Ethnic Restaurants Worry They Won't Make the Grade

by Larry Tung
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Photo by Dave Kliman

Timothy Chuang has been in the restaurant business in Flushing for more than 20 years. He said it is hard to do business these days and the city's new sanitation inspection letter grade system is not helping.

The system, approved by the food and community health board in March and effective on July 1, will require food establishments to post letter grades on front windows or entrances easily seen by the public.

This week restaurants that got A's began posting the grades in their windows, and the city launched a website that will present the grades and other information on an establishment's inspection as it becomes available.

Chuang is among the many restaurants owners in Flushing who publicly support the new letter grade system but fear they are at a disadvantage because of preconceptions or misunderstanding about Chinese restaurants. Many are afraid they will get a bad grade, which might deter customers.

The Letter System

Faced with such concerns, the health department said it has made concerted efforts to educate and reach out to restaurant owners in all five boroughs. The agency has held workshops in Chinese, Cantonese, Korean, and Spanish.

"Our inspectors go through extensive training. They are all professionals," said Erin Brady, deputy press secretary at the health department. "They follow very specific protocols, and all restaurants are treated equally."

It is still too early to know how the letter grades will affect the city's 24,000 restaurants and their patrons since it will take more than a year for all the restaurants to get their first report card, according to the health department.

The schedule "depends on each restaurant's inspection cycle," Brady said. "For example, the ones that were inspected last July are being inspected now."

The letter grade system, similar to the one in Los Angeles , aims to promote sounds sanitary standards for preparing and serving food. According to the health department, the proportion of restaurants in Los Angeles meeting the highest food-safety standards rose from 40 percent to more than 80 percent in seven years, and hospitalizations for food-borne illnesses declined.

"The health department is issuing restaurant letter grades to help consumers make informed choices about where to eat out," said Brady. "Consumer awareness creates a powerful new incentive for restaurants to maintain the highest food safety standards."

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At a press conference this week, Mayor Michael Bloomberg said he does not expect to see many low-scoring restaurants. "The best thing that could happen is for everyone to get an A," he said. "That's what we're trying to do and get everyone to that level."

The grades, A, B or C, will correspond to the business's sanitary inspection scores based on a point system, which has been in effect since 2005 and can be viewed on the health department's website . A restaurant will get an A if it receives no more than 13 points for violations, and a B if it gets between 14 and 27 points. A C, the lowest grade given, is assigned if the restaurant gets 28 points or more for violations. The system does not specify how many points will result in the closing of a restaurant. Instead the department will determine that on a case-by-case basis, depending on the severity of the violations.

Some food establishments are not regulated by this new system, including mobile lunch trucks, school cafeterias, soup kitchens and restaurants owned by nonprofit organizations that only serve food to their membership.

Although restaurants getting As, Bs and Cs all are deemed sanitary enough to serve food, the grade determines the frequency of inspection. An A restaurant gets inspected once a year, and a B restaurant gets it every five to seven months. The health department will visit a C restaurant every three to five months.

Too Many Rules?

Some restaurant owners see they system as adding to one the many regulations set by the health department. To Ricky Nacipucha, who owns El Pollito Mexicano restaurant in Park Slope, every inspection means a minimum fine of $200.

"They will look for everything," said Nacipucha, a native of Ecuador. "They give violations for no reason."

If a restaurant is not satisfied with its grade, it can appeal to the health department's administrative tribunal and post a sign that says "Grade Pending."

"I always take pictures when inspectors come so I can fight them in court," said Nacipucha. "At first, I didn't know. But my restaurant friends told me I could appeal. Last time I had seven violations but four were dismissed." He added that he once managed to reduce his fine from $3,800 down to $1,000.

Mario Suvia, a manager at El Pollito Mexicano, added that some inspectors are on a mission to find fault.

"They really want to take points," said Suvia. "They have to find something."

Marilyn Reid, owner of The Islands , a Caribbean restaurant on Washington Avenue in Prospects Heights, said she is confident that her restaurant is clean and her customers are loyal.

"We'll never get a C," said Reid, who came to New York from Jamaica 35 years ago. "Whatever the grade is, it does not reflect the quality of our food."

A search on the health department's website shows that her restaurant received 20 points of violation when it was inspected in March, which can be converted to a B.

"They are killing me with regulations," added Reid, showing the latest posters on food allergies she said she must post on the wall, which is already covered with various notices from the health department. "I am sure a lot of small business owners will agree with me."

Making It Easier to Swallow

Local community organizations and elected officials have worked with the health department to educate business owners on the new rules. City Councilmember Peter Koo of Flushing, said that business owners must understand and comply with the regulations if they want to conduct business successfully.

"It's not hard to follow the rules," said Koo. "But there are a lot of insensitivities among the inspectors, especially if you don't speak English."

Koo is pushing to form an Asian restaurant alliance and will send his staff members to courses held by the health department so they in turn can help train local restaurant owners and their employees.

In New York City, all restaurant managers must be certified in food protection. A course is available in Chinese, Korean, Spanish and English at the department's health academy. The course lasts 15 hours (three hours a day, Monday through Friday) and costs $114. It also is available online in English, Chinese and Spanish with free access to course material and a $24 fee for the certification exam.

Andrew Rigie, director of operations of New York State Restaurant Association's Greater New York City chapters, said the letter grade is not the most responsible system because the health code is too complex and nuanced for the public to understand what the grades mean.

"A restaurant should either pass or fail the health inspection. You are either sanitary enough to serve the public or you are not," Rigie said.

When asked by reporters, Bloomberg said he would not eat at a favorite restaurant if it got a C. As to one that received a B, he said, "It depends on the food."

Charlie Hauber, a public school teacher from Jackson Heights who frequents Flushing Mall's food court with his family, said the letter grades might influence his decisions only when it comes to a restaurant that he has never visited.

"But if it is a place that I often go to and I see a lot of locals there," said Hauber. "I would still go."

Chris Enright, a tour guide from Park Slope who was enjoying a chicken burrito at El Pollito Mexicano, agreed with Hauber.

"For unfamiliar places, if I have to choose between an A and a B restaurants, I would probably choose the A," said Enright, who had lived in Los Angeles.

"It is hard to run a restaurant. This just adds another stress to them," he said. "But they need to be held to standards."

Larry Tung is a Brooklyn-based journalist and media artist.