

3) The State Foodborne Illness Prevention Program will gather information as necessary. This information gathering may include talking with the 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 Oregon Department of Agriculture.

4) 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.

5) 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 503-325-8500
Columbia 503-397-4651
Coos 541-751-2400
Crook 541-447-8155
Curry 541-247-3300
Deschutes 541-322-7400
Douglas 541-464-3820
Grant 541-575-0429
Harney (541-573-2271
Hood River 541-387-6885
Jackson 541-774-8206
Jefferson 541-475-4456
Josephine 541-474-5325
Klamath 541-883-1122
Lake 541-947-6045
Lane 541-682-4480
Lincoln 541-265-4127
Linn 541-967-3821
Malheur/Baker 541-473-5186
Marion 503-588-5346
Morrow 541-676-5421
Multnomah 503-988-3400
North Central PH 541-506-2600
Polk 503-623-9237
Tillamook 503-842-3900
Umatilla 541-278-5432
Union 541-962-8800
Wallowa 541-426-4848
Washington 503-846-8722
Wheeler 541-763-2725
Yamhill 503-434-7525



Resolving Disagreements Over Interpretation of Food Sanitation Rules

Foodborne Illness Prevention Program
Oregon Health Authority
800 NE Oregon Street Suite 640
Portland Oregon 97232
Phone: (971) 673-0451
Fax: (971) 673-0457

Resolving Disagreements Over Interpretation of Food Sanitation Rules

Roles: State and Local

The role of the Oregon Health Authority, Foodborne Illness Prevention Program is to provide program oversight and to ensure uniform and fair application of the rules and guidelines.

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 Oregon Health Authority guidelines and procedures.

The goal of the Oregon Health Authority 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 Oregon Health Authority 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:

1) Inform the county food program supervisor that you think the rule is not properly interpreted or uniformly applied.

2) Explain why you think it is not properly applied; give examples of other similar interpretations.

3) Ask for resolution by a specific date that can be mutually agreed upon.

4) Indicate the form in which you wish to receive response to your question, i.e., written or verbal, formal or informal.

5) 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:

1) 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.

2) Contact the State Foodborne Illness Prevention Program either by phone 971- 673-0451, in writing or via email at www.healthoregon.org/foodsafety to present your request for the State opinion on the matter.