

**REPORT TO THE
TWENTY- EIGHTH LEGISLATURE
STATE OF HAWAII
2014**

Sanitation Branch Annual Audit
Sanitation and Environmental Health Special Fund
Fiscal Year 2014

**Pursuant to Chapters 321-27.5 and 321-27,
Hawaii Revised Statutes,
Requesting the Department of Health to Submit an
Annual Audit Report of the Sanitation Branch
And
Requesting the Department of Health to Submit a
Report on the Status of the
Sanitation and Environmental Health Education Fund**

**PREPARED BY:
DEPARTMENT OF HEALTH
STATE OF HAWAII**

November 2014

SANITATION BRANCH ACTIVITIES AND FINANCES DURING FY 2014

EXECUTIVE SUMMARY

The Sanitation Branch is one of the core programs of public health that affects the broadest range of health-related activities. Its programs are established by statutes and administrative rules as statewide programs. This report provides a broad overview of the functional role and activities of the Sanitation Branch, as required under Section 321-27.5, Hawaii Revised Statutes (HRS), that states, “The Department shall perform annual audits of the sanitation branch to be completed by November 30 of each year, and shall include an audit of:

- 1) Fees collected;
- 2) The number and results of sanitation inspections;
- 3) The number of training seminars held; and
- 4) The cost of training personnel in the sanitation branch.”

This report is also being submitted under Section 321-27(d), Hawaii Revised Statutes, which states that the Department “shall submit a report to the Legislature concerning the status of the Environmental Health Education Fund, including, but not limited to the amount of monies taken in and expended from the fund, and the sources of receipts and uses of expenditures...”

This report also includes a look at some of the major sanitation issues in Hawaii and how the Sanitation Branch is working to resolve these issues.

BACKGROUND

The function of the Sanitation Branch is to promote and maintain a sanitary and healthful environment for the people and visitors of Hawaii by implementing legally required programs for:

- 1) Food protection;
- 2) Assessing and assuring that hospitals and medical facilities meet sanitation requirements;
- 3) Licensing of tattoo artists and embalmers; and
- 4) Regulating barber shops, beauty parlors, massage parlors, tattoo shops, mortuaries, public swimming pools, and public laundries.

The Sanitation Branch focuses on its food protection program which has evolved into a complex program focusing on public health practices through education, partnerships, prevention, assessment and compliance.

Food is a significant element of Hawaii’s multi-ethnic culture and is a principal attraction for visitors to Hawaii. Food contamination presents the greatest risk to public health. The Sanitation Branch protects residents and visitors from exposure to food borne illnesses by conducting inspections and assessments of food service establishments to ensure that the food

served is safe to eat. Inspections are discussed later in this report. The branch also ~~issued 10,152~~ issues 10,095 permits statewide to restaurants and other food establishments.

In addition, the branch promotes food protection through education. The Food Safety Consultation and Education Program plays a vital role in preventing food borne illnesses by developing and implementing food safety surveillance and control plans, and conducting educational activities to assist the food service industry and food handlers.

The branch faces a major challenge in ensuring critical food handling practices are implemented and maintained. The ratio of food establishments to inspectors in the State of Hawaii exceeds the U.S. Food and Drug Administration's (FDA's) recommendations of 150 food establishments per inspector that conduct only food safety inspections. The current ratio of food establishments per inspector on Oahu has been reduced from 377 in FY13 to 240 at the time of this report. However, sanitarians statewide are also responsible for a myriad of other regulatory responsibilities such as swimming pools, tattoo shops, barber and beauty parlors, embalmers, etc. which further exacerbates the sanitarians' workload. The Maui staff is currently operating under a staffing shortage and the ratio of food establishments per sanitarian is about 340. The Big Island and Kauai's staffing levels are not ideal but manageable at about 202 and 242 respectively, for food establishment to sanitarian ratio.

The passage of Act 176/SLH 2010 has resulted in the approval of 5 new Sanitarian positions, with 3 hired in FY13 and 2 in the 1st quarter of FY14. The program has also filled 3 of 4 existing vacant positions, and in the process of filing the last vacancy. The field staff position count has increased from 9 to 18 in FY12-13, and to the current total of 23 in FY14-15. This will greatly assist in relieving the staffing shortages on Oahu and approach the goal of 31 field sanitarians. The program received legislative approval for 5 more field staff in FY14 and 3 more field staff in FY15 which are all in the process of being filled.

