat-bite fever, salmonella food poisoning and leptospirosis, a flu-like illness. In their capacity as disease carriers, these three species of rodents have been responsible for more human illness, death and destruction in the last 1000 years than all of the world's wars and revolutions combined.

Diseases Carried by Rodents

- Leptospirosis (Weil's disease)
- Hanta virus
- Listeriosis
- Plague
- Rabies
- Salmonellosis (bacterial food poisoning)
- Trichinosis
- Tularaemia
- Toxoplasmosis
- Schistosomiasis
- Melioidosis
- Histoplasmosis
- Leishmaniasis
- Lymphocytic choriomeningitis
- Rickettsial pox
- Lyme disease
- Chagas disease
- Murine typhus
- Scrub typhus
- Flea-borne typhus
- Siberian tick typhus
- Argentine hemorrhagic fever
- Bolivian hemorrhagic fever
- Hemorrhagic fever with renal syndrome
- Lassa fever
- Rat-bite fever
- Tick-borne relapsing fever
- Venezuelan hemorrhagic fever

- Streptobacillus moniliformis
- Heliobacter cinaedi
- Dwarf tapeworm disease
- Rat tapeworm disease
- Dog tapeworm disease
- Ringworm

Thankfully, many rodent-borne diseases are rare in the United States, but others, like salmonella and trichinosis are quite common and often go unreported if the victim does not require hospitalization. Like many other foodborne pathogens, they cause only mild illness in previously healthy victims, with symptoms ranging from slight discomfort to diarrhea, fever, vomiting, abdominal cramps and dehydration. However, children, the elderly, pregnant women and those suffering from conditions such as AIDS, diabetes or cancer, are less able to fight off these infectious diseases and the results can be fatal.

Rodents invade food establishments in search of food and shelter. To control them, a supermarket must:

1. Eliminate any possible entry points by keeping doors closed tightly and windows and floor drains screened.
2. Eliminate rodents' hiding places by keeping the establishment neat and clear of garbage and debris.
3. Eliminate their food supply by keeping food storage areas free of spills, storing open food in covered containers and keeping stored food off the floor and away from walls.

Cockroach Facts

- Can transport many types of bacteria, including Staphylococcus, Streptococcus, Salmonella & Clostridium.
- Carry bacteria from garbage areas onto food equipment and utensils.
- Live in dirty crevices, making it easier to pick up and spread germs.
- Attracted to moisture, so most likely to be found in kitchens and bathrooms.
- Often contaminate much more food than they actually consume.
- Telltale odor caused by cockroach excrement, scent gland excretions and regurgitated foods.

Another major category of supermarket pest is the cockroach. Of ancient origin, cockroaches are flat, fast, nocturnal insects that seek out warm, moist, secluded areas. Domestic species of cockroaches rarely or never fly; instead they are carried in bags, cartons (particularly corrugated) and packages of food. Beverage containers and cartons are a particularly important means of cockroach transportation because they are often contaminated with spilled syrups or malts which attract the bugs. Empty and unrinsed soft drink and beer containers in supermarkets, restaurants, bars and homes form a chain of infestation. More than 200 cockroach nymphs have been found in a single soft drink bottle returned to a supermarket for its deposit. Cockroaches often become established in dark and damp basements or crawl spaces and they may enter a building around utility pipes, air ducts, ventilators or under doors.

Cockroaches contaminate food, imparting an unpleasant odor and taste, and also transmit disease organisms through their droppings and bodily secretions. Among the cockroach's many unsavory habits is a dangerous tendency to track germs from underground sewers through our kitchens, restaurants and supermarkets. Like rats, they are commonly implicated in the transmission of salmonella, a cause of food poisoning. Salmonella bacteria can survive in cockroach droppings for three or four years. Cockroach droppings may also contain the parasite toxoplasmosis. Parasitic toxoplasmosis causes mild symptoms in sufferers but is linked to birth defects if contracted by a pregnant woman. In laboratory tests, the hepatitis B antigen has also survived up to nine days in cockroach droppings.

In addition to transmitting disease, cockroach exposure also triggers an allergic reaction in about 7.5% of the population. In these people, cockroach contaminated food causes symptoms similar to those associated with a food allergy and may be misdiagnosed as a food allergy. Inhaling airborne particles from cockroach droppings can also trigger allergic reactions or an asthma attack in asthmatics.

