



Testimony before the  
House State and Local Government Committee

**Substitute House Bill 65**  
December 6, 2018

Chairman Anielski, ranking member Holmes, and members of the House State and Local Government Committee, I am Duane Stansbury, Health Commissioner of the Warren County Health District (WCHD). I am testifying on behalf of the Association of Ohio Health Commissioners (AOHC) in support of Substitute House Bill 65, which proposes changes to the local health department food program survey process as administered by the Ohio Department of Health (ODH) and the Ohio Department of Agriculture (ODA). 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 strongly supports educating our sanitarians. They have science-based college degrees 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 and support a Southwest Ohio Regional Food Roundtable attended by sanitarians from southwest Ohio health districts and both state agencies, to discuss the Ohio Uniform Food Safety Code, issues from the field and how we can more effectively and uniformly implement the code.

AOHC supports Substitute 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. The proposal contained in the amended bill is the latest in a long line of attempts to resolve many issues related to the current survey process.

After the initial introduction of HB 65, you heard all sides of this issue from interested parties over the course of several hearings. At that time, Representative Hill brought the interested parties together, and all parties agreed to a timeframe for correcting the issues without a legislative fix. I am here today to support the substitute version of HB 65, because those administrative efforts did not work. After several meetings between the state agencies and representatives from OEHA and AOHC there was apparent agreement on core

issues.

However, the pilot survey process disclosed many of those issues were still unresolved. It became clear that the two state agencies were unwilling to implement all the agreed changes, specifically inspection time, number of violations cited (especially repeat non-critical violations), and consistency between the two state agencies. Inspections during the pilot survey process took two to three times longer and resulted in a significant increase in minor, non-critical violations that have minimal to no impact on foodborne illnesses. This resulted in undue burden and a mixed message on both the sanitarian and the food establishment, but did not improve state agencies' effectiveness to assess the sanitarian's knowledge of the food code.

For these reasons, we believe legislation is necessary to establish a different mechanism for evaluating the inspecting sanitarian's knowledge solely through the use of an objective written or electronic assessment that complies with all of the following:

- a) It is jointly developed by the director of health, director of agriculture, and representatives from the Ohio Environmental Health Association and the Association of Ohio Health Commissioners.
- b) It does not exceed fifty questions in length.
- c) In order to pass the assessment, the individual must correctly answer eighty percent or more of the questions in the assessment.
- d) The individual is allowed to review the Ohio Uniform Food Safety Code during the assessment.

We strongly believe this is a more efficient and consistent way to assess sanitarian knowledge in the food program. This approach would relieve the burden placed on food establishments, remove any surveyor bias, and address inconsistencies between the two state agencies. We therefore ask for your support of Substitute House Bill 65. Thank you for your time and consideration. I would be happy to answer any questions you may have.