

**REPORT TO THE  
TWENTY-NINTH LEGISLATURE  
STATE OF HAWAII  
2017**

Sanitation Branch Annual Audit  
Sanitation and Environmental Health Special Fund  
Fiscal Year 2016

**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**

**December 2016**

## **SANITATION BRANCH ACTIVITIES AND FINANCES DURING FY 2016**

### 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) Medical Marijuana;
- 4) Licensing of tattoo artists and embalmers; and
- 5) 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 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 passage of Act 176/SLH 2010 has resulted in the approval of a total of 13 new Sanitarian positions statewide with 10 going to Oahu and 3 going to Maui. That brings the position count on Maui from 5 to 8 and the position count on Oahu up to 31. The field staff position count on Oahu has increased from 13 to 18 in FY12 and from 18 to 26 with the consolidation of the DOH Food and Drug Branch and Sanitation Branch in FY 13. The last 5 positions were added in FY14 and brings the current position count to 31. The program has filled 29 of the 31 positions to date and the program is currently scheduling interviews for the last 2 positions at the time of this report. This allows 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 Oahu Sanitation Branch is in the process of filling 2 more positions allotted in FY14 and Maui is in the process of hiring 4 more field staff. When all the positions on Maui are filled, they will have a staffing ratio of about 222 to 1 which is much improved from the present ratio of 340 to 1.

Passage of Act 176 has also 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 secured a vendor [Paragon Bermuda (Canada) Inc.] to create a comprehensive web-based food establishment inspection system, which first went “live” in September 2012. New tablet PC’s were also purchased for each inspector to record all data collected during an inspection. The initial electronic web-based inspection system was completely paperless. It handled the permit fee billing functions, promoted greater consistency in inspections, provided perfectly legible reports and captured electronic signatures with electronic storage of all reports and attachments, and was to provide complete transparency by giving public access to our inspection results. Over time, the performance of the Paragon system became progressively worse and staff was having a very difficult time generating reports in the field due to difficulty bringing up the system in the off-line mode. Synching of daily inspection reports into the mainframe was also taking longer and longer which resulted in staff being stuck in the office waiting for the system to update itself. In January 2015 we terminated the contract with Paragon due to poor performance and the inability of the vendor to address these issues.

The program issued an RFQ in early 2015 and awarded the contract to Digital Health Department Inc. (DHD) in late June 2015. The department went “live” with the DHD system in April 2016 which includes the public portal by which the public can access food safety inspection reports from any hand held smart phone, iPad, or computer device. The program also is using technology to post the inspections in real time on the public 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 \$772,016. In FY 2015 the amount increased to \$1.67 Million and to \$2.14 Million in FY 16. 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 10,839 food establishments statewide. This past fiscal year the branch conducted 13,243 food establishment inspections statewide which included routine and follow-up inspections and identified over 9,600 violations. Of the 13,243 food establishment inspections, 1,240 of these inspections pertained to complaints, of which 238 were food-borne illness complaints.

In FY 15, the program kicked off the new color-coded placarding program and 6421 (79%) Green PASS placards and 1672 (21%) Yellow CONDITIONAL PASS placards were issued during routine inspections. In FY 16, this improved significantly to 8128 (84.5%) Green PASS placards, and 1380 (14.5%) yellow, CONDITIONAL PASS placards. The significant reduction in the number of Yellow placards issued is a direct result of the placarding and public posting of food inspection results as the paradigm shift in using governmental transparency to influence behavior in food industry employees takes shape in Hawaii.

### 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 Feb 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 are 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 not get anything but a Green placard which allows for the occurrence of one major violation if it can be corrected at the time of the inspection. A Yellow placard is issued if there are two or more major violations, and remains 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 public health significance and importance of the new food rules and the placarding system to keep everyone in the industry at a world class 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.

The rule change also allowed the department 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 increases were projected to increase revenues above \$2.0 million annually from the \$733,000 annually in FY 2014 and to \$1.67 Million in FY 2015. In FY 16, over \$2.1 Million in revenue was generated. The increase in revenues has funded additional staff to inspect food establishments at a frequency that has been proven to yield 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 be serious and can result in hospitalizations and even death. 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 three 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 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 administrative rules, by eliminating or preventing major violations that are food-borne illness risk factors and to keep the people of Hawaii healthy. After completing the initial and a follow up inspection after the establishment is fully operational, most food establishments on Oahu may not see the sanitarian for at least 1½ years.

Maintaining an educated staff 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 has just completed public hearings in December of 2016 to include mandatory food safety education for food establishments statewide. This is the final piece of food safety infrastructure that will help to further reduce the occurrence of food illness risk factors (Yellow placards) in Hawaii. The new rule will require at least one Person-in-Charge that has proof of formal food safety education to be on site at the food establishment when open for business or while employees are preparing food. Peer reviewed studies have shown that having a manager formally educated in food safety, results in less food illness risk factors present during routine inspections.