Fly Facts

- Carriers of germs that cause salmonella, malaria, sleeping sickness, dysentery and parasitic worms.
- Attracted to feces, rotting meat, garbage.
- Dangerous because wings make them mobile and able to spread more contaminants more quickly.
- Audrey Cross, public health professor at Columbia University, "The fly flies in the toilet, then walks on food. Many times they've picked up human fecal matter and are spreading it on the food with their hairy little legs." (NY Daily News, June 2, 1998)

Flies may not look as dangerous as rodents and cockroaches, but they can do just as much damage to the food supply. Their ability to fly enables these pesky little bugs to visit a greater variety of food and water sources, spreading filth and contamination across wide areas. Like cockroaches, their habit of traveling back and forth between kitchens and bathrooms is ideal for the spread of bacteria and other pathogens. In supermarkets, flies are most likely to congregate in the meat and deli areas where exposed meat products and dirty meat processing equipment offer a plentiful food supply.

No relief of supermarket pest problems

One of the most shocking things Klein discovered in his original analysis of supermarket inspections reports was that rodents, insects and other pests had easy access to food in more than a quarter of city

supermarkets. In fact, the most frequent critical violation cited by inspectors was insect, rodent, bird and vermin activity in locations that may cause contamination of food (noted as critical deficiency 4F in state inspection records), which was found in 28% of all inspections performed in 1999 and 27% of all inspections performed in 2000. Critical violations, like 4F, pose a direct danger to the safety of the food and the presence of one or more critical violations will cause an establishment to receive a failing grade. The harms posed by general deficiencies are considered less imminent, so these violations do not lead to a failing grade. To constitute a critical violation and cause an establishment to fail its inspections, the rodent, insect or other pest activity in a supermarket must be observed either in the food or in the areas where food is stored or displayed.

Unfortunately the pest problem is not confined to New York City supermarkets and it hasn't gone away since the passage of Klein's law. Pest problems near the food supply remain widespread throughout the New York metropolitan area in 2005 and were the most common critical deficiency cited in supermarket sanitary inspections. The only counties in the metropolitan New York area where supermarket pests were not the primary reason for failure were Staten Island and Suffolk County. Pest activity around the food supply, most often evidenced by rodent droppings or live insects, continues to plague 26% of all Bronx supermarket inspections and 23% of inspections in Brooklyn and Manhattan. Even Queens, where 18% of inspections turned up evidence of pest activity in and around the food, exceeds the statewide average of 15%. Pest levels were up in Staten Island from 2003, rising from 4.8% to 6.7%, but still remained below the statewide average.

See Figure 1 below for a comparison of selected supermarket sanitary violations from 2003 and 2005 based on sanitary inspections by the New York State Department of Agriculture and Markets. Critical violations that involve pests include 4F insect/rodent/bird/vermin activity that may cause contamination, 2A rodent defiled foods or ingredients, and 2B insect infested foods or ingredients. Other important critical violations include 2D other adulterated/unfit food or ingredients and 4A contact equipment surfaces unclean or not sanitized, which means that equipment and surfaces that come into direct contact with food are not properly cleaned and sanitized between uses, creating the potential for cross-contamination. Most unnerving is that some levels of pest activity only constitute a general deficiency. Evidence of rodents observed (14A) and Insects, birds, other vermin observed in establishment (14B) are not enough, by themselves, to trigger a failing grade. These violations can include dead insects and rodents, as well as live pests found in areas where food is not directly stored or handled. Pest activity only rises to the level of a critical deficiency, and triggers a failure, when it is in close proximity to the food stored, sold and prepared in supermarkets and retail food stores.

Figure 1. Selected food retailer sanitary violations in 2005 and 2003, by percent of total inspections

	2A	2B	2D	4A	4F	14A	14B	13D
	Rodent defiled food seized	Insect infested food seized	Other adulterated, unfit food seized	Contact equipment surfaces unclean, unsanitized	Insect rodent, bird, vermin activity	Evidence of rodents observed	Insects, birds, or vermin observed	Failure to post most recent inspection result
Statewide 2005	1.44	0.84	0.99	5.93	14.64	18.63	22.54	0.06
Bronx 2005	1.42	0.81	0.99	7.98	26.01	20.66	30.11	0
Bronx 2003	2.61	0.41	0.82	7.9	21.58	28.65	24.32	23.91
Brooklyn 2005	2.2	1.93	1.11	7.96	22.85	34.11	42.61	0.14
Brooklyn 2003	1.89	1.69	0.78	8.87	22.08	32.74	28.4	24.89
Manhattan 2005	2.15	0.94	1.24	7.66	23	23.54	29.49	0.06
Manhattan 2003	2.56	1.8	1.31	4.91	23.14	22.48	26.58	29.58
Queens 2005	3.29	0.8	0.96	4.06	18.43	25.99	31.34	0
Queens 2003	4.07	2.12	2.06	7.31	19.77	27.87	25.19	23.68
Staten Island 2005	0.62	0	0.41	6.91	6.7	8.17	13.62	0
Staten Island 2003	0	0	0	12.65	4.81	12.65	5.42	22.89
Westchester 2005	1.78	0.47	0.47	6.07	20.85	15.85	23.83	0.11
Westchester 2003	2.29	0.83	0.62	12.1	20.87	19.83	20.25	23.59
Rockland 2005	0.52	2.6	2.6	9.89	10.41	10.41	13.02	0
Rockland 2003	1.11	7.22	1.11	12.77	15.55	5.55	1.66	34.44
Nassau 2005	0.5	0.92	0.5	3.45	9.87	12.74	15.44	0.08
Nassau 2003	1.32	0.82	0.82	9.78	11.77	14.92	10.94	25.7
Suffolk 2005	0.24	0.06	0.6	5.12	3.43	3.37	4.27	0
Suffolk 2003	0.13	0	0.52	6.81	5.24	4.98	5.37	24.9

