

My name is Anne Kaup-Fett. I have worked as a Registered Sanitarian-In-Training, a Registered Sanitarian, and Registered Environmental Health Specialist for the Clark County Combined Health District (CCCHD) since 1998 and have conducted inspections of many food service operations and food establishments.

The first food program surveys in which I participated were collaborative processes with the Ohio Department of Health (ODH). For the first decade or so of my employment, ODH surveyors accompanied me on survey inspections and watched me interact with operators, identify violations of food code, and note those violations on inspection forms. The ODH surveyor was an active part of the inspection, providing guidance and training, noting inconsistencies, and helping with rule interpretation in an overall effort to check my knowledge and help me become a better inspector. When the current food code expanded to include Critical Control Point (CCP) inspections, the ODH surveyor was even more instrumental in helping me to understand exactly how to conduct the CCP inspection and document those inspections. It is essential to make clear that the survey process was collaborative and professional, the surveyor discussed the inspection with me, helped me to develop communication skills and tact, clarified whether an identified issue was a violation of code or an issue of concern, clarified which section of code was most appropriate to cite, and provided guidance on how best to write violations to make public health significance and required corrective actions clear. The entire process was instructive and rewarding. A large part of the professionalism I have now in the food program stemmed from those early surveys and I retained lasting working relationships with the surveyors.

In recent years, however, the tone and purpose of the food program survey has altered so much as to become almost unrecognizable. Instead of a working and fruitful relationship, the Directors of the ODH and Ohio Department of Agriculture (ODA) appear to have directed their surveyors to have no interest in improving operator communication, operator education, or rule clarification. The Directors appear only interested in having their surveyors note as many violations as possible at a facility and obtain "gotcha" moments for local health department (LHD) inspectors. This approach has been tiring and upsetting because it seems designed to make LHD inspectors appear as incompetent and in need of training as possible. The extent to which the Directors appeared willing to do this was extraordinary:

1. There appeared to be concerted effort to be secretive about the survey results: Both ODH and, to a larger extent, the ODA surveyors were unwilling to share the exact differences between surveyor and LHD inspector inspection results. I expected there to be no comparison between observations when the CCCCHD was finally surveyed for the first time, because I had heard of the stressful experiences of other inspectors. However, I was not prepared for my own level of stress during the actual surveys and the discomfort I felt when I was never told how my performance aligned with or differed from the ODH/ODA surveyors. I felt that there was little opportunity to learn from the survey processes.
2. There appeared to be an intentional effort to portray LHD inspectors as deficient (and wantonly damage their professional reputations) by improperly magnifying the difference in numbers of violations identified by the surveyor and by the LHD inspector by deceptive means:
 - a. I heard of (but do not know if I experienced since I never saw a comparison of survey inspection forms and numbers) a notorious example of magnification of violations by ODA surveyors. These surveyors reported that they had identified far more violations than the LHD inspectors, insinuating that the LHD inspectors had missed many violations. What really happened was that the LHD inspectors had noted (in a usual manner) a violation for an issue where more than one item may be damaged (such as cracked floor tiles) as ONE food code violation while the surveyors intentionally and secretly counted EACH damaged item as MULTIPLE food code violations on their survey forms. This practice deceptively increased the surveyor's total number of violations far above that of the LHD inspector without clarifying that the LHD inspector had also seen the damaged items and properly noted them, but had not overcounted them

in this unusual manner. It was not until 1-2 years after the survey process started that I learned that LHD's had finally realized why their inspectors' numbers and the surveyors' numbers were so grossly different from one another. It is difficult to adequately describe the levels of outrage that I heard expressed when this deceptive survey policy was discussed. The hurt and amazement that my colleagues expressed is difficult to quantify.

- b. I experienced another notorious example of this magnification of violations, again with ODA surveyors. I had heard from other inspectors that the ODA surveyors knew of a recent violation of food code (the improper labeling of a particular brand of pre-cooked ham), did not share that information with LHD's via training or routine professional correspondence, specifically checked for that violation during surveys, and:
 - i. (in another "gotcha" moment) noted the violation without alerting the LHD inspector, or
 - ii. if the LHD inspector found the violation, counted all of the mislabeled hams as multiple violations and criticized the LHD for not noting as many violations as the surveyor (as above).

I was able to avoid a problem with this issue because I specifically looked for the hams during the survey, but the entire process made me regard the surveyor as an adversary instead of as a respected public health colleague.

3. There appeared to be no interest in a risk-based approach to inspections with an emphasis on effective communication with operators. Instead, the survey process appeared to only value the identification of as many violations as possible, no matter how long the inspection took, how much time it took from the facility operator's workday, or how stressful it was for the operators. I was concerned for my future working relationships with my operators after I had subjected them to such a tiring and time-consuming inspection and worried about the appearance of such massive inspections on the professional record of a facility and its person-in-charge.
4. For several years, the surveyors took the inexplicable approach that it was not necessary for the LHD inspector to note on the survey inspection form any food code violations that were considered "non-critical." It was only necessary to *discuss* non-critical violations with the operator within hearing range of the surveyor. This confusing approach caused my operators to openly ask me whether or not they had actually committed violations of several sections of food code since the "violations" were not noted on the inspection form they received. Again, I was concerned for my future relationships with my operators after this confusing practice.

The failure of the ODH and ODA to provide an effective food program survey process is serious. The survey process should be collaborative, professional, honest, and – most importantly – objective. The ODH and ODA surveys in the last 10 years or so have significantly damaged the sense of shared purpose and mutual respect that formerly existed between LHD's and the agencies. An objective manner to assess inspectors' knowledge of food code could only be an improvement.

Thank you,
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