

operator and inspector, making a site visit to observe and discuss the matter in question or consulting with outside experts such as the Food and Drug Administration or the Department of Agriculture.

- The State Foodborne Illness Prevention Program will evaluate all the information gathered, render a decision, and provide a written explanation to the operator and the county. The decision will be binding on all parties.
- The State Foodborne Illness Prevention Program will maintain a record of all such rulings and share them with other counties when appropriate. The State will periodically review the record of rulings to determine needs for training, policy development, or rule revisions.

Information is also available in alternative formats.

Local Public Health Departments

Benton	541-766-6841
Clackamas	503-655-8384
Clatsop*	503-861-7377
Columbia	503-366-3828
Coos	541-756-2020
Crook	541-447-8155
Curry	541-247-3254
Deschutes	541-388-6575
Douglas	541-464-3820
Hood River	541-386-1115
Jackson	541-774-8206
Jefferson	541-475-4456
Josephine	541-474-5325
Klamath	541-883-1122
Lane	541-682-4480
Lincoln	541-265-4127
Linn	541-967-3821
Malheur/ Baker	541-473-5186
Marion	503-588-5346
Multnomah	503-988-3400
Pendleton*	541-276-7880
Polk	503-623-9237
Direct Services*	503-731-4012
Tillamook	503-842-3900
Wasco/ Sherman	541-296-4636
Washington	503-648-8722
Yamhill	503-434-7525

* Direct Services: Clatsop, Gilliam, Grant, Harney, Lake, Morrow, Umatilla, Union, Wallowa, Wheeler

Foodborne Illness Prevention Program
Department of Human Services
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Resolving Disagreements Over Interpretation of Food Sanitation Rules



Resolving Disagreements Over Interpretation of Food Sanitation Rules

Roles: State and Local

The role of the Oregon Department of Human Services is to provide program oversight and to ensure uniform and fair application of the rules and policies.

The Local Public Health Authority fulfills the role of licensing and inspecting food service facilities and, when necessary, enforcement of the rules for food protection.

Disagreements:

A disagreement over interpretation or application of food service rules results when an operator believes that his/her inspector or plan reviewer has made an interpretation that is inconsistent with other decisions or Department of Human Services policy and procedures.

The goal of the Department of Human Services is that the rules are uniformly, reasonably and otherwise properly applied.

Given that every operation has unique features and no two situations (or

inspectors) are exactly alike, the task of maintaining uniformity can at times be challenging.

Differences in interpretation will inevitably occur and when they do, the Department of Human Services will strive to resolve them to the satisfaction and understanding of all parties.

The Foodborne Illness Prevention Program is committed to considering all facts and information and weighing all sides of an issue before rendering a decision.

An operator should pursue the following procedure when he or she believes an interpretation of the rules is not consistent:

Attempt first to resolve the problem locally:

- Inform the county food program supervisor that you think the rule is not properly interpreted or uniformly applied.
- Explain why you think it is not properly applied; give examples of other similar interpretations.

- Ask for resolution by a specific date that can be mutually agreed upon.
- Indicate the form in which you wish to receive response to your question, i.e., written or verbal, formal or informal.
- Document the process either by making your requests in writing or by keeping notes of conversations.

If a State interpretation or ruling on the decision is warranted:

- Notify the county food program supervisor of your disagreement with the decision and of your intent to petition the State Foodborne Illness Prevention Program for a ruling.
- Contact the State Foodborne Illness Prevention Program either by phone (503) 731-4012 or in writing to present your request for the State opinion on the matter.
- The State Foodborne Illness Prevention Program will gather information as necessary. This information gathering may include talking with the