The statewide Sanitation program has sought and achieved tremendous internal improvements in the past six 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 National Retail Food Program Standards (VNRFPS) program. The Big Island staff have each met 2 of the 9 “Gold” standards, and the Oahu program has met 3 of the 9 “Gold” standards. The goal is to have the food safety program under continuous quality improvement and to strive to meet at least 6 of the 9 “Gold Standards” for food safety inspection programs. Achieving that milestone will place us in the upper 10% of all 600+ food regulatory programs nation-wide and make us a “world class” food regulatory program.

The sanitation program has also increased the use of language neutral handouts on hand washing and temperature controls during food inspections (both are major contributors to food borne illnesses), and have even provided thermometers and sanitizer concentration test strips to new and existing food establishments as part of our routine inspections along with demonstrating how to properly calibrate and use them.

The branch is focusing on reducing major violations (food illness risk factors) at food establishments during routine inspections. This follows the best practices used in numerous jurisdictions across the United States. In FY 15 the rate of uncorrected food borne illness risk factors that require follow-up inspections is at 21% (Yellow - CONDITIONAL PASS). The goal of the food safety program is to reduce the number of Yellow cards issued to 15%. This goal has been met years ahead of schedule, and was achieved by accomplishing the following:

- 1) The food regulatory program was able to 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 standardized the 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 inspected 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 on Oahu over the past three years from 9 to 29 at present with only 2 more positions to be filled. This will allow the food safety program to increase the food establishment inspection frequency to established levels based on the 3 risk categories and will produce more consistent compliance with food safety regulations. All of the above coupled with the placarding and public access to inspections has allowed the food safety program to achieve its goals years ahead of what was projected. Our FY 15 audit report predicted that we would achieve this goal in 3 years.

In 2016, the program will also consider media productions for public health messaging to reduce the high number of food illnesses being acquired at the homes of residents and visitors. Over a thousand food illnesses are reported annually in Hawaii with approximately 250 a year from regulated food establishments. This means the vast majority of food illness in Hawaii are acquired at home. Food safety messaging will be tailored for every day home meal preparation. This could go a long way in reducing food illnesses acquired at home and at large family gatherings.

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 FY 2016, the Food Safety Consultation and Education Program provided the following:

	FY ‘14	FY ‘15	FY ‘16
Food Certification Workshops	49	54	51
Students Attended	893	1003	914
Students Certified	823	986	870
% Passed	92%	98%	95%

Food Safety Classes	56	90	55
Students Attended	1218	2030	1098

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 food industry and the DOH are actively partnering in food safety education for managers and workers. The program continues to offer these classes at no cost to industry.

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.

The schools that are requesting these classes has dropped significantly due to other pressures placed on the DOE which makes it difficult for the schools to have Health Fairs or other activities that highlight public health.

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 2016:

- 1) The Standards Officer San V, attended the FD 372 Dairy Plant Inspection Course in Richmond, Virginia on August 17-21, 2015. (\$2731)
- 2) The Standards Officer San V, attended the FD577 Special Problems in Milk Protection Course in North Charleston, South Carolina on August 31 - September 4, 2015. (\$3309)
- 3) The Standards Officer Supervisor San VI, and the Sanitation Program Manager attended the Western Association of Food and Drug Officials Conference/2015 FDA Pacific Regional Retail Food Seminar in Helena, Montana, on Sept 21-24, 2015. (\$4284)
- 4) The Shellfish Specialist attended the Biennial Interstate Shellfish Sanitation Conference in Salt Lake City, Utah on October 24-29, 2015 (\$2431)
- 5) Standards Office Supervisor San VI, Standards Officer San V, and Section Supervisor San V, attended the FDA National Retail Program Standards Self-Assessment and Verification Audit Workshop in Mesa, Arizona on January 19-21, 2016. (\$4186)
- 6) The Sanitation Branch Program Manager, Standards Office Supervisor, and the Standardization Officer attended the Conference of Food Protection Biennial Meeting in Boise, Idaho on April 16-20, 2016. (\$6847)
- 7) The Shellfish Specialist attended the Annual Pacific Rim Shellfish Association Meeting in Tempe, Arizona on April 4-7, 2016. (FDA Sponsored-\$100)
- 8) The Standards Officer attended the Pacific Regional Milk Seminar in Denver, Colorado on May 3-5, 2016 (\$1713)
- 9) Section Supervisor San V and Food and Drug IV attended the National Environmental Health Association 2016 Education Conference in San Antonio, Texas on June 13-16, 2016. (\$6298)

#### COST OF TRAINING BRANCH PERSONNEL

The cost for branch personnel to attend the above training in FY 2016 was \$31,900, FY 2015 was \$20,942 and for FY 2014 was \$33,470.

#### 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 Hawaii experienced a large Hepatitis A outbreak sickening nearly 300

individuals linked to adulterated scallops from the Philippines served at a major sushi chain and a salmonella outbreak that caused 14 individuals to become ill from consuming poke tainted with contaminated ogo (seaweed) from a large local farmer. These pathogens continue to find their way into our local food supplies and frequently make the local and national 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.

Continuous and constant improvements to the Food Safety Program continue to make the program a leader in applied computer technology, governmental transparency through the use of real-time posting of inspection results on the department's website, coupled with a high-profile placarding program, and partnerships that lead to uncontested public hearings with industry support to constantly update, and streamline food safety regulations using the most current science, which will now mandate certified food safety education for industry.

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.