

Arizona's Food Safety Net

**Ensuring Safe Food from
Production to Consumption**



April 2006

Arizona PIRG Education
Fund

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Acknowledgements

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Photo credits: Lori Carpenter/FOTOLIA (photo of boy); Robert Lerich/FOTOLIA (photo of fruit); Steve Degenhardt/FOTOLIA (photo of milk and cookies); and Terry Poche/FOTOLIA (photo of crawfish).

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Overview

Protecting the safety and integrity of the food supply is one of the oldest functions of government, one that the American people expect their government to perform and perform well.

The current food safety regulatory system in the United States is the shared responsibility of local, state and federal partners. In some cases, the federal government has delegated the responsibility for ensuring food safety to states and municipalities, which are often more nimble and able to respond quickly to localized public health problems. Approximately 80% of food safety inspections in the nation, for example, are completed at state and local levels. All 50 states hold the primary responsibility for ensuring the safety of milk and the sanitary operation of restaurants. In other areas, states have passed unique food safety standards that address local concerns or fill important gaps in food safety regulation left open by the U.S. Food and Drug Administration (FDA) and other regulatory agencies. As federal agencies become increasingly under-funded and influenced by powerful corporate interests, the states' role in maintaining the food safety net grows ever-more important.

The following are just a few examples of how the state of Arizona has enacted standards to ensure the safety of the food supply in Arizona and protect the health of its residents.

Milk and Other Dairy Products

In the early 20th century, adulterated and spoiled milk caused a range of diseases and illness, including tuberculosis and diphtheria. States and municipalities responded to this problem by passing standards for how the dairy industry gathered, processed, distributed and sold milk in the United States. To this day, the states hold the primary responsibility for milk safety. The FDA provides guidance to the states in the form of model codes,¹ and the states may adopt these codes voluntarily. But the federal government has not established any mandatory national safety standards for Grade A milk; no national law even regulates the sale of raw unpasteurized milk. That has been left up to states and localities, which are best equipped to regulate, monitor and inspect the local dairy industry and respond to local reports of adulterated milk.

Arizona's Dairy Products Control Program, part of the Arizona Department of Agriculture, dates back to just after Arizona became a state in 1912. As one of the earliest public health programs, the dairy program monitored and improved sanitation at dairy farms and in milk processing plants, prior to the advent of pasteurized products or widespread refrigeration of dairy products.² Today, Arizona's milk safety standards regulate the sale of milk, milk products, raw milk and raw milk products; the production, processing, labeling, storing, handling and transportation of milk and milk products; and the sanitary conditions at any dairy or other facility and in any truck or other vehicle in which milk or milk products are produced, processed, handled or transported.³ Arizona's milk standards protect the state's residents from the outbreaks of milk-borne diseases that were common in the early 20th century.

The state routinely samples and examines milk and dairy products for a number of food safety indicators and quality factors. A key component of state milk safety standards, including Arizona's standards, is the provision empowering the state to prevent the sale of contaminated or adulterated milk.⁴ Whether milk becomes contaminated or adulterated by accident or intent, the state's authority to remove these products from the marketplace is critical for public health.

Food Safety in Restaurants and Other Establishments

Almost everyone experiences a food-borne illness or food "poisoning" at least once in their lifetimes after eating out at a restaurant or other food service establishment. These food-borne illnesses, caused most often by inadequate cooking, improper holding temperatures, poor personal hygiene, contaminated equipment and food from unsafe sources,⁵ can cause symptoms ranging from the uncomfortable to the life-threatening, particularly for the elderly and those with compromised immune systems. The Centers for Disease Control estimates that food-borne disease causes 325,000 hospitalizations and 5,000 deaths each year.⁶

The federal government has promulgated no mandatory requirements for the safety of restaurant and food service establishment food, devolving this responsibility to the states. All 50 states—generally through their health, small business, or agriculture departments—regulate and inspect restaurants, schools, nursing homes, and other food service establishments to ensure the safety of food served. State and local agencies are the main line of defense against food-borne disease.

