

DATE: January 13, 2012

TO: All Local Health Departments

FROM: A. Scott Gilliam, MBA, CP-FS
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SUBJECT: Health Department Response to Vehicles Improperly Transporting Food Products

PURPOSE

Vehicles improperly transporting commercial food supplies may be stopped by the Indiana State Police, Motor Carrier Division, or other law enforcement entities and may require local health department response. The Indiana State Department of Health (ISDH) has created the Indiana Food Transportation Inspection State Form #54818 for the use by local health departments to respond in these instances. This form may also be utilized to inspect a food truck during delivery at a retail food establishment and/or a food truck wreck. This document serves as guidance for how to conduct a food truck transportation inspection and guidance for properly documenting information on the form. It is important to maintain accurate and consistent information on any inspected food trucks. Final inspection reports are encouraged to be sent to the ISDH to follow up with the transporting firm within the state or for contacting the proper authorities in other jurisdictions.

DEFINITIONS

“Bill of Lading (BOL or B/L)” is a document issued by a carrier to a shipper acknowledging that specified goods have been received on board as cargo for delivery to the consignee, who is typically identified.

“Invoice” is a commercial document issued by a seller to the buyer, indicating the products, quantities, and agreed prices for products the seller is providing to the buyer.

“Less-than-truckload (LTL)” means the transportation of relatively small freight. Typically, carriers collect freight from various shippers and consolidate that freight on a truck that will be further sorted and consolidated.

“Manifest” is a document listing the cargo, passengers, and crew of a ship, aircraft, or vehicle, for the use of customs and other officials.

“On-Demand” is a form of shipment that is based on specific circumstances and availability and can differ greatly from regular shipment, especially in cost.

AUTHORITY

Food trucks are not always considered part of the retail food establishment so it may be necessary to utilize the Indiana Code (IC), rather than the Indiana Administrative Code (IAC). The authority for inspection, embargo, and condemnation of food and vehicles by the health department is under IC 16-42-1, IC 16-42-2, and IC 16-42-5.

DISCUSSION

Inspection:

Use the State Form #54818 to conduct an inspection of a truck. Notation of the IC being used as a violation should be documented on this form. The following are recommendations when conducting a food truck inspection:

- Utilize the proper safety equipment when working with the trucks, such as reflective vests, rain gear, or ladders to assist in entering a truck. Do not enter a truck if the situation is unsafe or the truck could move.
- Infrared thermometers, if available, can be used to indicate if a food product is potentially out of temperature. Internal temperatures of food products must be recorded using a probe to determine a violation.
- Take photographs! Using a digital camera, take pictures of thermometer readings, potential cross-contamination situations, and any identifiers of the truck company, food company, invoices, etc. Any violations that are documented should have supporting photographic evidence. Ideally, photos are labeled.
- Always speak with a company representative that understands the situation and has the authority to cooperate with the health department. If not, the food in the truck may be embargoed, to temporarily stop the movement of the food, until someone can communicate clearly with the health department.
- During the inspection, when possible, try to close the rear truck door to assist in maintaining temperatures in the truck. Do this only if there is adequate light, ventilation, and it is safe.
- Always thoroughly document the investigation and have a witness to all actions. It is best to have a company representative sign off on your inspection report and leave a copy with them so they may reference or contact the health department with any follow-up questions or concerns.
- Encourage a cooperative operation with the law enforcement by communicating inspection findings and report when done with the inspection so the officer may release the driver or vehicle, etc...
- Always document on the inspection form or narrative form what food products were destroyed. There should be a list of the type of products with the weight or volume.
- Determine your county and surrounding county waste disposal and landfill policies if it's necessary to dispose of large amounts of food. This type of waste would be considered municipal waste not requiring special permits for handling.
- It is the company's responsibility to remove food products from the truck and any costs associated with the disposition.
- If representatives from the news media are present, follow your county procedures for handling these situations. The media is not to interfere with the inspection process.

Adequate physical space must be provided by the media crew to avoid interference and a temporary stop to the inspection.

- If there is a situation with onlookers, media, or any others that may be present observing the activity it may be necessary to establish a working perimeter utilizing traffic cones, reflective tape, or other effective means to work uninterrupted and safely.

If there is an imminent health hazard determination, please take any necessary action, such as condemnation and disposition of the food product. The ISDH Food Protection Program asks that a copy of any inspection records or photographs of violative trucks be forwarded to our office so any necessary follow-up actions with the originating firm may be conducted.

Emergency Contact Numbers:

Indiana State Department of Health (ISDH)	Main Line/ Duty Officer	(317) 233-1325
Indiana State Board of Animal Health		(317) 544-2400
United States Department of Agriculture (USDA)	Information Hotline	(202) 720-2791
USDA Food Safety Inspection Service	Indiana Contact: Lisa Swallow	(317) 408-3850
United States Food & Drug Administration	Emergency Operations	(301) 796-8240 (866) 300-4374
ISDH Food Protection Program	Direct Line	(317) 233-7360
ISDH Food Protection Program	Fax	(317) 233-7334
ISDH Food Protection Program	Email	food@isdh.in.gov

The following is a step by step guide in completing an inspection using the form:

Indiana Food Transportation Inspection:

- Local Health Department: Entity conducting the inspection.
- Participants: Those present conducting the inspection.
- Location: Location of the inspection for that day.
- Date: Date of inspection in mm/dd/yyyy format.
- Time stop begins: Write in time once the truck is stopped (if available).
- Time stop ends: Write in time once the truck leaves (if available).
- Duration of stop: Calculate amount of time the stop took.
- If the truck is empty, check “Empty Truck” in the upper right corner.
- Reason for stop: Document why the truck was stopped. Typically “routine weigh station check” if working a weigh station. May be “redirected truck” if not working at a weigh station. Any other situations be placed under “other” and then specify the circumstance, such as while the truck was making a delivery or truck wreck.

