



GOV. MSG. NO. 87

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

December 26, 2012

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Seventh State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker  
and Members of the House of  
Representatives  
Twenty-Seventh State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say, and Members of the Legislature:

For your information and consideration, I am transmitting two (2) copies of the **Annual Audit Report of the Sanitation Branch as required by section 321-27.5, Hawaii Revised Statutes (HRS)**. In accordance with section 93-16, HRS, a copy of this report has been transmitted to the Legislative Reference Bureau Library and the report may be viewed electronically at <http://co.doh.hawaii.gov/sites/LegRpt/2013/default.aspx>.

Sincerely,

NEIL ABERCROMBIE  
Governor, State of Hawaii

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**REPORT TO THE  
TWENTY-SEVENTH LEGISLATURE  
STATE OF HAWAII  
2013**

**Sanitation Branch Annual Audit**

**Pursuant to Chapter 321-27.5, Hawaii Revised Statutes,  
requesting the Department of Health to submit an annual  
audit report of the Sanitation Branch**

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

**November 2012**

## **SANITATION BRANCH ACTIVITIES AND FINANCES DURING FY 2012**

### **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 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) Inspection of tenement houses, lodging houses, boarding houses, and hotels;
- 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 they serve is safe to eat. Inspections are discussed later in this report. The branch also issues 10,044 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 adequately handling food protection. The ratio of food establishments to inspectors (Oahu, Maui, Kauai and Hawaii) far exceeds the U.S. Food and Drug Administration's (FDA's) recommendations of 150 food establishments per inspector that conducts only food safety inspections. Oahu's ratio is 644 food establishments per inspector, and statewide, sanitarians are also saddled with a myriad of other regulatory responsibilities such as swimming pools, tattoo shops, barber and beauty parlors, embalmers, etc., which further exacerbates the sanitarians workload. This means the Oahu Sanitation Branch can only inspect a food establishment about once every 24-30 months. On Maui the ratio is currently 550+ food establishments per sanitarian, and is also operating under an extreme staffing shortage. The Big Island and Kauai's staffing levels are manageable at about 239 and 228 respectively for food establishment to sanitarian ratio.

The passage of Act 176/SLH 2010 has resulted in the approval of 5 new Sanitarian positions which we have interviewed for and selected and the prospective employees were being screened and processed at the time of this report. The program has also filled two of four existing vacant Sanitarian positions, and will soon fill the final two which would raise the positions count in the field from the existing 9 to 18 positions by the second quarter of FY 2013. This will go a long way in relieving our staffing shortages on Oahu and reaching a goal of 30 field sanitarians and 2 additional sanitarian supervisors.

The former Food and Drug Branch has been administratively placed under the Sanitation Branch effective July 1, 2012. This provides a great opportunity to create a single Food Safety Branch that combines the function of both programs, with future employees to be generalist food safety specialists that encompass all functions of the existing sanitation and food and drug programs, thereby creating a much more efficient and flexible work force.

This merger would also add another eight field food safety positions on Oahu along with two more supervisors to increase the position count from nine to twenty-six, and allows the program to obtain the desired food establishment/sanitarian ratios closer to the optimum staffing levels of 150:1 to at least 200 to 1. Maui County still needs at least two more sanitarians to meet critical staffing benchmarks. 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 gone "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, takes care of the permit fee billing functions, promotes greater consistency in inspections, provides perfectly legible, 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.

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 2012 and deposited into the fund totaled \$772,016. 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 INSPECTIONS

The Sanitation Branch permits 10,044 food establishments statewide. This past fiscal year the branch conducted 9,135 food establishment inspections. On Oahu there were 5,040 routine and follow-up inspections and identified 6,264 violations of which 3,767 were major violations. Of the 9,878 food establishments inspected state-wide, 1,812 of these inspections pertained to complaints, of which 254 were food-borne illness complaints.

### CHALLENGES AND STRATEGIES FOR FOOD SAFETY

The Sanitation Branch plans to repeal Hawaii Administrative Rules (HAR) Title 11, Chapter 12, Food Establishment Sanitation and establish new rules proposed as HAR Title 11, Chapter 50, Food Safety Code. The draft of the new food safety rules has been completed and the program plans to have the rule at public hearings and signed by early 2013. The new rule is 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 may be one of the first states to adopt this version of the code. The majority of food safety regulators in the United States are using the 2003 or 2005 version of the FDA Model Food Code. Our existing food safety rule is not based on any version of the FDA Model Food Code, and is considered obsolete.