* Based on 2003 and 2005 state sanitary inspection compliance summaries

What should be done to address this problem?

The vast majority of New York City supermarkets who fail a state inspection manage to correct their major deficiencies and pass upon re-inspection. For supermarkets that cannot clean up their acts before three consecutive failed inspections, Klein has introduced legislation that would require the department to revoke a supermarket's retail food processing license after three strikes, or failures. In 2005 alone, Senate Bill 3298 would have closed down 159 chronic failing supermarkets and retail food stores in New York City until they could clean up their premises enough to safely store and sell food.

Figure 2. NYC supermarkets with three or more consecutive failures in 2005

	Three consecutive failures	Four consecutive failures	Five or more consecutive failures	Total strikeouts
Bronx	32	2	4	38
Brooklyn	39	14	6	59
Manhattan	34	6	5	45
Queens	9	4	1	14
Staten Island	2	1	0	3
Citywide	116	27	16	159

*Based on state sanitary inspection data

In Klein's experience, most food sellers are trying to run a safe and clean operation that attracts as many customers as possible, and will make every effort to implement the necessary corrections if they fail an inspection. But for the state's most hardened supermarket scofflaws, those who are undeterred by mounting fines and do not wish to be bothered with the requirements of proper sanitation and pest control, only the severe financial threat posed by an imminent shutdown is sufficient to act as a wake up call and produce the dramatic turnaround necessary to adequately protect the shopping public from food-borne illness.

Senator Jeff Klein's 2005 Dirty Dozen*
(listed by borough)

Rodriguez Meat Market 571 E 184th St. Bronx, NY 10458

Failed four consecutive inspections between 5/03/05 and 3/07/06, with four of the failures due to rodent activity (dozens of rat droppings) in food storage and retail display areas. On 1/04/06 33 bags of rice weighing 375 lbs. were to be defiled with rat droppings, urine and gnaw marks.

African Market 540-544 Faile St. Bronx, NY 10474

Failed six consecutive inspections between 11/02/04 and 4/06/06 due to widespread rodent activity (live rats and mice and thousands of rat droppings) in their food storage and warehouse areas. 46,500 lbs. of rat defiled flour and other foods were seized on 4/05/05, along with 9,005 lbs. of rodent and beetle infested foods on 9/12, more than 49,000 lbs of rodent defiled foods on 12/14 and more than 15,000 lbs. of rodent defiled flour and canned foods on 4/06/06.

Noah Products 322 Ditmas Ave Brooklyn, NY 11218

Failed six consecutive inspections between 10/12/05 and 2/15/06 due to rodent (dozens of mouse droppings cited on 5 occasions) and insect (3 instances of live cockroaches) activity. Two shipping cartons of rodent defiled smoked fish were seized on 10/12/05. Establishment passed inspection on 3/16/06 but was still cited for operating without the required license.

Genesis Deli Grocery 3210 Fulton St. Brooklyn, NY 11208

Failed four consecutive inspections between 7/22/05 and 3/08/06 due to rodent (dozens of mouse droppings) and insect activity (live flies on 2 occasions) in deli, retail display and food storage areas. Thirty pounds of rice defiled with rodent gnaw marks were seized on 7/22/05. Establishment has also been cited for operating without a license on multiple occasions.

1370 Rockaway Food 1370 Rockaway Pkwy Brooklyn, NY 11236

Failed four consecutive inspections between 6/10/05 and 1/24/06 due to rodent (dozens of mouse droppings) and insect activity (cockroaches on one occasion and flies on another) on the retail floor and shelves. 26 lbs of moth infested popcorn, white beans and split peas were seized on 1/24/06, along with a package each of mouse defiled pretzels and white bread. Establishment passed inspections on 3/09 and 4/24/06.