Carrier information:

- Name, address, tractor plate number (front of truck) with state and trailer plate number (back of truck) with state, US DOT number, and company truck identification number.
 - Describe the truck by checking the boxes of those that apply. Box truck, semi-trailer, refrigerated, tanker, commercial livestock, and/or other and specify.
- Write in the city and state the shipment originated in and the firm’s name and address. If multiple, describe as best as possible.
- Write in the city and state the shipment is going and the name(s) of the firm(s) to where it is going with addresses. If multiple, at least describe the type of facilities to which the load is

being delivered. If food safety issues with the truck are present, this information is to be reported as accurately as possible. To expedite, photographs of invoices may be sufficient.

- Describe other entities involved with the shipment, addresses, and any pertinent additional information on the load.

Driver information:

- Driver name, address, birth date, and primary language.
- Ask if they have received any training in food safety and/or food defense. If no, check none. If “other” please specify. For example, Hazmat or truck safety.

Documentation:

- Foods transported: Check all that applies and fill in examples of product.
 - It’s important to capture this information so that conducting these inspections can be justified. Identifying the types of products inspected, if necessary; especially if potentially hazardous foods are present.
- Invoice/bill of lading available: Check yes or no. Invoice may include bill of lading, manifest, etc.
 - If no, what is the reason? Is the invoice legible and in English? Include any pertinent additional information and/or specify type of invoice on the form.
- Route type: Check regular, on demand, or other. Please specify and explain why the truck is en route.
- Length current shipment is in transit (according to driver): Ask the driver how long it will take to make the delivery from when the load was packed and until the load is delivered.
- Types of goods in previous shipment: Inquire about what was previously transported in the truck, especially if the shipment was not food.
 - Possible cross-contamination and unsanitary conditions can arise from exposing the current load to the previous load.

Observations:

- Time of last food delivery: During the shipment of the current load, when did the truck driver deliver last (if at all)? Applies if the load is Less-Than-Truck-Load (LTL). If the truck is empty, what time was the last stop? Write N/A if it hasn’t delivered anywhere yet.
- Today’s external temperature: What is the temperature outside at the time of inspection?
- Current internal temperature of truck: What is the temperature of the ambient air inside of the truck at the time of inspection?
 - Physically take the temperature and record what the refrigeration equipment states.
- Refrigeration equipment in use? Yes, No, or N/A (if doesn’t apply to product)
- Temperature logs kept? Does the driver or carrier record the temperature inside the truck?
- Sanitation within the truck acceptable? Yes, No, or N/A. Is the truck swept of any debris? Any unnecessary items in the truck? Overall, is it clean with no spillage?
- Off odor observed? Is the food emitting a spoiled odor?
- Emergency contact number? Does the driver have an emergency contact number or is it posted anywhere?
 - Please record the number, if possible.
- Violations Noted? Have you identified any food safety violations? If so, reference IC 16-42-1, IC 16-42-2, and/or IC 16-42-5.
- Brief description of all “No” and “N/A” responses/additional information:
 - Please provide any additional information, such as why is refrigeration equipment not in use or N/A, why are temperature logs N/A or not kept at all, what is wrong with the truck if sanitation is not acceptable or N/A, Where is the odor emanating

from? Any other type of numbers given to the driver in case of an issue? Please write these down if possible.

Physical Security:

- Is the container sealed? Check yes or no.
- Is the container locked? Check yes or no.
 - If there is cause to break a security seal, the information from the seal must be recorded. If needed, a replacement seal should be installed by the police or the LHD with this information recorded. This is important during a truck wreck if the food was off-loaded onto another vehicle then transported to another location for sorting.
 - Describe the type of lock, i.e. padlock, bolt, etc...

Other Inspector Notes:

- In this section, record any additional information that you have noticed or find interesting.
 - For example: additional numbers on the truck or ISP violations found.

When completed, have a company representative sign and provide a title in “Received By” space and then have inspectors sign. Provide a copy to all parties.

CONCLUSION

The ISDH and LHDs have authority to inspect, embargo, and condemn food being transported in trucks that may be stopped by the Indiana State Police or other law enforcement entities, as well as, at the retail establishment during a delivery under IC 16-42-1, IC 16-42-2, and IC 16-42-5. The ISDH has created the Indiana Food Transportation Inspection State Form #54818 to capture consistent data in Indiana that is to be used on any food truck inspections. This document serves as guidance on food truck inspections and how to properly fill out the form. The ISDH Food Protection Program staff is available to answer situation specific questions and as always feel free to contact this office, (317) 233-7360, at your convenience with comments or questions concerning this guidance.