

Washington's Food Inspection Program

The Washington State Department of Health (DOH) operates the state's food inspection program. The program's primary mission is to protect the public from food hazards. Under the program, businesses that produce and handle food for human consumption, including restaurants, grocery stores, and food processing plants, are inspected on a biennial basis to ensure that they meet all applicable statutes and regulations. Most inspections are conducted by DOH staff, though the agency occasionally contracts with county health agencies to conduct some of the inspections.

In recent years the program has been sharply criticized by both the business community and public health advocates. Members of the business community felt that the state's food safety regulations were needlessly complicated, that inspector's enforcement of those regulations was arbitrary, and the department was anti-business. Public health advocates argued that many inspections were hurried, important safety issues were being ignored, and the department's enforcement efforts were lax. The long-time director of the food inspection program resigned under mounting pressure and was replaced by a new director who was tasked with revamping the program.

Our office has been directed to conduct a performance audit evaluating the effectiveness of the state's food inspection program. Early in the process you have been tasked with interviewing the new program director about the changes he has made over the past six months. The following passage is a transcript of what the director told you. Please read the passage carefully and then answer the questions at the end of the exercise.

Interview with Fred Jones, Director of the State Food Inspection Program

When I took over the inspection program six months ago, one of the first things I noticed was that we'd really lost focus on why we're here. I'm not trying to put down the previous regime—they saw things their way—but I really think we had become too focused on trying to catch folks doing things wrong and we weren't spending enough time trying to figure out how to protect the public. In my opinion, that's why we're here...to make sure food is safe for the public.

Our relationship with the business community was really poor. If you've ever taken a look at the food safety regulations, they're a nightmare to figure out. They were obviously written by a bunch of lawyers who've never had to figure out how to comply with regulations or enforce them. To make matters worse, we didn't have any standardized protocols for our inspectors. So you've got this huge mass of regulations that nobody can follow, and then on top of that different inspectors were enforcing different parts of the code. A practice that had been accepted by inspectors for years suddenly became a violation once a new inspector took over. How can a business be expected to comply with that?

We'd really developed an antagonistic approach to dealing with businesses. I've got some really good people working for me, but for years they'd been taught that their job was catch people in the act—a real "gotcha" approach. Our folks would show up unannounced, often times right in the middle of the busiest time for a business, and expect everyone to drop everything so they could do the inspection. And when they found violations, our enforcement people would really bring the hammer down. Rather than give the business an opportunity to fix the problem, we'd start levying fines right away with the first violation, and threaten to shut the place down if things weren't fixed immediately.

Of course the businesses didn't like any of this. They'd fight us tooth and nail on every enforcement action. We wasted so much time fighting them when they'd appeal a ruling. The worst part was,

because our inspections were so inconsistent, we'd often end up caving on the appeal and reducing or completely dropping the violations. All that time and energy fighting, and the public isn't any safer. What a waste.

Things had to change, starting with our overall approach to inspections and enforcement. In my opinion, our number one job is to protect the public, and we are best able to accomplish that by helping businesses comply with the regulations. The first thing we did was develop some clear guidance for businesses—translate all that jumbled legalese into plain English. Give them some really clear rules for food safety that they can follow. Next, we put on a number of regional educational seminars and invited the area businesses to attend. Those seminars were a huge success. They gave us the opportunity to explain the regulations and tell folks what our inspectors were going to look for, and also let the business community ask us questions.

We also made important changes to our inspection and enforcement process. All of our inspectors now use standardized inspection forms which ensures that all of our inspections are conducted exactly the same way. Now it doesn't matter which inspector does your inspection—they all look for the same things. We also got rid of these unannounced inspections. No more playing "gotcha." If you're a business, you know when we're coming and what exactly what we're looking for. We make sure we avoid your busy times so we don't get in the way of you doing your business.

Finally, we're trying to be more reasonable in our enforcement actions. Unless we see something that presents an immediate threat to public safety, we give the businesses a chance to fix things before we start levying fines and threatening to close them down. Most folks want to do the right thing, and when given the opportunity to fix a violation, they get it done. On the other hand, we've had a few that can't seem to get their act together, and we don't mess around with them. If we work with a business to try to bring them into compliance and they just refuse to fix the problems, I wouldn't hesitate to shut them down.

Overall, I just think our new approach is better for the public and is better for the businesses. We don't waste a bunch of time fighting, and get down to the task at hand—making food safer for the public.

Keeping in mind the program's primary mission to protect the public from food hazards, please answer the following questions based on the director's comments:

1. Please summarize the changes the director has made to the inspection program and assess their impact on public safety.
2. Overall, do you think these changes are likely to make the public more or less safe from food-based hazards? Why or why not?

Please provide your answer in this Word document. In addition to evaluating how well you have supported your answer, we will also be evaluating your writing ability and style.