The former Food and Drug Branch was administratively placed under the Sanitation Branch effective July 1, 2012. This has provided a great opportunity to create a single Food Safety Branch that combines the function of both programs, with future staff to become generalist food safety specialists that encompass all functions of the existing sanitation and food and drug programs, and thereby creating a much more efficient and flexible work force. The Food and Drug Inspectors from the former Food and Drug Branch are undergoing extensive cross-training with the Sanitarians in retail food safety as well as the non-food regulated industry (swimming pools, tattoo shops, mortuaries, etc.).

The merger of the two branches added another 8 field food safety positions on Oahu along with 2 additional supervisors to increase the position count from 23 to 31 field staff, and allow the program to obtain the desired food establishment/sanitarian ratios closer to the optimum staffing levels of 150:1 to about 190 to 1. The Sanitation Branch is in the process of filling 5 more positions in FY' 14 of which 3 will go to Maui County, which will bring the Maui position count up from the existing 5 field staff to 8 field staff. When all the positions on Maui are filled, they will have a staffing ration of about 222 to 1, which is much improved from the present ratio of 340 to 1.

Passage of Act 176 has allowed the Sanitation Branch to increase the cap on the Sanitation and Environmental Health Special Fund from \$330,000 to \$1.5 million. The Sanitation Branch has secured a vendor to create a comprehensive web-based food establishment inspection system, which has been “live” since September 2012. New tablet PC’s were also purchased for each inspector to record all data collected during an inspection. The electronic web-based inspection system is completely paperless. It handles the permit fee billing functions, promotes greater consistency in inspections, provides perfectly legible inspection reports and electronic signature capture with electronic storage of all reports and attachments, and will later provide complete transparency by giving public access to our inspection results through a public web-site.

Staff training also is a significant element for maximizing efficiency and effectiveness in order to satisfy program performance objectives. Mechanisms are in place to provide continuing education as the branch updates and cross trains staff in order to keep up with technological and organizational changes.

FEES COLLECTED

Under Section 321-11.5, HRS, the Department collects fees for permits, licenses, inspections, various certificates, variances, investigations and reviews. These fees are deposited into the Sanitation and Environmental Health Special Fund under Section 321-27(a), HRS that supports training for the Environmental Health Services Division staff and food establishment personnel; as well as provides educational outreach to the general public regarding food safety. Revenues from fees collected for fiscal year 2014 and deposited into the fund totaled \$944,249. Section 321-27(c), HRS, specifies that any amount in the excess of \$1,500,000 on June 30 of each year shall be deposited into the general fund.

NUMBER AND RESULTS OF SANITATION & FOOD AND DRUG BRANCH FOOD FACILITY INSPECTIONS

The Sanitation Branch permits 10,095 food establishments statewide. This past fiscal year the branch conducted 12,013 food establishment inspections statewide which included routine and follow-up inspections and identified 8,110 violations of which 4,877 were major violations. Of the 10,850 food establishment inspections, 1,032 of these inspections pertained to complaints, of which 228 were food-borne illness complaints.

CHALLENGES AND STRATEGIES FOR FOOD SAFETY

In February of 2014, the Sanitation Branch repealed Hawaii Administrative Rules (HAR) Title 11, Chapter 12, Food Establishment Sanitation and established new rules as HAR Title 11, Chapter 50, Food Safety Code. Public hearings were held December 2-6, 2013 in Hilo, Kona, Wailuku, Lihue and Honolulu. The new rule was signed into law by Governor Abercrombie on February 24, 2014. This new rule provides the bedrock of the future for the food safety program. It is a complete paradigm shift in the way we regulate the food industry. The industry now recognizes that it must educate and practice active managerial control to reduce or eliminate the occurrence of food illness risk factors (major violations) in their industry PRIOR to the DOH’s

