



# OEHA

OHIO ENVIRONMENTAL HEALTH ASSOCIATION

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**House Bill 65 Proponent Testimony**  
**Presented by Chad Brown on behalf of Ohio Environmental Health Association**  
**House State and Local Government Committee**  
**Chair Marlene Anielski**  
**December 6, 2018**

Chair Anielski, Vice Chair Hambley, Ranking Member Holmes and members of the House State and Local Government Committee. My name is Chad Brown and I am the Environmental Health Director at the Licking County Health Department and am testifying today on behalf of the Ohio Environmental Health Association as a proponent for HB 65 sponsored by Representative Brian Hill. OEHA represents nearly 600 Registered Sanitarians (commonly called health inspectors) and other environmental health industry partners and practitioners.

Local health department food safety programs are required to be evaluated by the Ohio Department of Health (ODH) and Department of Agriculture (ODA) at least once every three years. ODH is required to review the Food Service Operation (facilities who provide food to customers that eat in the facility) portion of the program, and ODA is responsible for the Retail Food Establishment (facilities who serve a majority of their food in "to-go" orders) portion. These evaluations are to determine if local food safety programs are operating within the current rules and guidelines, and to evaluate the food sanitarian's knowledge and ability to apply the food code during an inspection. The local sanitarian is evaluated during two inspections. They must cite at least 80% of what the surveyor cites in order to adequately demonstrate an acceptable knowledge of the food code.

Recently, ODA and ODH have implemented a new food survey process which is designed to assess the knowledge and ability of sanitarians to implement the Ohio Uniform Food Safety Code. This new food survey process conducted by the state to evaluate local health department sanitarians has two significant flaws as follows:

**1. Time**

Food Survey Inspections conducted during the sanitarian evaluation process are significantly longer than standard inspections and during pilot surveys earlier this year saw them last as long as nine hours. This increase in time is a burden for the local sanitarian and the operators where the surveys are being conducted. The inspection time has increased due to the state's requirement that every single violation, critical and non-critical, must be identified in order to sufficiently demonstrate knowledge of the food code. This puts an unnecessary burden on identifying non-critical violations which significantly increases the time it takes to perform an inspection.

**2. Number of Violations Cited**

In order for sanitarians to achieve a passing score on their evaluation, they must cite 80% of what the state survey officer identifies. This requirement is forcing local sanitarians to focus on identifying many non-critical violations that may not directly relate to food safety. With the new food survey process, it is not uncommon to have over 50 violations in a single inspection. In some cases, nearly 100 violations or more have been cited. While it is a sanitarians knowledge of the food code that is being evaluated, this process removes a sanitarian's professional judgement and ability to apply common sense. Local sanitarians have the ability to determine whether or not survey inspections count as a standard inspection. If these inspections are counted as standard inspections, the lack of professional judgement and common sense

inflates the number of violations and the results are pushed to local health department websites and in many cases local newspapers negatively affecting the facilities.

It is OEHA's belief that the current methodology does not accurately reflect a sanitarian's knowledge of the food code or their ability to apply the code. Currently, if a local sanitarian cites 79 violations during an inspection, and the state survey officer cites 100, the local sanitarian would be deemed as not knowledgeable of the food code. Additionally, OEHA believes that this process is a burden for our industry partners. In order to consistently apply the food code in a manner deemed acceptable by ODH and ODA, inspection times and the number of violations cited will increase during all standard inspections, which will likely result in increased license fees for operators.

The substitute bill before you today will impact the current method to evaluate sanitarian knowledge of the food code via a flawed field food survey process, and replace it with a written or electronic assessment on the food code and how to implement. The assessment would be no more than 50 questions with a passing score of 80% or above, and it would be developed in conjunction with the Ohio Environmental Health Association and the Association of Ohio Health Commissioners. This important change proposed by the sub bill would eliminate unnecessary heavy handed food survey inspections and allow sanitarians work with operators and exercise their professional judgment and expertise during standard inspections in an even-handed way to prevent foodborne illness.

Thank you for allowing me to testify today on this important legislation. On behalf of OEHA, I ask for your support of this substitute bill and favorable vote on HB 65. At this time, I will answer any questions the members of the committee may have.