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HB 65 Proponent Testimony
Duane Stansbury, Association of Ohio Health Commissioners
Ohio House State and Local Government Committee
Chair Anielski
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Chair Anielski, and members of the House State Government Committee, thank you for allowing me to provide testimony in support of HB 65 sponsored by Representative Brian Hill. My name is Duane Stansbury, I am the Health Commissioner for Warren County and former president of the Association of Ohio Health Commissioners (AOHC). AOHC membership includes all health commissioners in Ohio and many other public health professionals from all disciplines. AOHC works to strengthen the State's public health system to protect our citizens against the disease threats of today, and to promote a vision for the future of healthy people in healthy Ohio communities.

AOHC supports HB 65, as it will improve the process by which sanitarians, local Food Service Operations (FSO) and Retail Food Establishments (RFE) programs are reviewed by the Ohio Departments of Health and Agriculture. HB 65 puts the focus of the review on the critical violations that are more likely to lead to foodborne illness. We believe this risk based approach to food safety inspections has and will continue to improve food safety throughout the state.

In my 21 years working in local health districts, including 10 years as a sanitarian, my philosophy on inspections has been to educate the operator on the public health aspects of the rules. This means focusing on critical issues and making sure the operator understands the significance and how it may lead to a foodborne illness. The ORC requires FSOs and RFEs to be inspected 1 to 4 times per year based on its risk classification. I want the operators to know, understand and practice safe food handling the other 361+ days a year that a sanitarian is not doing an inspection in their facility.

AOHC strongly supports educating our sanitarians. They are college educated and have professional registration, which requires annual continuing education to maintain specialized knowledge and skills. In Warren County, as in other counties, we routinely request direct training from ODH and ODA, our sanitarians attend regional and state level conferences, and we provide our own continuing education seminars in house. We host/support a SW Ohio regional food roundtable attended by sanitarians from SW Ohio health districts and both state agencies, to discuss the Ohio Food Safety Code, issues from the field and how we can more uniformly implement the code.

AOHC supports the standardization of sanitarians across Ohio, so that every licensed facility receives more uniform inspections. We believe this is one of the aims of the new survey methodology focusing on compiling violations during inspections both during the survey and ultimately routine inspections. However, even the FDA's standardization process requires extensive classroom and field training prior to evaluating the sanitarians. At this time, neither ODH nor ODA has provided standardization training to sanitarians.

The Warren County Health District was surveyed by ODA in January of this year. I am happy to say we continue to be an approved health district for the RFE program. One of the concerns from our survey was that some of our sanitarians were not consistently identifying and documenting all of the violations in facilities. Since we are always looking to improve, we asked the surveyor for a copy of their inspection reports/notes and were told she is not allowed to give them to us, even though the survey methodology states that the surveyor's inspection reports will be provided at the exit interview. After two formal freedom of information requests, we finally received the reports three weeks after the exit interview.

As we reviewed the surveyor's notes, there was a consistent pattern of the surveyor documenting the same or similar non-critical violation multiple times. For example, old food splash on wall, table, floor and/or equipment were listed as separate violations. Our sanitarian would combine these into one violation when they were in the same general area. This led to the surveyor documenting 64 violations to 40 by our sanitarian, 103 violations versus 73, 74 violations versus 57. I believe this over-regulation leads to frustration and mistrust by the operators and greatly reduces our ability to educate them on critical food safety procedures.

The Ohio Revised Code states that "As part of their promotion of food safety awareness, the director of agriculture and the director of health shall do the following: (2) Co-sponsor a biennial statewide food safety conference. Additional statewide food safety conferences may be held as considered appropriate by the director of agriculture and director of health." Passed in 1999. This co-sponsored statewide conference has never happened.

AOHC supports a strong and uniform food safety inspection program across Ohio, but we need the guidance and partnership from ODH and ODA to make that a reality. And I believe that HB 65 will help us achieve that goal.

Chair Anielski and members of the committee, thank you for the opportunity to testify on this important legislation. I will be happy to answer any questions you may have.