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## **Testimony Regarding Senate Bill 338**

**Witness:** Britt C. Menchhofer, Registered Environmental Health Specialist, Environmental Health Director, Van Wert County General Health District

This testimony is for S.B. 338, introduced by Senator Lang, in regards to food surveys conducted by the Ohio Department of Health (ODH) and the Ohio Department of Agriculture (ODA).

I have been employed in the environmental division of the Van Wert County General Health District for over 18 years as a Registered Sanitarian-in-Training, to a Registered Sanitarian, and recently changed to a Registered Environmental Health Specialist. During this timeframe I have been involved in the food program and involved in multiple surveys by the Ohio Department of Agriculture and the Ohio Department of Health. Prior to the change in survey methodology, the survey process was stressful, but the field portion was intended as more of an educational process instead of a rigorous, extremely stressful, and confrontational experience.

Experienced inspectors are failing these inspections due to the unnecessary and unreasonable requirements of writing or verbalizing every violation in a facility. State employees are writing violations observed when they are in a separate area from the inspector being surveyed.

Our department was recently surveyed by the Ohio Department of Agriculture. The REHS involved in the food program has over five years of experience. She is a competent and thorough inspector who works primarily in the food program. The inspector scored an extremely high score, but only because she wrote up every single violation and spent double and triple the typical amount of time spent conducting inspections. During the survey process, the state surveyor was open and honest and easy to discuss any potential issues, however; the survey process was still stressful and caused unnecessary hostility from the operators of the food facilities after the inspections. Specific examples of issues noted include:

- Both inspections were conducted in a time frame taking two to three times longer than what an inspection typically takes. These longer inspections can cause increases in license fees when included in cost methodology.
- The first inspection was conducted at a convenience store that does a lot of food preparation and handling. The manager became agitated after being pulled from his primary duties for such a long period of time.

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- The REHS conducting the inspection at the convenience store was penalized for not opening a cabinet containing tobacco products.
- The second inspection was conducted at a bakery/deli. The inspection typically takes around two hours. The inspection with the state lasted over five hours. This amount of time did not include the number of hours spent writing up the inspection.
- The manager was extremely agitated with the inspector and was rude and hostile, leading to more stress for the inspector and also damaging the working relationship our department has with the facility.
- During the second inspection the surveyor told the REHS that she was being “too thorough” because the inspection was taking too long. This caused confusion with our inspector. Due to the survey process requiring the inspector to note every single violation, how can an inspector be “too thorough?”

While I find the survey process to be necessary to ensure that local health departments are following the requirements set forth in Ohio Revised Code chapter 3717, the premise behind the survey process seems to have changed from educating and helping local health departments to ensure their food programs are following these requirements, to the extreme of trying to “fail” the local health department inspectors and cause undue stress and create hostility between the state department and the local departments as well as between the local health departments and their licensed facilities.

I am providing testimony in support of Senate Bill 338. If the purpose of the survey is to determine the inspectors’ knowledge of the Ohio Uniform Food Safety Code, then a written test would be sufficient. My testimony supports the documentation submitted with the bill for review. This bill will not impact public health negatively, as the inspectors will still be proving their knowledge of the food code. The bill will work positively toward creating a better relationship with the local health departments and ODH and ODA. Local health departments will be more willing to reach out to the state departments for support and guidance when they have questions or issues.

I also agree with the documentation stating that the discussion process has gone on too long. I have been involved with the Ohio Environmental Health Association through much of the process of negotiating and discussing the survey process. As part of the Food Technical Committee, my discussion with other local health departments has found that the current survey process has a negative impact for all local health departments. OEHA has attempted multiple times to work with the state departments to reach an agreement and improve the survey process to no avail.

Please consider my testimony in support of Senate Bill 338.

Sincerely,



Britt C. Menchhofer, REHS  
Environmental Health Director