



Title:	Enforcement Policy	Page 1 of 5
Number:	FLE Policy 2022-03	Effective Date: 04/21/2025
Applies To:	Retail food establishments in Kitsap County	Supersedes: 8/10/2019
Approved:	Eric Evans, RS, Assistant EH Director	Next Review: 04/21/2026

A. Purpose

The purpose of this policy is to provide Health District staff and operators of food establishments in Kitsap County with a policy on how enforcement will be conducted during food safety inspections.

B. Policy Statement

It is the policy of the Kitsap Public Health District (Health District) to minimize the public's exposure to foodborne illness by ensuring local ordinance and state law requirements are being met.

C. Definitions

For the purposes of administration and enforcement of this policy and procedure, the following definitions shall apply in addition to those found in Chapter 246-215 Washington Administrative Code (Food Code) and Kitsap Public Health Board Ordinance 2022-02 (Ordinance).

1. **Closure:** A temporary closure of a food establishment, or suspension of the food service establishment permit, due to specific reasons, such as foodborne illness outbreaks, or failing inspections. These closures are necessary to protect the public health and ensure safe food handling practices. Temporary closure may also occur for failure to pay fees due to the Health District or non-compliance with Health District orders. During a closure, an establishment may not operate, which includes preparing food for future service.
2. **Critical violation:** Factors that contribute to an increase in volume and severity of foodborne illness. Critical violations are represented on inspection reports as "Red High Risk Factors".
3. **Follow-up inspection:** is conducted to confirm compliance and verify corrective actions after a previous violation in which more than ten (10) critical violations were identified. These inspections must occur within 30 days of the initial violation(s) and may be repeated as needed until the violations are adequately corrected. A fee will be charged for each follow-up inspection based on the established fee schedule.

4. **Probation inspection:** Specific follow-up inspections, focusing on the violations that the establishment obtained to be placed on Probation Status. During the probation inspection, other violations may be noted if they are present and obvious. Fees will be assessed for each probation inspection in accordance with the fee schedule.
5. **Probation Status:** An establishment is put on probation if it has the same critical violation in three inspections in a row (persistent violations) or if 75 critical violation points in a single inspection are identified.
6. **Routine inspections:** A complete evaluation of a food establishment, including food safety risks and compliance with the Food Code.

D. Implementing Procedures

1. Correction of Critical Violations.

- a. Immediate Correction Requirement. If a **critical violation** is identified during any inspection, the following actions are required:
 - i. The violation must be corrected immediately.
 - ii. Health District staff will document the corrective action in the inspection report and mark the Corrected During Inspection (CDI) box.
- b. Exceptions for Certain Violations. Violations 1, 2, 22, 23, and 26 may not always be correctable on-site. In these cases:
 - i. Non-**Probation status** establishments, will have until the next inspection of any type to correct the violation.
 - ii. In limited agreed upon cases, an extended compliance schedule may be granted by the Health District.

2. Criteria for Probation Status.

- a. An establishment shall be placed on **probationary status** under the following conditions:
 - i. The same critical violation is identified in three consecutive inspections of any type.
 - ii. Accumulation of 75 or more **critical violation** points.
- b. Requirements During Probation (See Figure 1).
 - i. The establishment will undergo **probation inspections** at least once every 30 days to verify that previously identified critical violations have been corrected.

- ii. If probationary **critical violations** persist:
 - 1. A repeated **critical violation** will result in a 24-hour closure.
 - 2. Each subsequent recurrence of critical violations during the **probation status** will add an additional twenty 24-hours to the closure period until the establishment successfully passes a follow-up inspection without repeated critical violations.
- c. An establishment shall be removed from **probation status** after completing two consecutive **probation inspections** with no recurrence of the same **critical violation(s)** which placed the establishment onto **probation status**.