regulatory inspections. Correction of these violations is now done rapidly with little need for formal legal enforcement due to the restaurant placarding system that the new rule authorizes. The PASS (Green), CONDITIONAL PASS (Yellow), and CLOSED (Red) grading system provides social and economic pressure to food establishments and encourages them to continually strive for a Green placard. A Green placard allows for one major violation that can be corrected at the time of the inspection. A Yellow placard is issued if there are two or more major violations, and is posted in full view of the public until all major violations are corrected. The Food Industry in Hawaii (represented by Hawaii Restaurant Association, Hawaii Food Industry Association, Hawaii Food Manufacturers Association, and the Hawaii Hotel and Lodging Association) deserve much credit in recognizing the importance of the new food rules and placarding system in maintaining public health and safety and for acknowledging the benefits of the placards in advertising their commitment in maintaining the highest level of food safety practices. The new rules are based on the most current scientific and technologically advanced thought on food safety in the United States. The rule is based primarily on the 2009 FDA Model Food Code, and Hawaii is now among the majority of states that have adopted the 2009 version of the FDA Model Food Code. Our previous food safety rule was not based on any version of the FDA Model Food Code, and was considered obsolete.

The rule change also allows us to maximize the effect of Act 176 by raising the existing food establishment permit fees from an average of \$46 annually to approximately \$200 annually. The fee increase is projected to increase revenues to approximately \$1.9 million annually from the existing \$733,000 annually. The monies will allow us to reach our goal of increasing Sanitation Branch staff and allow us to inspect food establishments at a frequency that has been proven to produce more consistent compliance with food safety regulations. These regulations are designed to eliminate food borne illness risk factors which the CDC and the FDA have identified as the causes of food borne illnesses. These illnesses have the potential to cause serious illnesses that result in hospitalizations and even fatalities. The populations especially at risk are our most precious; these are our keiki, kupuna and immuno-compromised populations. The increased staffing levels will increase our inspection frequency from once every 1½ years to the FDA recommended 3 times a year for high risk food facilities, twice a year for medium risk facilities and annually for food facilities with the least risk.

The rule change also includes innovative and proven methods of reducing the number of follow-up inspections, and providing transparency to our food safety program. The placarding system was developed to indicate the status of the most recent food safety inspection completed at the facility and consists of PASS (Green), CONDITIONAL PASS (Yellow), and CLOSED (Red), placards. There will also be a future web link that the public can access which will have the complete results of any and all food establishment inspections. The electronic inspection system has enabled the Sanitation Branch to use real time, accurate data to better influence public health decision making, and to create metrics to more accurately gauge productivity and quality of work performed. The web based inspection system produced a more efficient electronic billing module by allowing the program to move from a completely manual accounting and tracking system to a completely automated online electronic fee payment system. The system automatically issues renewals and tracks late payments and provides real time auditing capabilities for the fees collected. Unfortunately, the system has not been without its faults and the program will be replacing the current web-based system due to progressively poor

performance of the inspection system in the field; great difficulty in trouble-shooting and repairing; and inconsistent performance of the software application. A more carefully crafted RFQ should alleviate the problems encountered with the present vendor.

The staff provides extensive food safety education during inspections. Mandatory food safety education is not required to operate a food establishment in the State of Hawaii, therefore restaurant operators rely very heavily on the education provided by the direct contact and interaction with our field inspectors. The Sanitation Branch considers the initial inspection of a new food establishment critical in educating the owners and managers on the importance of complying with our food safety rules, by eliminating or preventing major violations that are considered food-borne illness risk factors and to keep the people of Hawaii healthy. After completing the initial and a follow up inspection the establishment is fully operational. In the past, most food establishments on Oahu would not see a sanitarian for at least two years.

Maintaining food establishment staff educated in food safety is a huge challenge. When compared with other industries in Hawaii, the food industry has one of the highest turnovers of employees in the state. Additionally, most positions in a food establishment (owner, general manager, chef, food prep workers, dishwashers, etc.) will change on the average every two years, thus negating any food safety knowledge or reinforcement of the rules during that period by the Department of Health. The food safety program will begin pursuing mandatory food safety education for industry in the coming year, through administrative rule changes.

The statewide Sanitation program has sought and achieved tremendous internal improvements in the past five years. The program has gone from having no standards of inspection, no program quality control, lack of consistent field inspections, enforcement and education; to having a fully standardized staff with explicit, consistent and documented protocols in all areas, a uniform statewide food safety education program, and statewide participation in the FDA Voluntary Retail Food Standards program. The Big Island and Oahu staff have each met 2 of the 9 “Gold” standards. The goal is to have the food safety program under continuous quality improvement and to strive to meet all 9 “Gold Standards” for food safety inspection programs.