Rite Aid Pharmacy 04688 1849 2nd Ave New York, NY 10128

Failed six consecutive inspections between 3/7/05 and 4/19/06 due to widespread evidence of rodent activity (hundreds of mouse droppings) in retail and food storage areas. Rodent activity was particularly rampant near retail displays of candy, snack and pet foods. 16.9 lbs. of rodent defiled foods were seized from stock room shelves on 10/26/05 and 12 lbs. of rodent defiled Iambs cat food were seized from retail shelves on 8/24/05. Establishment passed inspection on 4/24/06.

American Fu Zhou Grocery 101 East Broadway New York, NY 10002

Failed five consecutive inspections between 4/25/05 and 1/06/06 with four of the failures due to rodent activity (hundreds of mouse droppings) in retail and food storage areas. The fifth failure was due to foods from unapproved sources. On 1/06/06 a three lb. box of dried noodles was seized after being found to be defiled with gnaw marks and mouse droppings. Establishment passed inspection on 3/08/06.

Associated 255 W 14th Street New York, NY 10011

Failed four consecutive inspections between 7/05/05 and 02/02/06 due to rodent activity throughout the deli, food storage and preparation areas. Twenty-eight pounds of dog foods defiled with mouse droppings, gnaw marks and urine stains were seized from store shelves on 5/06/05. Hundreds of mouse droppings have been noted on multiple occasions. Establishment passed inspections on 3/22/06 and 5/24/06.

Global Commodities 14-50A 118th St. College Point, NY 11356

Failed four consecutive inspections between 4/12/05 and 10/25/05 due to rodent (hundreds of mouse droppings) and bird activity (live birds and droppings) in their warehouse. Ten lbs. of rodent defiled rice were seized on 4/12 along with 3 lbs. of rodent infested grain on 9/09/05.

King Food Farm 71-10 37th Ave Jackson Heights, NY 11372

Failed six consecutive inspections between 4/21/05 and 4/18/06 due to rodent (dozens of mouse droppings) and insect (live flies) activity in their retail display and food preparation areas. Three fresh killed mice were noted on a floor on 8/25/05 and 40 lbs. of rodent defiled poultry were seized on 4/21/05. Also cited for failing to refrigerate eggs on 4/18/06 and yogurt on 4/21/05. Establishment passed inspection on 4/28/06.

Golden Town Supermarket 35-16 Junction Blvd. Corona, NY 11368

Failed four consecutive inspections between 4/14/05 and 3/02/06, with three of those failures citing rodent activity (hundreds of mouse droppings) in the retail displays and food storage areas. A live mouse was found in a box of packaged sesame seeds on 6/16/05, and live cockroaches were observed on snack shelves on 11/18. Washing facilities are also a continuing problem, with no hot water cited on 4/14/05 and 3/02/06 and cross-contamination found on 11/18/05. Establishment passed inspection on 5/04/06 but was still cited for operating without the required license.

K MART 3201 2660 Hylan Blvd Staten Island, NY 10306

Failed four inspections in a row between 9/08/05 and 3/29/06 due to evidence of rodent activity (dozens of mouse droppings) on retail shelves and in food storage areas. Twelve pounds of rodent defiled snack foods were seized on January 18, 2006. Establishment passed inspections on 4/13 and 5/03/06.

*Based on an analysis of state sanitary inspection reports

Appendix I. Critical deficiencies cited in Senator Klein’s Dirty Dozen of Supermarkets and Retail Food Stores*

K MART 3201 2660 Hylan Blvd Staten Island, NY 10306		
Date	Critical Deficiencies	
5/3/2006	none	
4/13/2006	none	
3/29/2006	04F	20-50 fresh and old appearing mouse droppings are present on floor near exit 3 door and around perimeter of section of rear storage area where food is stored.
1/18/2006 No License	02A	12 lbs of snack food found to be rodent defiled with gnaw marks. Product destroyed under signed waver during inspection.
11/4/2005	04F	20-50 fresh and old appearing mouse droppings are present near rear exit in rear storage area. 5-10 fresh appearing mouse droppings are present on popcorn retail shelf.
9/8/2005	04F	20-50 fresh and old appearing mouse droppings are present on both sides of exit doors 5 and 3 in rear storage area. 10-12 fresh and old appearing mouse droppings are present on retail soda shelves and snack shelves behind them.
07/22/2005 No License	none	
7/12/2005	04F	20-50 fresh and old appearing mouse droppings are present on floor near exit 3 door and around perimeter of section of rear storage area where food is stored.
Rite Aid Pharmacy 04688 1849 2nd Ave New York, NY 10128		
Date	Critical Deficiencies	
4/24/2006	none	
4/19/2006	04F	20-35 fresh appearing mouse droppings are present on floor and shelves in side storage area. 50-100 fresh appearing mouse droppings are present on floor under food gondola 50-100 fresh appearing mouse droppings are present on floor and cabinets in pharmacy. 20-30 fresh appearing mouse droppings are present on floor and shelves behind retail sales counter. 20-50 fresh appearing mouse droppings are present in shelves with candies at retail sales counter.
10/26/2005	02A	Food products, totaling 16.9 lbs, located on shelves in stock room were found to be rodent defiled with mouse droppings, gnaw marks, and urine stains

