

Testimony about SB 338 -- Food Program Field Survey Bill
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I was a district sanitarian at Columbus Public Health for 35 years, including 25 years in the Food Safety Program. I was involved in foodborne illness outbreak investigations. My Masters Thesis described the use of health department inspection records to predict which restaurants were likely to fail their next inspection. I wrote an award-winning article in *Food Safety Trends*, published by the International Association for Food Protection, on a somewhat similar topic in 2020.

When I was in the Food Program, there were about 22 inspectors, each assigned to a geographic area corresponding roughly to a census tract. About every five years we switched areas. Switching inspection districts was always a surprise. For example, when I started in the University District, I eventually performed a Critical Control Point Inspection, which involves observing food preparation, at the Blue Danube Restaurant on North High Street. I noticed that there was no hand sink in the kitchen. The staff had to push the door to the dining room open and pull the handle on the rest room door. If a customer was there, the kitchen staffer had to wait. This may have been going on for years. I ordered in a hand sink, which presumably is still there, although the building is now boarded up.

In my experience, the state survey was about the only consistent effort at standardization in my program.

The idea of an “Ohio Uniform Food Safety Code” was so that residents in different Zip Codes or Senate Districts would receive equivalent protection. The Food Service Industry wanted uniform standards from state to state.

As a food sanitarian on the receiving end of the state surveys, I felt they really were a “collaborative, educational, risk-based approach” to inspections, meant to model an ideal standard inspection. The goal was not to “count as many violations as possible.” The example of the 17 cracked floor tiles all of the process to be counted separately does not match my memories of the process.

The state surveys could not add more than a small amount to the cost of an inspection program, because they was one only every three years, and involved only three establishments per food sanitarian, out of hundreds assigned to each of us.

Section 3 of the Bill directs ODH to study “the impact that the COVID-19 pandemic has had on these programs, including whether local health districts have shifted staff away ... to assist with COVID-19-related operations.” Cost Methodology is covered in ORC 3717.07 and was intended to administer the Ohio Uniform Food Safety Code. It was never intended to address pandemics (unless maybe foodborne ones). I recommend that the General Assembly study other ways to fund pandemic-related costs and manpower. For example, The American Rescue Plan provided

\$350 billion in emergency funding for state, local, territorial, and tribal governments to respond to the COVID-19 public health emergency.

If manpower was shifted from food programs to address the pandemic, this would have influenced violations cited during those years. Possibly simple, non-critical ones (requiring no follow-up) would be emphasized.

If a sanitarian could pass an ODH inspection but fail an ODA inspection (which I don't remember happening), this would suggest that an effort should be made to standardize the survey officers.

Sanitarians are already required to pass a test to get the job, and there is a continuing education requirement every year thereafter. An extra 50-question test every year may not be necessary.

There is a "Food Survey Issue Summary" connected with this Bill. The summary vaguely notes "lack of comprehensive guidance documents and rule interpretations" as a barrier to standardization. Other documents note a decade-long debate about these issues and suggest that now is the time to "stop kicking the can down the road" and just eliminate the standardization inspections altogether. Why not have ODA and ODH work on perceived issues instead? I have not reviewed this lately, but I understand from the President of the National Environmental Health Association that the FDA Retail Standards have processes built into Standards Two and Four to keep everyone looking at violations similarly.

There is also a "FAQ" document from Senator Lang that seems to be objecting to non-critical items being cited by inspectors in the survey. The Food Safety Code is minimum standards. If an operation has so many non-critical violations that citing them all takes lots of time, this is a problem. Would the State Senate want to abridge the code to remove these items? I would urge against this, because the code is based on the FDA Model Code, which is updated regularly by experts to address emerging foodborne illnesses; and it is reviewed by the Conference for Food Protection.

In summary, I think the existing system can be strengthened without scrapping the surveys.