



Operator Guidance for Resolving Disagreements Over Interpretation of Food, Pool, and Lodging Rules

A disagreement over interpretation or application of rules results when an operator believes that their inspector or plan reviewer has made an interpretation that is inconsistent with other LPHA decisions or Oregon Health Authority guidelines and procedures.

The goal of the Oregon Health Authority is that all rules are uniformly, reasonably, and 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 Oregon Health Authority will strive to resolve them to the satisfaction and understanding of all parties. The Food Pool Lodging Health and Safety Program is committed to considering all facts and information and weighing all sides of an issue before deciding.

State Role:

The Oregon Health Authority, Food Pool Lodging Health and Safety (FPLHS) Program provides oversight to ensure uniform and fair application of the rules and guidelines governing licensed food service, public pools and tourist facilities in Oregon.

Local Role:

The Local Public Health Authority (LPHA) licenses and inspects licensed facilities in their district. They are also responsible for any enforcement activities with regards to their licensed facilities.

Procedure:

An operator should pursue the following procedure when they believe an interpretation of the rules is not consistent:

1) Attempt to resolve the problem locally:

- a) Inform the county supervisor that you think the rule is not properly interpreted or uniformly applied. You can find your local Environmental Health Office online at: <https://www.oregon.gov/oha/PH/ProviderPartnerResources/LocalHealthDepartmentResources/Pages/lhd.aspx>
- b) Explain why you think it is not properly applied; give examples of other similar interpretations in your county or other counties.
- c) Ask for resolution by a specific date that can be mutually agreed upon.
- d) Indicate the form in which you wish to receive response to your question, i.e., written or verbal, formal or informal.
- e) Document the process by making your requests in writing.

2) If an additional State interpretation or ruling is called for:

- a) Notify the county supervisor of your disagreement with their decision and of your intent to petition the State Food Pool Lodging Health and Safety Program for a ruling.
- b) Contact the State Food Pool Lodging Health and Safety Program either by phone 971-673-0440 or via email at www.healthoregon.org/foodsafety (using Contact Us link) to present your request for the State's interpretation on the matter.
- c) The State Food Pool Lodging Health and Safety Program will gather information as necessary. This may include talking with the operator and inspector, making a site visit, or consulting with outside experts.
- d) The State Food Pool Lodging Health and Safety Program will evaluate all the information gathered, decide on a path forward and provide a written explanation to the operator and the county. The decision will be binding on all parties.
- e) The State Food Pool Lodging Health and Safety Program will keep 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.