	04F	<p>20-30 fresh appearing mouse droppings are present on floor in retail area under racks with chips.</p> <p>10-20 fresh appearing mouse droppings are present along floor behind shelves with soda in retail area.</p> <p>100-200 fresh appearing mouse droppings are present on floor and shelves in front storage area.</p> <p>50-100 fresh appearing mouse droppings are present on floor in rear stock room by pharmacy.</p> <p>20-30 fresh appearing droppings are present on table in lunch room.</p> <p>20-30 fresh appearing mouse droppings are present on floor behind retail counter.</p>
8/24/2005	02A	<p>Three bags of IAMS cat food, totaling 12 lbs, located on retail shelf, was found to be rodent defiled with gnaw marks. Product destroyed under signed waiver during inspection.</p>
	04F	<p>50-100 fresh appearing mouse droppings are present on floor and pallets in rear storage area.</p> <p>20-30 fresh appearing mouse droppings are present on floor under chip racks in retail area.</p> <p>10-20 fresh appearing mouse droppings are present on retail shelf with dog food.</p>
7/7/2005	04F	<p>50-100 fresh appearing mouse droppings are present on the floor along the walls in the rear storeroom.</p> <p>10-20 fresh appearing mouse droppings are present on retail shelves where candies are displayed.</p> <p>10-20 fresh appearing mouse droppings are present on retail area shelves where dog food is displayed.</p> <p>20-30 fresh appearing mouse droppings are present on the checkout stand where candy is displayed.</p>
5/11/2005	04F	<p>50-100 fresh appearing mouse droppings are present along borders of floor in side storage area.</p> <p>10-20 fresh appearing mouse droppings are present on floor in lunch room.</p> <p>20-50 fresh appearing mouse droppings are present on lower section of chip rack in retail area.</p> <p>10-20 fresh appearing mouse droppings are present on floor in retail area at side of soda display case.</p> <p>10-20 fresh appearing mouse droppings are present retail shelves with candy.</p> <p>20-30 fresh appearing mouse droppings are present under gondolas with dog food.</p> <p>50-100 fresh appearing mouse droppings are present in small room off rear storage area.</p> <p>20-30 fresh appearing mouse droppings are present on floor and shelves in rear storage area.</p> <p>10-20 fresh appearing mouse droppings are present in candy racks at cash registers.</p> <p>20-50 fresh appearing mouse droppings are present on floor and shelves behind cash register area.</p> <p>Three mouse carcasses are present on glue boards under gondola.</p>
3/7/2005	04F	<p>20-50 fresh appearing mouse droppings are present along borders of storage area floor.</p>

10-20 fresh appearing mouse droppings are present on floor in lunch room.
 10-20 fresh appearing mouse droppings are present on floor under gondolas with snacks in retail area.

American Fu Zhou Grocery
101 East Broadway
New York, NY 10002

Date	Critical Deficiencies	
3/8/2006	none	
1/6/2006	02A	Three lbs dried noodles in box on retail shelf found to be rodent defiled with gnaw marks and mouse droppings. Product destroyed under signed waiver during inspection.
	04F	20-50 fresh and dry appearing mouse droppings are present in boxes on shelves in retail area. 20-30 fresh and dry appearing mouse droppings are present on floor in retail area and rear storage room. 5-10 fresh and dry appearing rat droppings are present on floor in basement storage area. 20-30 fresh appearing mouse droppings are present on floor and on bags of rice in basement storage room.
11/5/2005	04F	One live mouse is noted running across bags of food products in basement storage room. 50-100 fresh appearing mouse droppings are present on base of boxes containing packaged food items and on top of bags of rice on retail shelves. Over 200 fresh appearing mouse droppings are present on floor in various locations in retail and basement storage areas. 5-10 fresh appearing mouse droppings are present on floor of walk in cooler in basement.
9/21/2005	04F	50-100 fresh and dry appearing mouse droppings are present on pallet in storage room with rice in basement
6/13/2005	04F	20-30 fresh appearing mouse droppings are present on floor of storage room with rice and peanuts in basement.
4/25/2005	01D	Packages of vacuum packed eggs, pork legs, and duck feet being offered for sale on retail shelf and are not from an approved source. Twenty eight pounds of product destroyed under signed wavier during inspection.

