

# CUYAHOGA COUNTY BOARD OF HEALTH

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**HB 65 Proponent Testimony**  
**Presented by Paul DeSario, MPH, RS, PhD - Cuyahoga County Board of Health**  
**Ohio House of Representatives - State and Local Government Committee**  
**Chairperson Marlene Anielski**  
**March 7, 2017**

Chairperson Anielski, Vice Chairman Hambley, Ranking Member Bishoff and members of the House, State, and Local Government Committee,

Thank you for allowing me the opportunity to provide proponent testimony today on behalf of House Bill 65. My name is Paul DeSario, and I am the Supervisor of Food Protection Programs at the Cuyahoga County Board of Health. Our department licenses and routinely inspects over 4,500 food operations each year.

CCBH supports HB 65 since it proposes to create a fair and standardized structure for both the Ohio Department of Health and the Ohio Department of Agriculture to ensure that local inspectors (sanitarians and sanitarians-in-training) meet minimum standards as they inspect food service operations and retail food establishments during the audit of a local health department's food safety program. We support this bill because it will help improve food safety throughout the state of Ohio and will assist in helping prevent the potential for foodborne illness. I will limit my testimony today by focusing on a few of the issues addressed in the bill.

The current methods being used by both ODH and ODA when they evaluate local health department staff places an overemphasis on standard violations instead of critical violations that can actually cause foodborne illnesses. A few examples of critical violations include poor food handling practices, improper temperature control when food is being prepared, served and stored, and poor employee hygiene. Since critical violations have been tracked and studied by the Centers for Disease Control and Prevention and have been found to be the foundational factors that promote foodborne illness, the idea of evaluating the local inspector's ability to observe and document these specific conditions is critical. The concept of implementing a risk-based approach to conducting inspections is the cornerstone of food safety guidance provided by the Food and Drug Administration (FDA). The FDA has endorsed the use of risk-based food safety inspections that directly help reduce the potential for foodborne illness. The current approach utilized by ODH and ODA fails to use the risk-based inspection method and is contrary to the FDA guidance.

The act of identifying non-critical violations is important, but can be based on individual judgement of the conditions present. Under the current survey methodology, it's not uncommon for ODH and ODA reviewers to write dozens of non-critical violations during the evaluation of an inspector while at a food operation. This approach does not help

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our staff become better sanitarians. It does not improve the quality of our inspections, nor does it improve the overall quality or safety of the food offered to customers. What this method does, is to potentially jeopardize the collaborations and professional working relationships local inspectors work diligently to establish with their industry partners. It is the local inspector's collaborations that ultimately help gain compliance and encourage or motivate food operators to make the necessary corrections identified during the inspections. Creating a laundry list of non-critical violations, in lieu of focusing on critical issues that can explicitly lead to foodborne illness, does nothing more than create and foster an antagonistic relationship between the inspector and the operator and can actually be counterproductive to compliance.

House Bill 65 calls for the more timely discussion and documentation of food code violations identified during an audited inspection. It would require that the reviewer issue a report at the conclusion of an inspection identifying any violations that were not identified by the local inspector. This is very beneficial and would allow the inspector to immediately address any potential food code violations with the operator in a timely fashion. This not only creates an opportunity for an immediate learning experience, it also allows for "real time" response to food safety issues. Reports generated by a reviewer under the current audit process may not provide this important feedback to individual sanitarians for several months.

Although the Cuyahoga County Board of Health maintains one of the largest food safety programs in the State of Ohio, there is no reason that each audit conducted by ODH or ODA should stretch out over a three month time frame like they currently do. This causes additional strain on already challenged local health departments, especially when other large program audits conducted by state agencies can be thoroughly and effectively completed in less than a week's time. Our office likewise maintains one of the largest swimming pool programs in Ohio and licenses well over 600 locations. The program audit just conducted last week took a total of less than three working days to complete. House Bill 65 will help in streamlining the audit of local health department food sanitarians.

Lastly, the proposed requirement ensuring that reviewers are Registered Sanitarians with thorough program knowledge and experience in conducting food safety inspections is fair and should be an expectation, since these reviewers are conducting important audits of state mandated local health department programs. It is important that we ensure that program reviewers understand not only the food code, but also how to effectively and concisely document violations, how to collaborate with food operators to address these violations, and ultimately how to successfully achieve program compliance.

In summary, food safety inspections, much like those in other public health programs, should be focused on a risk-based approach and should promote the education of a food operator and their staff. Inspections solely based on enforcement that place potentially overwhelming demands on individual food operators do nothing to encourage sound public health practices and food protection. House Bill 65 helps promote a sound

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and structured approach to how both critical and non-critical food violations are accurately identified, documented, and addressed during audited inspections. It also allows for the more timely identification of code violations not identified during an audited inspection and as a result, helps minimize the potential for food related illness. In the end, whether we work in the food program at the local, state, or federal level, we all share the same goal – to protect the health of the public by ensuring food safety.

Chairperson Anielski and members of the committee, thank you for your time and consideration and for the opportunity to testify on behalf of House Bill 65. I am happy to answer any questions you may have.

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