

TO: The Ohio Legislature
134th General Assembly
Agriculture and Natural Resources Committee
travis.brock@ohiosenate.gov

FROM: John F. McGuire, BSE, REHS #3737
105 Scenic Drive
Mingo Junction, OH 43938
(740) 632-8863

RE: Proponent Testimony
Senate Bill 338

May 27, 2022

The purpose of my writing is to enumerate my experiences and knowledge that informs my support for SB 338.

I am a REHS for the Jefferson County General Health District. I am offering my own opinion and I am not speaking on behalf of or about the opinions of my employers.

I agree that ODH and ODA are tasked with evaluating Sanitarians' knowledge and skills. However, the current method of survey has a built in adversarial undertone that pits sanitarians and hardworking (often struggling) local businesses against the omnipotent bureaucratic Surveyor who holds sway over their future. I conduct myself at inspections not as a regulator imposing upon those regulated. It may sound corny but I believe in mutual cooperation with all involved working to improve and safeguard methods for a food service to produce a safe and quality product that customers want. Of course, if critical violations are observed, all necessary means to abate the violation are in order.

I have had a bad experience with both ODH and ODA. I will mention both and elaborate on one of them here.

The first bad experience is with a Surveyor from ODA when I was still a Sanitarian in Training. On August 10, 2016, I performed an inspection of Scotties Sandwich and Deli while being observed by an ODA Surveyor. While conducting the inspection, the Surveyor mentioned items (many insignificant and minute) that he presumed I had missed. Being somewhat inexperienced with survey methods, I remained quiet because he had told me that he was going to compare my inspection report to his to determine my level of competence. I couldn't get a read on if he wanted me to verbally explain my findings as we went along. He had certainly given me the impression otherwise. At one point, I pointed out serving spoons lying on wiping clothes in front of containers of product and asked the Surveyor if that was acceptable. As if telling me "I'll do the talking here", he told me in a scolding tone that he was not supposed to provide guidance during the inspection. Apparently he was permitted to openly and freely criticize me and the establishment. He apparently didn't care that after he leaves, I/we will still be here. These operators are my neighbors that I need to live among.

My second and worst experience was with a Surveyor from ODH. We inspected a local McDonald's on August 29, 2017. From the time we introduced ourselves, she (Surveyor) was the playground bully. She walked around condescendingly demanding explanations from workers and employees. She had the young Manager visibly shaking and in tears. When a District Manager arrived, she told the Manager to take the rest of the day off. All employees present looked and acted surprised at what was happening. She was loud and irreverent. Even the customers froze and looked at what was going on in the kitchen area. She was acting as if things were so bad that she was going to shut them down.

At one point, she asked me what was the local news. I told her that it was WTOV9. She put one hand on her hip and pointed around with the other saying something like: How are you going to like seeing on channel 9 news that the Toronto McDonalds was closed down by the Health Department? Her performance was loud enough to be heard by everyone in the building. All present were subjected to this berating performance for over five hours.

How effective is a program that causes me to regret that I didn't have the courage to put a stop to it while it was going on? That the young manager no longer works for McDonalds? That this Surveyor still works at ODH? I find it hard to believe that her behavior hasn't been on display elsewhere.

There are numerous witnesses to this incident. In my first example however, it may be my word against his. At least he didn't cause a scene like the Surveyor in the second example.

Respectfully,