Associated
255 W 14th St
New York, NY 10011

Date	Critical Deficiencies
5/24/06	none
3/22/06	none

2/02/06	02A	28 pounds of dog foods found to be rodent defiled on retail shelves with mouse droppings, gnaw marks, and urine stains. Product destroyed under signed waiver during inspection.
	04F	50-100 intermingled fresh and old appearing mouse droppings are noticed on floor under dog foods gondola base and snacks gondola base.
8/19/05	03D	Handwash sinks in men's and ladies rooms and meat department lack hot water. Temperature at tap is 39 degrees F.
	04F	20-40 fresh appearing mouse droppings are noticed on floor perimeter in the kitchen.
7/05/05	03D	100-250 intermingled fresh and old appearing mouse droppings are noticed on floor at various locations in the basement storage area.
	04F	Handwash sink in the kitchen is clogged. 2-8 live flies are noticed flying around and landing on food equipment in deli department and basement food preparation area. 10-15 fresh appearing mouse droppings are noticed on floor perimeter in the kitchen. 50-100 intermingled fresh and old appearing mouse droppings are noticed on floor perimeter in the basement storage area.

Rodriguez Meat Market
571 E 184th St.
Bronx, NY 10458

Date	Critical Deficiencies	
3/7/2006	04F	<p>Approx. 45-50 fresh shiny rat droppings noted on floor in downstairs equipment wash area</p> <p>Approx. 15-18 fresh shiny rat droppings noted on shelf below stored styrofoam meat packaging trays in rear packaging storage area</p> <p>Approx. 40-60 fresh shiny rat droppings noted on bottom shelf in rear packaging storage area</p> <p>Approx. 20-35 fresh shiny rat droppings scattered along bottom panel below food items in retail dairy cooler</p>
1/4/2006	02A	33 bags of rice on retail shelf were found to be rodent defiled with rat droppings, rat urine, and gnaw marks. 375lbs of rice destroyed under signed waiver during inspection.
	04F	<p>Approx. 40-45 fresh shiny appearing rat droppings and one headless rat carcass were observed on shelf and within bags of rice in retail area.</p> <p>Approx. 50-55 fresh shiny rat droppings were noted on floor near 2-bay equip. wash sink in the warewash area</p> <p>Approx. 15-25 fresh shiny rat droppings were noted on the floor near meat band saw in the meat prep. Area.</p> <p>Approx. 175-200 fresh shiny mouse droppings were noted scattered throughout floor, on top of soiled meat aprons, on top of various unused debris and personal belongings inside of unused broken walk-in cooler.</p> <p>Approx. 30-35 fresh shiny rat droppings were observed on retail shelf containing canned food items and bottled beverages.</p>
7/19/2005	04F	<p>Approx. 16-22 fresh shiny mouse droppings were noted on retail shelf containing bottles of syrup.</p> <p>Approx. 15-20 fresh shiny mouse droppings were noted on retail shelf containing bags of rice.</p>

Approx. 10-14 fresh shiny mouse droppings were noted on retail shelf containing bags of beans. In all cases no food was noted rodent defiled during inspection.

Equipment cleaning or sanitizing facilities for the meat preparation area are inadequate as follows: Filthy water hose was noted improperly stored directly in 2-bay equipment wash sink.

5/3/2005

04H

**African Market
540-544 Faile St
Bronx, NY 10474**

Date	Critical Deficiencies	
4/6/2006	02A	11,760 lbs. rice and cassava flour found rodent defiled with rat droppings, gnaw marks, urine stains and rat carcasses
	02D	4,080 lbs. mango juice and canned Tinappa fish have extensive dents/pitting/rust/bulging/leaking and are contaminated with rat feces, urine and gnawing
	04F	3 live rats observed on warehouse floor moving between pallets of food More than 2000 co-mingled fresh and old appearing rat droppings on warehouse floor, cased and bulk foods in fiber and burlap sacks Defiled foods, gnawed packaging and rat and mouse carcasses observed on and in palletized foods in warehouse
12/14/2005	02A	24,144 pounds of human food found with feces, rat urine, 18,090 pounds of human food found to be rodent defiled
	02D	1, 880 pounds of human canned food have extensive dents etc. and are contaminated with rat feces
	04F	5355 pounds of human canned food have dents etc. rat feces, 5,335 pounds of human canned foods placed under seizure 10 live rats observed on and in palletized foods in ware house 3 live ratlings observed in jasmine rice pallet more than 5,000 co mingled fresh and old rat droppings observed in warehouse more than 2,000 co mingled and old rat droppings appearing in warehouse and palletized bags of food 4 live rats observed leaping from palletized food, 2 rats where ran over and crushed 2 live mice observed leaping from palletized foods while being moved by Hyster
9/12/2005 No license	02A	9005 pounds of food found to be rodent defiled
	02B	9005 pounds of food found to be infested with beetles etc
	02D	Canned sardines are observed rodent gnawed
	04F	12 live rats observed 100 live flies observed landing on exposed food Two pigeons observed depositing waste material on pallatized food
5/17/2005	04F	2 live rats approximately 500-600fresh appearing rat droppings Approx 15-20 live rats, 750-1000 fresh appearing rat droppings 2 live mice and approx 750-1000 mouse droppings in right warehouse room
4/5/2005	02A	46,500 pounds of tofu flour, rice flour etc. defiled with rat droppings

