



## **Public Health - Dayton & Montgomery County**

Reibold Building, 117 South Main Street, Dayton, Ohio 45422-1280

(937) 225-5700 • [www.phdmc.org](http://www.phdmc.org)



### **Senate Bill 338 Proponent Testimony**

**Matthew Tyler, Environmental Health Director**

**Public Health – Dayton & Montgomery County**

**House State and Local Government Committee**

**Chairman Scott Wiggam**

**November 30, 2022**

Chairman Wiggam, Vice Chair John, Ranking Member Kelly and members of the House State and Local Government Committee, my name is Matthew Tyler and I am the Environmental Health Director for Public Health – Dayton & Montgomery County (PHDMC) and the current Vice President for the Ohio Environmental Health Association.

Local health departments food safety programs are required to go through an audit, or survey, by both the Ohio Department of Health and the Ohio Department of Agriculture every three years. These surveys are meant to determine if our programs are operating within the laws, rules and guidelines. It is also used to evaluate the Registered Environmental Health Specialists (REHS) and Environmental Health Specialists in Training (EHST) that conduct food inspections knowledge and expertise of the food code, otherwise known as the field portion, where they accompany REHS/EHST on an inspection. This is where our main concern lies.

The field portion has come to the point where it is an endeavor of counting every instance of a violation no matter how small of an infraction the violation is... every single stained/broken ceiling tile, every single cracked floor tile, etc. They must cite 80% of the critical and non-critical violations the state survey officer identifies to pass. This process forces the inspector to spend an inordinate amount of time in the establishment looking for every possible thing to write down, so they do not fail the survey. This has made to the survey process to last sometimes up to 4-5 times a normal inspection would take. We just went through an ODA survey earlier this year and spent more than 9 hours (7 hours in one day) in a grocery store where a normal inspection might last 2 or 3 hours.

Conducting inspections like this would lead to damaging relationships and increased license fees for our operators. Also, it causes undo stress on our inspectors with trying to cite every violation there might be in an establishment, which is not the real-world way to do an inspection. Furthermore, if an inspector catches a violation that the surveyor does not find then it does not count in their favor. Our inspectors strive to use common sense and professional judgement when approaching an inspection, focusing on items of the most public health concern, correcting problems that would lead to food borne illness. Forcing them to write down every violation would overshadow the main items they want corrected. Inspectors should not conduct normal inspections using one set of criteria and another when conducting a state survey.

It is PHDMC's belief that this survey methodology does not accurately portray an REHS/EHST's knowledge of the food code. That is why we are in favor of SB 338, to replace the field portion of the state survey

with a food code test, either written or electronic. We believe this method will more accurately reflect the knowledge base of the inspector. And it would not create a burden on the operators or increase their fees.

Thank you for allowing me to submit testimony on this important legislation. On behalf of Public Health – Dayton & Montgomery County, I ask for your support and favorable vote on SB 338.