The sanitation program has also increased the use of neutral language handouts on hand washing and temperature controls during food inspections (both are major contributors to food borne illness). In addition, thermometers and sanitizer concentration test strips are provided to food establishments as part of the routine food safety inspections along with instructions and a demonstration on how to properly calibrate and use them.

The branch is focusing on reducing major violations at food establishments. This follows the best practices used in numerous jurisdictions across the United States. The current rate of key food borne illness risk factors is at least 40% and as high as 80%. The occurrence of major violations can be reduced below 20% if the following are done:

- 1) The food regulatory program must identify high, medium and low risk food establishments to prioritize inspection frequencies and maximize staff

efficiency. The level of risk is based on the complexity and potential risk of the foods served and how they are prepared within the establishment;

- 2) The program must standardize inspections by requiring explicit documentation on all three risk categories of food establishments in order to document the observations of critical operations within the establishment (food borne illness risk factors such as proper food cooking and holding temperatures, personal hygiene practices by employees, cross contamination issues, etc.); and;
- 3) The program must inspect high risk establishments at least three times annually, medium risk establishments at least twice a year and low risk establishments annually.

The statewide sanitation program has completed goals #1 and #2 above, along with numerous other program improvements mentioned. Achieving goal #3 has begun and preliminary results have seen a nearly tripling of the food safety staff over the past 3 years from 9 to 25 at present with 6 more positions funded and in the process of being filled by 3rd Quarter 2015. This will allow the food safety program to increase the food establishment inspection frequency to established levels based on the three risk categories and produce more consistent compliance with food safety regulations. It is projected that within three years the number of major violations cited during routine food safety inspections will be reduced by 20%.

TRAINING FOR INDUSTRY & PUBLIC

The branch retains its current voluntary educational approach to inform the public of proper food safety practices and motivate food establishment operators toward compliance with applicable standards and regulations. In this regard, it is recognized that compliance with rules, not enforcement per se, is the primary objective of the Sanitation Branch. Wide dissemination of information concerning the technical and scientific basis for the program's regulatory requirements will contribute to a clearer understanding of the necessity for compliance. Education is always continuous, especially in areas where technology is constantly evolving, as in the case of food science. An informed public with a clear understanding of the public health rationale of program functions and corresponding regulatory requirements is fundamental in assuring that potential environmental health problems are identified and resolved before actual illness, injury or fatality occurs. This educational philosophy has evolved in part due to Hawaii's high food establishment to sanitarian ratio.

For fiscal year 2014, the Food Safety Consultation and Education Program provided the following:

	FY '12	FY '13	FY '14
Food Certification Workshops	48	49	47
Students Attended	698	893	877
Students Certified	665	823	813
% Passed	95%	92%	93%

Food Safety Classes	59	56	76
Students Attended	1436	1218	1663

Food Certification Workshops are 16 hour (2 days) classes that cover the principles of food safety and protection as it pertains to HAR 11-50 Food Safety Code. A participant that successfully completes the workshop and passes the examination receives a Hawaii Department of Health Food Handler’s Certificate. This workshop is equivalent to education typically required for all food handlers in states and counties that mandate food safety training.

Food Safety Classes are customizable to address specific needs or problems of the requester and range from one or more hours. For example, if a food establishment has a problem with employee hygienic practices, two to three hour classes concentrating on proper hygienic practices complete with hands on demonstrations and audience participation could be provided. However, no certificates are issued for these classes.

The Sanitation Branch has expanded its community education outreach program to include participation in public events such school health fairs, county and farm fairs. At these events the branch has increased their public presence by distributing food safety informational handouts, hand washing information and program contact information.

With the threat of rising incidences of Noro and other viruses, the branch has concentrated its efforts in hand washing education during food facility inspections. The Sanitation Branch also operates “The Germ City Hand Washing Team.” The team consists of sanitarians and other DOH staff that volunteer to go out to schools or community events to conduct “hands on” hand washing demonstrations with students and teachers actively participating in an interactive hand washing class. A non toxic chemical is used to simulate dirt and bacteria and after a thorough hand wash and drying the hands are subjected to a black light scan to visually show the students the thoroughness of their hand washing efforts. The team has been very successful and has been recognized in 2009 by the National Environmental Health Association (NEHA) which asked for a representative from the branch to give a brief talk about the program at its conference in Atlanta, GA.

