

**Regulation of the Winthrop Board of Health
on Letter Grading of Food Establishments and Food Trucks**

Section 1. Purpose

This regulation is applicable to the Winthrop Inspectional Services Department letter grading system of health inspections of food establishments and food trucks within the Town of Winthrop.

Section 2. Authority

This regulation is promulgated under the authority granted to the Winthrop Board of Health by Massachusetts General Laws Chapter 111, Section 31 that “Boards of Health may make reasonable health regulations”.

Section 3. Definitions

“Food Establishment” means any establishment issued a permit to operate a food establishment by the Winthrop Board of Health under 105 CMR 590.000.

“Food Truck” means any large, wheeled vehicle from which food is sold that contains cooking facilities where the food is prepared that is issued a permit to operate a food truck by the Winthrop Board of Health under 105 CMR 590.000.

“Letter Grade” means an Inspectional Services Department issued designation to display a letter grade corresponding to a food establishments' and/or food trucks' health inspection.

Section 4. Letter Grading and Scoring

The Inspectional Services Department inspects all food establishments and food trucks at least once a year to check for compliance with health and sanitation codes.

Under the Letter Grading Program, the Department’s inspections are scored, and establishments and food trucks are given a letter grade of A, B, or C.

Each establishment or food truck begins an inspection with 100 points. Points are deducted for each violation an inspector observes. Point values are assigned based on the health risk a violation poses to the public. The inspector adds up the score when they complete the inspection. The higher the score, the better the establishment or food truck performed on the inspection.

Section 5. Violations

Violations fit into three categories:

- 1. A food-borne critical violation, such as failing to keep food at safe temperatures, carries a higher risk of food-borne illness and a penalty of 10 points.**
- 2. A non-food-borne critical violation, such as re-serving unwrapped food items, carries a penalty of 7 points.**
- 3. A non-critical violation, such as failing to properly clean walls, ceilings, or other non-food-contact surfaces, carries a penalty of 2 points.**

Section 6. Grades

Scores for food establishments and food trucks become grades as follows:

A score of 94 to 100 points results in an A.

A score of 81 to 93 points results in a B.

A score of 80 or fewer points results in a C.

This system allows a food establishment or food truck to pass an inspection with up to three (3) non-critical violations.

This also ensures that higher grades are reserved for food establishments and food trucks with fewer critical violations.

If a food establishment or food truck earns a very low score, the Inspectional Services Department will take any action it sees as necessary to protect the public.

Section 7. Posting Timeline

If a food establishment or food truck earns an A on its initial inspection, the grade is posted on the Town of Winthrop's Inspectional Services Department website. If a food establishment or food truck does not earn an A on its initial inspection, the Inspectional Services Department inspects the establishment or food truck again within 5 days and the grade earned on the second inspection gets posted.

If a food establishment or food truck is not satisfied with its grade during the second inspection, it may pay for another inspection. The grade from the new inspection will then become the grade for the establishment or food truck.

Section 8. Posting Requirements

A person or entity operating a food establishment or food truck and subject to food code health inspections pursuant to the Department of Public Health 105 CMR 590 must post its Inspectional Services Department issued letter grade unobstructed, at eye-level, facing outward on an exterior-facing wall or window within five feet of the main entrance in the interior of the restaurant:

Within 5 days after receipt if it is an A or a B.

Within 2 days if it is a C.

Section 9. Enforcement and Penalties

A person or entity operating a food establishment or food truck that fails to post the letter grade designation or alters the designation shall be punished by a fine of One Hundred Dollars (\$100.00) for each offense. Each day shall constitute a new offense.

Section 10. Hearing

A person or entity aggrieved by the requirements of this regulation may request a hearing before the Board of Health. The hearing shall be scheduled no earlier than seven (7) days and no later than twenty-one (21) days after the request has been received by the Board. Upon completion of the hearing, the Board of Health will issue a final decision.

Any person aggrieved by a final decision of the Board may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth.

Section 11. Non-Criminal Disposition

A person or entity operating a food establishment or food truck that violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21 D.

Section 12. Severability

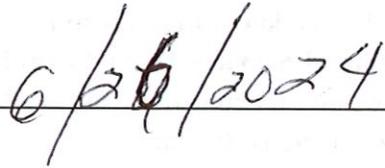
If any paragraph or provision of this regulation is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining paragraphs or provisions.

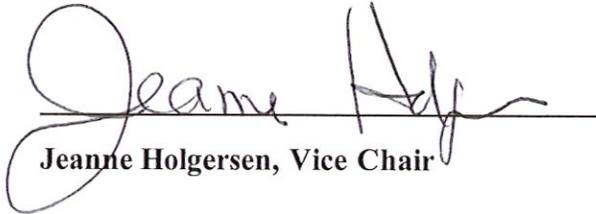
Section 13. Effective Date

This regulation shall be effective as of January 1, 2025.

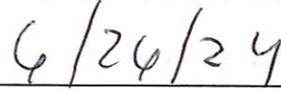


Bill Schmidt, Chair





Jeanne Holgersen, Vice Chair





Christine Reilly, Member

