

Chipotle agrees to pay \$25M following investigation of food-borne illness outbreaks

BY BEN BRAZIL

Newport Beach-based Chipotle Mexican Grill has agreed to pay \$25 million due to allegedly giving food poisoning to more than 1,100 people between 2015 and 2018, the Department of Justice announced Tuesday.

The fine — the largest imposed in a food-safety case — was levied in Los Angeles federal court after the DOJ charged the restaurant chain with two counts of violating the Federal Food, Drug, and Cosmetic Act by “adulterating food while held for sale after shipment in interstate commerce.” Chipotle also agreed to create a food safety compliance program.

“Chipotle failed to ensure that its employees both understood and complied with its food safety protocols, resulting in hundreds of customers across the country getting sick,” U.S. Atty. Nick Hanna said in a news release. “Today’s steep penalty, coupled with the tens of millions of dollars Chipotle already has spent to upgrade its food safety program since 2015, should result in greater protections for Chipotle customers and remind others in the industry to review and improve their own health and safety practices.”

The fine is part of a “deferred prosecution” agreement, which ensures that the government will move to dismiss the case if Chipotle complies with all parts of the agreement for three years.

“This settlement represents an acknowledgment of how seriously Chipotle takes food safety every day and is an opportunity to definitively turn the page



Kevin Chang | Staff Photographer

THE CHIPOTLE Mexican Grill along Harbor Boulevard in Costa Mesa. Chipotle received the largest imposed fine in a food-safety case by the Department of Justice on Tuesday.

on past events and focus on serving our customers real food made with real ingredients that they can enjoy with confidence,” Brian Niccol, Chipotle’s chairman and chief executive, said in a news release.

Kerry Bridges, Chipotle’s vice president of food safety, said in a news release that the restaurant chain has made “several enhancements” to its food preparation and food handling practices over the last four years with the aim of preventing food-borne illnesses, including reducing the number of employees who touch the ingredients, safeguards against undercooking food and microbiological testing of raw ingredients.

“Chipotle also traces the movement of each ingredient in our supply chain,” Bridges said. “If an ingredient does not meet our high standards, we can quickly

determine when and where the problem occurred, and swiftly remove it before it enters our restaurants.”

The criminal charges are related to highly publicized outbreaks of norovirus in Chipotle restaurants.

Norovirus causes diarrhea, vomiting and abdominal cramping.

Other illnesses were caused by the bacteria *Clostridium perfringens*, which also causes diarrhea and cramping.

Food-borne illness incidents occurred in restaurants in Los Angeles, Simi Valley, Boston, Sterling, Va.; and Powell, Ohio.

Chipotle admitted in the agreement that some of the food-safety incidents “stemmed primarily from store-level employees’ failure to follow Chipotle’s food safety policies and procedures, including the policy requiring the exclusion of restaurant employees

who were sick or recently had been sick, as well as a failure by restaurant employees to hold food at appropriate temperatures to prevent and control for the growth of food-borne pathogens.”

According to the DOJ, Chipotle employees reported stressful working conditions, lack of staffing and inadequate training. From 2015 to 2018, “store-level” Chipotle employees felt a need to attend work even when sick.

“Due to the pressure of not wanting to let their teammates down, or of finding people to cover their work shifts, these employees reported feeling pressure to work while sick, even though this was against Chipotle’s sick-exclusion policies,” the DOJ said.

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BEACHES

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Supervisors to close county beaches and trailheads, raising concerns about the health of residents and visitors who may come to the city if both remained open.

The city previously closed all its city-owned beaches, adjacent beach parks and trailheads in March, making it the first city to do so in Orange County.

“This means that visitors will be heading to just the few beaches and trails that are open and practicing social distancing will be difficult and by some ignored,” Whalen said. “We have all seen the video from the beaches in Florida that recently reopened and there is no reason to expect a different outcome here with the first warm weather coming.”

Whalen added concerns about the closures of parking at Aliso Beach and adjacent areas of Pacific Coast Highway, arguing that large crowds would park in neighborhoods in south Laguna Beach in addition to crowding grocery stores, gas stations, convenience stores and take-out restaurants.

As of Wednesday, the latest case count in Laguna Beach stands at 36 — 15.4 cases per 10,000 residents.

Thirty-four deaths have been reported in Orange County.

“With the number of confirmed COVID-19 cases and deaths in the county and the surrounding counties continuing to rise, this is exactly the wrong time to entice large crowds to the beaches and trails,” Whalen said.

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TOURISM

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tem capital improvement program, but the proposal was unanimously tabled to provide city staff more time to verify figures included in the prepared staff report.

The City Council initially approved a 10% one-year sewer user charge increase in February, but the item returned before the council in response to the stay-at-home order issued by Gov. Gavin Newsom in March, which city staff said has caused significant impacts to both the city and to ratepayers.

Up for council consideration Tuesday night was whether the city should increase the sewer user charge by 5%, the proposed 10% or not at all.

City Council members raised concerns about figures included on a table in the staff report that didn’t seem to add up. The numbers were meant to show what the increases could look like for com-

mercial properties. Based on an average of commercial charges, the table reads that a \$329 average monthly rate could increase by \$45 with a 5% sewer user charge rate increase. It also reads that a 10% increase of a \$375 average monthly rate could increase by \$90.

“\$90 is not 10% of anything other than \$900,” Mayor Pro Tem Steve Dicterow said.

He said that, if true, he would back down from a rate increase, adding that \$90 could be significant for businesses that could be on the verge of closing.

Councilwoman Toni Iseman asked at the beginning of the City Council’s meeting if an additional meeting could be added between Tuesday’s meeting and the council’s next meeting, scheduled for May 12, pointing to ongoing changes as a result of the coronavirus pandemic. That meeting is scheduled for April 28.

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