



SB 338 Proponent Testimony
Presented by Chad Brown, Association of Ohio Health Commissioners
Before the Senate Agriculture and Natural Resources Committee
Chairman Tim Schaffer
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Chairman Schaffer, Vice Chairman Huffman, Ranking Member Fedor, and members of the Senate Agriculture and Natural Resources Committee, thank you for allowing me to provide proponent testimony today on SB 338 sponsored by Senator George Lang. My name is Chad Brown, and I am currently the Licking County Health Commissioner. I am testifying today on behalf of the Association of Ohio Health Commissioners (AOHC) and as a past president of the Ohio Environmental Health Association (OEHA). I have worked in Ohio as an Environmental Health Specialist (EHS) for nearly 24 years. SB 338 proposes to revise how EHSs conducting food safety inspections are evaluated by the Ohio Department of Agriculture and the Ohio Department of Health through their food safety program survey process. Currently, an EHS conducts an inspection in conjunction with a rep from ODA or ODH, and the EHS is expected to find as many violations as possible in a facility regardless of their impact on food safety. Often there are multiple inspectors from the state agencies and only one from a local health department during a survey inspection. The inspection reports are compared to each other after the inspection and an EHS must document at least 80% of the violations found by the state agency inspectors. One troubling item with this scoring methodology is if an EHS documents a violation the state agency inspectors do not identify, the violation is discarded and not counted in the staff members inspection score. This approach is counterintuitive and baselessly tilts the scale in favor of the state agencies.

There is a major difference between knowing the Ohio Uniform Food Safety Code and identifying violations and knowing the Ohio Uniform Food Safety Code and achieving compliance to improve food safety. Often during survey inspections hundreds (100+) of violations are documented in a facility, and there is no emphasis placed on identifying critical violations that are most likely to cause foodborne illness. The Licking County Health Department's Food Safety Program was surveyed by the Ohio Department of Agriculture in November of 2019. Our program scored 100% during the survey, however the process lasted almost 3 weeks, and we nearly destroyed relationships with multiple facilities due to the invasive nature of the inspections. *We inspected a convenience store as part of the survey, and our inspector found a total of 378 violations and the ODA inspector found 393. These numbers are staggering.* One would think if a state agency inspector identified 393 violations in a facility, they would recommend the closure of the facility to the local health department due to its condition. This was not the case, and both inspectors felt the facility could remain open and did not pose an elevated risk to food safety after the inspection.



In a normal convenience store inspection, our specialists may identify 15 violations, which is a far cry from the nearly 400 found during our most recent survey by ODA. Our department has adopted a risk-based approach to conducting food safety inspections. This is an approach that was developed and recommended by the Food and Drug Administration. Conducting risk-based inspections allows our staff to focus on critical violations such as temperature violations or hand washing concerns. It also allows us to take the time to educate operators on how to prevent these critical violations in the future, which will improve the level of food safety within the facility. Taking this approach allows us to work with operators to correct violations rather than simply writing 400 items on a report and handing it to them. The latter creates animosity between the facility and the EHS, which reduces the chances of gaining compliance, and more importantly, increases the risk to food safety. Our staff identifies non-critical violations during inspections, but we work with operators to develop a plan to come into compliance. This develops trust with operators and often leads to operators reaching out for advice regarding issues they are having at their facilities rather than trying to hide them and increasing the risk to food safety within their facility.

The goal of inspecting facilities should be to educate and prevent violations rather than having EHSs concentrating on identifying a dirty exit sign or a missing trash can lid in a women's restroom. Unfortunately, the current evaluation process does not focus on a risk-based approach, and it leads 6 to 7-hour long inspections in some facilities. In some cases, staff are required to return the following day to complete an inspection. This approach lacks any consideration for the facility's operation, and it does not allow an EHS to utilize common sense when documenting violations.

In closing, I would like to ask you a question. Would you rather an EHS focus on critical items such as food temperatures and food employees contaminating ready to eat foods, or would you want them inspecting exit signs and counting cracks in floor tiles to identify as many violations as possible?

Chairman Schaffer and members of the Committee, thank you for allowing me to testify on SB 338. I am happy to answer any questions you may have.