In FY 2012 the Sanitation Branch was involved in the Elementary School Robotics Club as a Special Community Project. Mililani Waena, Millilani Ike, Iolani, Queen Kaahumanu and Mokapu Elementary Schools were taught food safety principals as part of the Robotics competition.

In FY 2013 the branch held “Germ City” hand washing events at Kauluwela Elementary School and Kamehameha Schools involving 317 of our Keiki.

In FY 2014 the branch held “Germ City” hand washing events at Kauluwela Elementary School involving 437 students and Kamehameha Schools with 80 participants for a total of 517 students.

TRAINING FOR BRANCH PERSONNEL

In addition to on-going workshops conducted by the Food Safety Consultation and Education Program, the following are highlights of personnel training for fiscal year 2014:

- 1) Oahu Area Sanitarians assigned to the North Shore, West Oahu and Airports attended the National Environmental Health Association Annual Conference in Washington D.C. on July 9-11, 2013.
- 2) The Sanitation/Food and Drug/Vector Control Program Manager and a Food and Drug Supervisor attended the FDA Pacific Regional Food Seminar/Western Association of Food and Drug Officials (WAFDO) in Portland Oregon on August 5-8, 2013.
- 3) Sanitarians and Food and Drug Inspectors statewide attended the 2013 Environmental Health Services Division Educational Conference and Professional Development Workshop held on Oahu on December 11-12, 2013.
- 4) A Sanitarian, the State Shellfish Ratings Officer, whose primary responsibilities involve the regulation of the shellfish industry in Hawaii, attended the Interstate Shellfish Sanitation Conference in San Antonio, Texas on Jan 25-31, 2014.
- 5) A Sanitarian, the State Shellfish Ratings Officer, whose primary responsibilities involve the regulation of the shellfish industry in Hawaii, attended the Pacific Rim Shellfish Conference in Oakland, California on March 17-20, 2014.
- 6) A Sanitarian, Milk Ratings Officer/Program Specialist, attended the Pacific/Southwest Region Milk Seminar in Portland, Oregon on April 7-10, 2014.
- 7) The Program Manager, Program Specialist, and Milk Sanitarian attended the Conference for Food Protection in Orlando, Florida on May 3-7, 2014.
- 8) The Program Manager and a Food and Drug Supervisor attended the Association of Food and Drug Officials Conference in Denver, Colorado on June 22-25, 2014.

COST OF TRAINING BRANCH PERSONNEL

The cost for branch personnel to attend the above training in FY 2014 was \$40,663.

CLOSING REMARKS

Despite continued efforts and progress in improving the overall quality and safety of foods produced in this country, food borne illnesses remain a serious national public health problem. This past year pathogenic E. coli, Norovirus and Salmonellosis contamination of food continued to find its way into the national headline news. The CDC has consistently stated that

annually food borne illnesses account for nearly 3,000 deaths in the United States and billions of dollars in lost productivity and the cost of medical care for the ill.

All residents and visitors to Hawaii who frequent the more than 10,000 food eateries, markets, and liquor establishments or any other food sales or distribution centers that the Sanitation Branch inspects and permits are directly affected by our regulatory food safety program. This is the reason that the passage of Act 176/SLH 2010 was critical in improving food safety in the State. The Sanitation Branch is projecting full staffing levels as described earlier to be a reality in a few months, and will allow the Food Safety program to undertake a major paradigm shift in how we regulate the food industry; in the way we promote food safety; the introduction of regulatory transparency through a public accessible web-site to view inspection reports; the use of a web based system to electronically streamline fee payments of permits, renewals and late renewal notices; and finally allow DOH to use real time electronic data to influence public health outcomes by efficiently and accurately tracking food borne illness risk factors and any other food safety or enforcement trends or issues.

Continued vigilance in protecting the public from food borne illnesses is a vital function of the Sanitation Branch. Current resources are dedicated toward support of program activities, personnel enhancement, and technology infrastructure advancements. We will continue our efforts to prudently use current resources to protect public health.