The rule change will also allow 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 \$772,000 annually. The moneys 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 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 rule change also includes innovative and proven methods of reducing the amount of follow-up inspections, and providing transparency to our food safety program. A placarding system will be developed to indicate the status of the most recent food safety inspection completed at the facility and will consist of PASS (Green), CONDITIONAL PASS (Yellow), and CLOSED (Red), placards. There will also be a web link that the public can access which will have the complete results of any and all food establishment inspections. The electronic inspection system will also enable the Sanitation Branch to use real time, accurate data to better influence public health decision making, and to create a more efficient work force. The Sanitation Branch should also realize great efficiencies with the electronic billing module that is part of the web based inspection system. The system will allow us to move from a completely manual accounting and tracking system for permit fee collection to a completely automated online electronic fee payment system. The system will automatically issue renewals and track late payments and provide real time auditing capabilities for the fees collected.

The branch conducts extensive informal food safety education in addition to inspections. 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 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, to eliminate all major violations that are food-borne illness risk factors and 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 two years.

Maintaining food establishment staff educated in food safety is a huge challenge. The food industry in Hawaii has one of the highest turnovers of employees in the state when compared with other industries. Additionally, most positions in the food establishment from owner to general manager to chef to food prep workers to dishwashers changes on the average every two years or so, thus negating any food safety knowledge or reinforcement of the rules during that period by the Department of Health.

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 goal is to have the food safety program under continuous quality improvement and to strive to meet the "Gold Standard" for food safety inspection programs.

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 to new and existing food establishments as part of our routine inspections along with demonstrating how to properly calibrate the thermometer before use.

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 major violations, the key food borne illness risk factors, is at least 40% and as high as 80% of food establishments in certain geographical areas. The occurrence of major violations can be reduced below 20% for establishments inspected if the following are done:

- 1) The food regulatory program is 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 standardizes 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 inspects high risk establishments three to four times annually, medium risk establishments at least twice a year and low risk establishments annually.

The statewide sanitation program has completed 1) and 2) above, along with the other numerous other program improvements mentioned. The initial steps to achieve 3) above are in the works and early results have seen a potential doubling of the sanitation staff on Oahu, which in turn will increase the food establishment inspection frequency to established levels based on three risk categories and produce consistent compliance with food safety regulations.

#### 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 a fundamental goal 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 2012, the Food Safety Consultation and Education Program provided the following:

	FY '10	FY '11	FY '12
Food Certification Workshops	35	36	48
Students Attended	905	883	698
Students Certified	853	799	665
% Passed	94%	90%	95%
Food Safety Classes	61	47	59
Students Attended	1523	817	1436

Food Certification Workshops are 16 hour (2 days) classes that deal with the principles of food safety and protection as it pertains to HAR 11-12 Food Establishment Sanitation. Successful completion of the workshop and examination results in the issuance of a Hawaii Department of Health Food Handler's Certificate. This certificate is the equivalent of education typically required for food handlers in states and counties that mandate food safety training for all food handlers within their jurisdictions.

Food Safety Classes are customizable classes that can range from one or more hours to address specific needs or problems of the requester. 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 participation could be provided. 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 while having the attending students and teachers actively participate 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.



- 7) A Sanitarian who is training to be the Shellfish Control Officer attended the required FDA 242 Sanitary Surveys of Shellfish Growing Areas Course. The course was held in Austin, Texas on May 15-17, 2012
- 8) A Sanitarian – State Milk Ratings Office, whose main responsibilities are regulating the milk industry in Hawaii, attended the FDA372 Milk Plant Sanitation and Inspection Course that is required for State Milk Ratings Officers. The class was held in Boise, Idaho, on May 14-18, 2012
- 9) A Food and Drug Inspector attended the Association of Food and Drug Officials (AFDO) 116<sup>th</sup> Annual Educational Conference in Providence, Rhode Island on June 3-6, 2012.
- 10) The Sanitation/Vector Control/Food and Drug Program Manager attended the National Environmental Health Association Annual Education Conference. This conference provides a forum for introducing the most advanced scientific thought, practices and policies in advancing the cause of environmental health. The Conference was held in San Diego, California on June 28-30, 2012
- 11) A Food and Drug Inspector attended the Institute of Food Technologists (IFT) Annual Meeting and Expo in Las Vegas, Nevada on June 26-28, 2012

#### COST OF TRAINING BRANCH PERSONNEL

The cost for branch personnel to attend the above training in FY 2012 was \$27,035.

#### 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 Centers for Disease Control (CDC) has consistently stated that food borne illnesses accounts for nearly 3,000 deaths annually in the United States and billions of dollars annually 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 distributions that the Sanitation Branch inspects and permits is directly affected by our regulatory food safety program. That is the reason that the passage of Act 176/SLH 2010 was critical to our improving food safety in the State. The Sanitation Branch is projecting full staffing levels as described earlier to be a reality in 1-2 years, 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.