

Liability

Grocery Store Floor Inspection Intervals

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Question

[Are there any industry standards that address how frequently grocery store floor inspections should be performed during business hours?](#)

Response

There are no industry standards addressing floor inspection intervals or floor “sweeps” during business hours for grocery store operations. One hour is commonly seen as a benchmark time interval; however, should a fall occur due to a transient hazardous condition, such as a spilled liquid or dropped piece of food and litigation ensues, courts will evaluate the grocery store’s floor safety practices by whether they were reasonable at the time the incident occurred, and this will vary store by store.

Factors to consider when determining whether floor inspection frequencies are reasonable include the size of the store, the manner by which store goods are displayed and merchandized, the time of day, the volume of customer activity, and the weather conditions at the time of the incident. Some areas of the store are recognized as presenting more danger, for example, self-service produce areas, salad bars and other self-service food service areas, areas around refrigerated cases, store entrances and exits, and check-out areas. These areas should receive more frequent surveillance than other public areas of the store.

The jurisprudence of the state where the injury occurred is an additional factor to consider when establishing sweep intervals. Under traditional premises liability law, the plaintiff is required to show that the condition causing them to fall existed long enough so that the store should have discovered it and should have remedied it. About half the states follow this approach. The modern trend is to relieve the plaintiff of proving that the store had notice of the condition because self-service retail increases the risk of dropping and spillage, which leads to a foreseeable risk of injury. In states that follow this “mode of operation” rule, retailers are deemed to have constructive notice that hazardous conditions may be present. Most other states follow this rule. In these jurisdictions, it is important that the store is able to demonstrate that they are able to quickly identify and abate these hazards.

Whatever formal inspection program frequency is decided by the insured, it is essential that store employees follow the procedures as well as good documentation practices. A number of cases illustrate that a jury verdict was reached, in part, because the plaintiff attorney was able to demonstrate that the insured did not stick to their stated inspection frequency. If staff is supposed to complete the inspection hourly, then the procedures should include a way to ensure that this happens and offer suggestions for what to do if a worker does not show up to complete the inspection. There should be thorough training of staff so that they can respond when they see a deficiency.

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