11/02/2004 No License	04F	Approx 100-1500 fresh appearing rat droppings noted to be present at the entrances of both storage rooms
	04F	250-300 fresh appearing rat droppings and 3 live rats noted to be present in left warehouse room approx 100-125 fresh appearing mouse droppings and 2 live mice in right storage room no rodent defiled foods found at this time 2 live pigeons were flying in right storage room

**Global Commodities
14-50A 118th St
College Point NY 11356**

Date	Critical Deficiencies	
10/25/2005	04F	10-15 live birds are present inside warehouse. Bird droppings noted on 4 boxes, did not penetrate the inside
9/9/2005	02A	3lbs of roasted gram found to be rodent defiled
		100-200 fresh and old intermingled rice droppings are present on a rice storage door
		30-50 fresh and old appearing intermingled mouse droppings on storage pallets
		100-200 fresh and old appearing intermingled mouse droppings are present on several locations of warehouse floor
7/14/2005	04F	2 live birds inside the warehouse
		100-200 fresh and old intermingled rice droppings are present on a rice pallet
4/12/2005	02A	10 lbs of rice rodent defiled
	04F	1 live mouse present inside warehouse
		100-200 fresh and old intermingled rice droppings are present on a rice pallet
		50-100 fresh and old mouse droppings are present on a boxed food storage pallet in a storage room
		50-100 fresh and old mouse droppings are present on warehouse floor
		3-5 live birds are present inside the warehouse. Bird droppings are noted on ceiling fixtures
3/4/2004 no license	Passed	

**King Food Farm
71-10 37th Ave
Jackson Heights NY 11372**

Date	Critical Deficiencies	
4/28/2006	none	
4/18/2006	04F	Approx. 75 fresh and old mouse droppings noted on retail display of large bags of flour, on retail shelves of "tea rusk" and inside cabinet in milk case area
	06B	Cartons of eggs being stored without refrigeration at internal temperature of 61F for less than 4 hours

1/14/2006	04A	Meat Grinder Throat had an accumulation of hardened discolored meat residues on food contact surfaces
	04F	approx 50 old and fresh mouse droppings on display shelves
11/28/2005	04F	approx 50 old and fresh mouse droppings noted inside a cabinet
8/25/2005	04F	3 freshly killed mice noted on floor
		15-20 live flies noted in meat processing area
6/22/2005	04F	15-20 live flies noted in meat processing area
		20-25 fresh and old mouse droppings noted on rice retail shelves
4/21/2005	02A	40 pounds of poultry found to be rodent defiled
	02B	120 pounds of chicken were decompressed as evidence of putrid odor
	04F	30-50 mouse droppings noted on floor under display shelves
	04H	Interior surfaces of three sinks exhibited a buildup of grayish matter
	06B	yogurt kept in retail area at an internal temperature of 80F

**Golden Town Supermarket
35-16 Junction
Blvd.
Corona NY 11368**

Date	Critical Deficiencies	
5/4/2006 no license	none	
3/2/2006 no license	03D	Handwash sinks in food prep area and in the toilet room lack hot water
	04F	50-60 fresh appearing mouse droppings present on self service display shelves
		80-100 fresh appearing mouse droppings present on box, shelves, pallets and floors in basement storage area
11/18/2005	04A	meat grinder in meat service area has buildup of dried food residue
		plastic cutting boards in seafood service area have extensive knife scores containing imbedded dark matter
	04F	20-40 fresh appearing mouse droppings are present on self service snacks display shelves. More than 100 commingled. Fresh and old mouse droppings
		60-80 fresh appearing mouse droppings are present in food storage areas in basement. Gnawed corrugated boxes are also noted on floors in one area
		your live cockroaches are present on shelves in snack area
	04H	Equipment cleaning and sanitizing facilities for produce prep are inadequate as follows: warewash sink is soiled and cross utilized as mop/broom sink
6/16/2005	02A	Packaged sesame seeds, rice stick are defiled in basement. Live mouse is also present in box with sesame seeds
	04H	One live mouse present in box with sesame seeds
		Over 200 commingled, fresh and old appearing mouse droppings are present in the store. Mouse droppings are noted in self service display areas, on lower sections of tables in meat service area; and in boxes in basement
4/14/2005 No license	03D	Handwash sinks lack hot water. Temperature at tap is 58 degrees
	04A	plastic cutting boards in seafood service area have extensive knife scores containing imbedded dark matter

