



**WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION**

DIVISION OF FOOD AND RECREATIONAL SAFETY

TITLE: Reinspection Criteria Retail Food and Vending

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This document will assist in the determination of when a reinspection is warranted. Reinspections are to be conducted as soon as possible, based on the scheduled date for the correction(s).

If a return visit is required to verify compliance, a reinspection and reinspection fee will be required if applicable. As indicated below, if documentation or other evidence is provided to show satisfactory compliance, a reinspection may not be required:

A reinspection and reinspection fee will be required under the following conditions:

Category 1 – Imminent Hazards or Temporary Closures

Whenever an inspection or complaint investigation reveals the existence of a violation that is potentially hazardous (critical or priority) to the health and safety of patrons or employees and the violation is not corrected during the inspection or investigation, the inspector must return to the establishment to verify that the violation has been corrected.

**Note- Category 1 violations apply specifically to items 1-14 as identified below.*

Category 2 – Critical or Priority Violations

Whenever an inspection reveals that 6 or more priority violations have been observed and noted, a reinspection will occur whether the violations were corrected onsite or not, to verify active managerial control has been established.

Category 3 – Repeat Violations

Whether corrected on-site or not, repeat violations that are documented over 3 inspections (pre-inspection, routine, complaint or onsite) will result in a reinspection.

Category 4 – Excessive Violations

An excessive number of violations may result in a reinspection. The inspector and their supervisor will determine if there is a lack of active managerial control based on the quantity and criticality of the observed violations.

**Note- Category 2, 3 and 4 violations apply to all the violations as identified in the "Retail Marking Instructions" document.*

The Following violations are considered critical or priority and will result in a reinspection and reinspection fee under Category 1:

1. An ill food employee observed working in the food establishment and the person in charge failed to exclude or restrict the ill food employee.
2. Food employee observed handling food, clean equipment, or single-service or single-use articles while experiencing discharges from the eyes, nose or mouth.
3. Food prepared in a private home or from an unapproved source is found or served in the food establishment.
4. Potential cross-contamination is observed between:
 - Raw and ready-to-eat foods,
 - Food and other sources of microbes such as hands and equipment,*
 - Food and toxic substances,

- Different species of raw animal foods. Raw animal foods requiring different cooking temperatures are stored together in the same container,
 - Food and the chemicals and tools used for cleaning and sanitizing equipment and utensils.
**Including allergen cross-contamination*
5. Proper sanitization levels not achieved per Wisconsin Food Code (WFC) or Manufacturer's recommendations.
 6. Cooking, cooling, reheating, holding times and/or temperatures found not in compliance with WFC as described below:
 - Raw animal food was cooked to a temperature below what is required in the WFC or raw animal food cooked in a microwave oven to a temperature below 165°F
 - Food reheated for hot holding was not reheated to time and temperature specified in the WFC.
 - Time/temperature controlled for safety food(s) cooked, cooled, and not reheated 165°F.
 - Commercially processed pre-cooked foods prepared for the first time not heated to 135°F.
 - Reheated previously cooked food in a microwave oven that does not reach a temperature of 165°F.
 - Cooked time/temperature control for safety food in the cooling process has not cooled from 135°F to 70°F within 2 hours.
 - If the time and temperature exceeds the initial two hour cooling process and the person in charge cannot verify the time or temperature when the cooling process began, a reinspection will be required.
 - Cooked time/temperature control for safety food in the cooling process has not cooled from 70°F to 41°F within 4 hours.
 - If the cooling time and temperature exceeds a total time of 6-hours and the person in charge cannot verify the time or temperature when the cooling process began, a reinspection will be required.
 - Time/temperature controlled for safety food(s) that is hot held below a temperature of 135°F.
 - Time/temperature controlled for safety food(s) that is cold held above a temperature of 41°F.
 7. Ready-to-eat Time/temperature controlled for safety food(s) that is held for more than 24 hours is not labeled with a preparation date or discard date or other approved method or is held for more than 7 days under refrigeration. A reinspection shall only occur if it is shown that there is an overall lack of managerial control of date marking in the establishment.
 8. Food establishment is not following the established Time as a Public Health Control Plan. In addition, failure to follow variances, HACCP plans or other approvals with a direct impact on food safety shall result in a reinspection.
 9. Ice used for food or as a cooling medium or drinking water is not from an approved source.
 10. Safe water cannot be obtained consistently from a well as evidenced by laboratory reports. For private wells, follow the Water Sample Policy 8.12 for appropriate follow-up.
 11. Hot and cold water under pressure or of sufficient capacity to meet peak demand is not provided to fixtures or equipment.
 12. The private onsite wastewater treatment system shows evidence of failure and the operator is not in the process of attaining compliance. If documentation can be provided showing that compliance has been attained, a reinspection will not be required (for example, approval from DSPS or DNR).
 13. Presence of live insects of public health significance, rodents or other pests in the food establishment.
 14. Plumbing fixtures such as sinks, toilet facilities, or public or private sewage system are not discharging into approved waste storage containers or systems.