E. Office Conferences

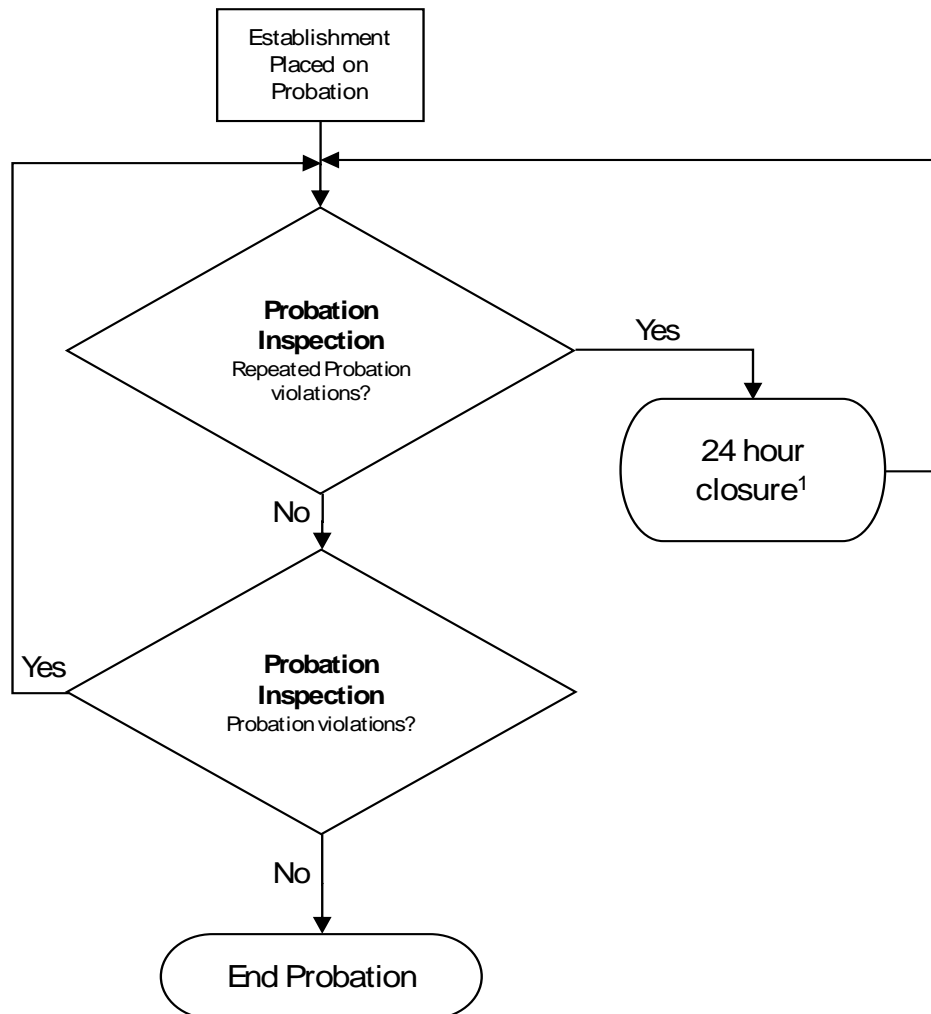
1. The Health District staff may require an office conference with food establishment operators under the following circumstances:
 - a. A repeated **critical violation** is recorded in three or more consecutive inspections.
 - b. The **closure** of an establishment.
 - c. Egregious food handling behaviors or practices are observed.
 - d. Interference with an inspection occurs, including aggressive or unprofessional behavior by a food establishment employee.
2. An office conference may take place:
 - a. In person at the Health District office,
 - b. By phone, or
 - c. Through a virtual platform.
3. When an office conference is required, the permit holder and a designated person-in-charge (if different than the permit holder) must attend with designated Health District staff.
4. A fee will be charged for the office conference based on the established fee schedule.

F. Closure Status

1. A food establishment may be placed on **closure status** under any of the following conditions:
 - a. The presence of an imminent health hazard.

- b. Accumulation of 75 or more **critical violation** points.
 - c. Accumulation of 100 or more total violation points (combined critical and non-critical) during a single inspection.
 - d. Failure to complete a compliance schedule within the timeframe established by Health District staff.
 - e. Failure to pay reinspection fees within 30 days of the invoice.
 - f. Interference with an inspection occurs, including aggressive or unprofessional behavior by a food establishment employee.
2. Non-**Probation status** establishments may be allowed to remain open to operate if **critical violations** are corrected during the inspection. This allowance is discretionary by Health District staff based on the type of **critical violation** noted.
 3. **Probation status** establishments with repeated **critical violations** identified during **probation inspection**, will be closed per D.2.c. of this policy.
 4. The criteria for reopening, including any indicated closure period, will be documented in the inspection report.

Figure 1.
Guidelines for determining outcomes of Probationary Inspections.



¹ Closure timelines follow section D.2.c. of the policy.