

SBAR

Environmental Responses and Potential Service Charges

1. Situation: (Brief description of the current issue or situation requiring project/program.)

(1) Consider Environmental Public Health Specialist (EPHS) work that may be eligible for imposed fees-for-service and/or (2) review Environmental Health Operational Guidelines (EHOG) for matters that could be enforced in ways other than EPHS oversight.

Currently, many LPHAs enforcing MO DHSS's EHOG are not in a position to bill food incident response services to the proprietors. Other first response agencies and some LPHAs have established ordinances that permits an hourly rate for response and mitigation services. In most cases the proprietor's insurance covers these expenses.

Another potential billable service are the food recalls. Of course, we don't want to cost-prevent companies from reporting recalls, but perhaps targeting high-volume food recalls and/or enteric contaminated product. This could be an incentive towards prevention too.

As far as identifying alternate enforcement methods, there are some tasks within the EHOG that are not feasible for many LPHAs to perform. For example, following trash-trucks to landfill for pictures. The risk it poses to both EPHS staff and agency liability surpasses the ability and desire to accomplish.

2. Background: (Relevant background data about current situation and current and past approaches to the situation)

A DAC subcommittee was formed a couple of years ago, but status is unknown and other circumstances may have prevented progress. Nevertheless, the food industry is aware of public health's due diligence as incident responders. LPHAs prepare lists or separate items of what is condemned and what can be put back into the marketplace. This work is done for free and both proprietors and insurance companies alike take advantage of public health.

Furthermore, after large food incidents have occurred (i.e. grocery store fire), many LPHAs consult with MO DHSS on how to proceed with achieving all of the EHOG. Many times, circumstances are that public health has to concede to reducing oversight to a level that is within realistic capabilities.

Although the EHOG are considered guidelines; many LPHA boards are required to vote and approve that the EHOG will be adhered to. LPHA failure to perform or enforce may also be a liability at a local level.

3. Assessment: (Your assessment about the situation and description of project or program that might address the situation.)

Develop an array of legal actions for fees-for-service, fines, and alternate enforcement methods via ordinances or proposed bills. This could potentially be several components that collectively make up a comprehensive plan. This comprehensive approach may best communicate overall goals and objectives to legislators and others for buy-in.

Examples:

- Perhaps after condemned food leaves the scene it becomes a police matter and/or subject to prosecution to a level that counters the initiative for companies to take the risk against public health.
- Review the EHOG for other enforcement strategies; i.e. obtaining & submitting landfill receipts, signed affidavit from receiving landfill, and/or increased penalties or fines.
- For high volume or contaminated food recalls, considering many violators would be out-of-state, the State of Missouri would be better suited to legally contend with this matter. Perhaps a Missouri legislator could sponsor a bill. Some of these collected fees should go towards CORE/participation LPHA agreements or reimburse LPHAs based on submitted hours on food recall work.

4. Recommendation/ Request : (policy, personnel, other resources needed to accomplish the project or program)

Either through the Director's Advisory Council as a whole or a small work group, develop options for fees-for-service that can potentially be proposed to be MO DHSS rules. Ideally, these could be put into practice by a county's prerogative to adopt based on their classification and codes.

The same workgroup could work to identify other strategies and organize them into a comprehensive plan. Then match plan components to authorized governing bodies, or elected official, and assign an appropriate contact person to solicit action or present material to initiate process. If this crosses over into a lobbying effort, perhaps MOALPHA could take lead once DAC has reviewed plan for policy. A comprehensive plan with a cooperative effort among MO DHSS, MOALPHA, and DAC with financial projections demonstrating potential income and time saved would be a good plan for success.