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**Butler County  
General Health District**

**Senate Bill 338 Proponent Testimony  
Carrie Yeager, Environmental Health Director  
Butler County General Health District  
Senate Agriculture and Natural Resources Committee  
Chairman Tim Schaffer  
May 31, 2022**

Chairman Schaffer, Vice Chairman Huffman, Ranking Member Fedor, and members of the Senate Agriculture and Natural Resources Committee, thank you for allowing me the opportunity to present proponent testimony on Senate Bill 338 sponsored by Senator George Lang. My name is Carrie Yeager, and I am the Environmental Health Director of the Butler County General Health District, and current Past President of the Ohio Environmental Health Association.

The problems with the Department of Agriculture and Department of Health food survey process have been going on for years. In fact, the Butler County Health District just went through the Department of Agriculture's food survey process in April, so I wanted to share the recent experiences of our Registered Environmental Health Specialists (REHS) and local businesses that hold Retail Food Establishment (RFE) licenses. Unfortunately, I am sorry to report that the same issues of large numbers of violations and dramatically increased inspection times still remain. Here are some examples of what we encountered during our recent food survey:

- A sushi kiosk located inside a large grocery store had its ODA food survey inspection take 6 hours compared to a normal inspection time of approximately 30 minutes to 1 hour. During the survey inspection, the local REHS listed 74 violations while the ODA surveyor listed 78 violations. It is worth noting that only 17 of these violations were Critical violations compared to 61 Non-Critical violations. An example of the tedious nature of a Non-Critical violation identified during the survey process was that the “operator’s hair was hanging out from the bottom of their hat,” even though this hat was a visor which is considered an acceptable hair restraint. To make matters worse, the employee of the Sushi Kiosk broke down crying two times out of frustration and sheer exhaustion from the survey process.
- A national pizza chain ODA survey inspection lasted 3 ½ hours, compared to a normal non-survey inspection which should last around 1 hour. The local REHS listed 59 violations while the ODA surveyor listed 71 violations. Again, only 13 of these violations were Critical violations while 58 were Non-Critical violations. Our local REHS only

missed one of the Critical violations. The majority of the issues that were found by the ODA survey officer, but not the local REHS, were tape residue, and tape on items like the back of a handwashing sign or the pizza area delivery map.

- At a separate national pizza chain in which two of their locations were surveyed, the ODA process resulted in each inspection lasting 3 ½ hours. Again, a non-survey inspection of a facility of this type is usually about 1 hour. Across both facilities, the local REHS' listed 313 violations while the state surveyor listed 364 violations. There were 47 Critical violations compared to 317 Non-Critical violations. There were only two Critical violations missed by the local REHS (one at each facility). The ODA surveyor identified many Non-Critical items such as cracked caulking around the toilets, rust on door frames, and stickers on equipment were peeling. A normal non-survey inspection at one of these facilities would be around 1 hour in length and would focus on critical items first and then make verbal suggestions for improvement in the non-critical items that were cited by the ODA surveyor.
- At a national gas station chain in which two of their locations were chosen for the ODA food survey, the inspection times were between 3-4 ½ hours. For comparison, a non-survey inspection would generally last between 45 minutes to 1 hour. Across both facilities, the local REHS' listed 204 violations while the ODA surveyor listed 240 violations. There were 20 Critical violations compared to 220 Non-Critical violations. No Critical Violations were missed by the local REHS. Again, the ODA surveyor emphasized Non-Critical violations such as tape and sticker residue, rusting bathroom doors, cracked caulk around the toilets, and even toilets that were not flushed by patrons.

These recent examples from the survey conducted in April 2022 at Butler County General Health District are unfortunately representative of the way in which these surveys are done throughout the state of Ohio. They do not adequately assess Registered Environmental Health Specialists' knowledge of the food code or how we normally interact with food license holders. In fact, the survey inspections actually damage our relationships with operators that we work hard to cultivate through the constructive relationships we strive to build in the local food licensure process.

SB 338 helps to correct this issue by using an objective testing system to assess local health department inspection capabilities and removes the unwarranted burden on those food operations licensees picked to be a part of the survey.

Chairman Schaffer, once again thank you for the opportunity to testify today. I would be happy to take any questions at this time.