Noah Products

**322 Ditmas Ave
Brooklyn NY 11218**

Date	Critical Deficiencies
3/16/2006 no license	none
2/15/2006 no license	04F 6 live cockroaches are present in store room floor and retail area
3/16/2005	04F 20-50 fresh appearing mouse droppings are present on service floors and shelves
5/16/2005	04F Fresh appearing mouse droppings are present at various locations in establishment
7/28/2005	04A No sanitary surface is provided for cutting watermelon
	04F 20-50 intermingled fresh-old appearing mouse droppings are present on lower shelves
	06B Cut sections of watermelon are displayed outside store without proper temperature control
9/20/2005	04A No sanitary surface is provided for cutting watermelon
	04F 50-100 intermingled fresh/old appearing mouse droppings are present at various locations
10/12/2005	02A 3-5 live cockroaches are noted on retail floor in corner, onion display area
	04F 2 shipping cartons of smoked fish are defiled with mouse droppings
	04F 5-10 fresh appearing mouse droppings are present in fish
	04F 20-30 fresh appearing mouse droppings are present on produce retail shelves
	04F 5-10 fresh appearing mouse droppings are present on rear retail floor perimeter
	04F One live cockroach is observed on service area floor

**Genesis Deli
Grocery
3210 Fulton St.
Brooklyn, NY 11208**

Date	Critical Deficiencies
3/8/2006 No License	04F 50-100 fresh appearing mouse droppings present on retail display shelves
12/06/2005 No License	04F Five live flies are present in deli area. Flies noted landing on meat slicer food contact area.
	04F 20-50 fresh and old appearing intermingled mouse droppings are present inside storage cabinets in deli area.
	04F 10-20 fresh and old appearing intermingled mouse droppings are present on retail shelves
9/26/2005 No License	04A Meat slicer machine on deli counter has accumulation of old encrusted food residues on food contact surfaces. Equipment properly cleaned and sanitized during inspection
	04F 10-20 live flies present in deli and retail area. Noted landing on food contact surfaces in deli area
	04F 50-100 fresh and old appearing mouse droppings present inside deli area storage cabinets and on retail shelves.

7/22/2005 No License	02A	4 bags(30 lbs) of rice on retail shelves were found to be rodent defiled with gnaw marks. Product destroyed under signed waiver during inspection.
	04F	50-100 fresh and old appearing intermingled mouse droppings present on basement floor, retail shelves, inside deli area cabinets and on floor below retail gondolas.
1370 Rockaway Food		
1370 Rockaway Pkwy		
Brooklyn, NY 11236		
Date	Critical Deficiencies	
4/24/2006	none	
3/9/2006	none	
1/24/2006	02A	1 Package of Quinlan Classic Pretzels and 1 package of wheat bread found to be rodent gnawed and defiled with mouse droppings. Products destroyed under signed waiver during inspection.
	02B	Jack Rabbits Yellow Popcorn (15 packages), small white beans (10 packages), Goya Yellow Split Peas (one package) found to be infested with moths. 26 lbs of product destroyed under signed waiver during inspection.
	04F	20-50 fresh appearing mouse droppings present on retail floor behind freezer
		10-20 fresh appearing mouse droppings are present on retail floor by opening in the corner between pet foods and detergent shelves.
		20-50 fresh appearing mouse droppings are present on retail shelves throughout the store.
		Rodent gnawed label pieces of Heinz Vinegar are present all over the retail shelf.
12/2/2005	04A	The cuber machine has buildup of old dried meat residue on food contact surfaces.
	04F	20-30 fresh appearing mouse droppings are present on packages of snacks and on the floor under snack racks in retail area.
		10-20 fresh appearing mouse droppings are present on retail area shelves.
		20-35 fresh appearing mouse droppings are present on retail floor in rear corner.
8/11/2205	04F	2 live cockroaches are present inside coffee cabinet.
		4 live cockroaches are present on glue boards underneath snack racks in retail area.
		20-50 fresh appearing mouse droppings are present on retail shelves throughout the store.
6/10/2005	04F	2 Live cockroaches are present on deli area wall.
		3 live flies are present in deli area landing on food contact surfaces.

*Source: sanitary inspection reports from the New York State Department of Agriculture and Markets