

### **Franklin County Public Health Testimony in Support of S.B. 338**

Chair Schaffer, Vice-Chair Huffman, Ranking Member Fedor and Members of the Agriculture and Natural Resources Committee:

My name is Nichole D. Lemin and I am Assistant Health Commissioner/Director of Environmental Health at Franklin County Public Health. I am also a Registered Environmental Health Specialist (REHS), a member of the Ohio Environmental Health Association, and a member of the Ohio Public Health Association. I appreciate the opportunity to offer my support for S.B. 338 and thank you Senator George Lang for supporting this legislation.

The oversight process of a local health department's food safety program requires that both the Ohio Department of Health (ODH) and the Ohio Department of Agriculture (ODA) survey the program and its staff once every three years. Included in the survey process is a field evaluation of each environmental health specialist to assess their knowledge of the Ohio Uniform Food Safety Code. This field evaluation has caused major disruptions within the relationships that we build with the food facilities we license.

As public health officials, we care about keeping our communities safe from the negative effects of foodborne illness. A key element of that is building and maintaining quality relationships with our licensed food facilities and the community members that work there. When there is mutual trust and respect, the facilities view us as a resource and are more likely to reach out to us early on when there is an issue, which allows us to help resolve it quickly, limiting the potential for harm.

Unfortunately, the current field evaluation process endangers these relationships. Rather than viewing us as collaborative partners, our licensed facilities view us as adversaries. For instance, they are often highlighted by the news media for the violations cited during the survey, which can reduce sales and lead to scorn online, as well as experiencing operational delays due to multiple people taking up room in the facility for many hours during the survey. This all places an enormous burden on our licensees.

The extensive amount of time spent conducting survey inspections is significantly increased in comparison to a standard inspection. For example, a standard risk-based inspection should generally take 1-2 hours, whereas an inspection conducted during a field evaluation may take 5 hours or more, and sometimes up to 8 hours, primarily due to how the environmental health specialist is evaluated. If they do not identify at least 80% of the violations noted by the evaluator, they risk failing their evaluation and being deemed "not knowledge of the food code;" therefore, they spend extensive time trying to ensure they observe and violate every single violation possible. This includes

violations that are not considered high priority items by the Food and Drug Administration Food Code or as Centers for Disease Control & Prevention risk factors for foodborne illness. This increased time is reflected in the annual cost methodology, which ultimately increases the licensing fees for the businesses who are required to purchase food licenses. The passage of S.B. 338 would ultimately reduce costs and unnecessary obstacles for all Ohio food service operations and retail food establishments.

We strongly support the utilization of a testing methodology that would ensure that all environmental health specialists across the state are fairly and uniformly examined utilizing the same methods and question banks. In this way, we will be able to ensure that our specialists are adequately prepared to identify the high-risk food safety situations in the facility without endangering the working relationships the specialists work so hard to have with our businesses. In addition, this will ensure the cost of licensing remains as low as possible.

Businesses want to thrive, don't want to make anyone sick, and welcome partnering with us to ensure their food is safe. Let's put the focus back on doing that by removing these unnecessary obstacles and costs.

This legislation provides a clear-cut, objective solution to the evaluation of food safety knowledge for environmental health specialists in Ohio and I urge you to pass S.B. 338.

Thank you again for the opportunity to support this legislation and for all you are doing to help Ohio and Ohio's businesses on this important road to a full recovery.

Sincerely,



Nichole D. Lemin, MS, REHS, MEP  
Assistant Health Commissioner  
Director of Environmental Health