Arizona has established statutes to protect the public from food contaminated by food service establishments or retail food stores during storage, preparation, service, or display and to ensure that food service establishments and retail food stores have adequate facilities for the storage, preparation, service, or display of food.⁷ Arizona's Department of Health Services holds primary responsibility for enforcing sanitation and food storage, preparation, and safety requirements at the state's restaurants and other food establishments.

Alcohol Consumption

Fetal Alcohol Spectrum Disorders, a range of health effects caused by alcohol use during pregnancy, affects an estimated 40,000 infants each year—more than Spina Bifida, Down Syndrome and Muscular Dystrophy combined.⁸ These effects can include physical, mental, behavioral, and/or learning disabilities with possible lifelong implications. As a result, the U.S. Surgeon General has issued public health advisories urging women who are pregnant or who may become pregnant to abstain from alcohol.

The FDA shares jurisdiction over alcohol labeling and advertising issues with the Alcohol and Tobacco Tax and Trade Bureau, which requires labels on alcoholic beverage containers warning consumers of the health effects of drinking during pregnancy.⁹ Some states have done more to

prevent alcohol consumption during pregnancy by requiring warnings where pregnant women may be tempted to drink—at bars, liquor stores and other establishments that sell alcohol.

In Arizona, bars, liquor stores and other establishments must post one or more signs on the premises that clearly warn pregnant women of the dangers of consuming alcohol during pregnancy. The sign must contain the following language: “Warning: Drinking alcoholic beverages, including distilled spirits, beer, coolers and wine, during pregnancy can cause birth defects.”¹⁰

Aquaculture

Despite its desert landscape, Arizona is home to an aquaculture industry that produces warm water fish species such as catfish, tilapia and shrimp and cold-water species such as trout in the cooler parts of northern and eastern Arizona. Arizona has set standards for the aquaculture industry that govern the growing, transporting and processing of commercially raised fish and shrimp for human consumption. Statutes mandate that when transported, live fish must be accompanied by a “certificate of aquatic health.” In order to receive this certificate, a licensee must submit to an inspection to examine all live aquatic animals, fertilized eggs and milt for several diseases and causative agents.¹¹ These standards serve to protect the aquaculture industry from the spread of disease that can cause fish mortality and endanger public health. The Arizona Department of Agriculture issued approximately 70 licenses to aquaculture facilities, transporters and processors in both 2004 and 2005.¹²

The FDA and U.S. Department of Agriculture have not established similar mandatory safety or inspection standards.

Conclusion

The Arizona food safety standards discussed here and others are important for several reasons:

- They help protect public health from food-borne illnesses and other risks by filling gaps left in federal law;
- They give consumers the power to make informed choices about the food and beverages they purchase for themselves and their families; and
- They help protect local industries by ensuring the safety and purity of their products.

The FDA and other federal agencies do not have the resources—and often do not have the political will—to monitor all aspects of food safety. In fact, the number of full-time FDA employees dealing with food safety has fallen steadily from 3,167 in FY 2003 to 2,843 in FY 2006; the president’s

proposed FY 2007 budget for FDA would further reduce that number to 2,757.¹³ As such, states will continue to play a pivotal role in ensuring that America's food supply remains among the safest in the world.

End Notes

¹ See U.S. FDA, Center for Food Safety and Applied Nutrition, National Conference on Interstate Milk Shipments (NCIMS) Model Documents, accessed March 21, 2006 at <http://www.cfsan.fda.gov/~ear/p-nci.html>.

² State of Arizona, Department of Agriculture, *Annual Report: Fiscal Year 2004-2004*, September 2004, accessed March 21, 2006 at <http://www.azda.gov/Main/an2004final.pdf>.

³ Arizona Revised Statutes, Title 3, Chapter 4, §§ 3-601- 3-634, available at <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=3>.

⁴ Arizona Revised Statutes, Title 3, Chapter 4, §§ 3-630, available at <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=3>.

⁵ U.S. FDA, *FDA Report on the Occurrence of Foodborne Illness Risk Factors in Selected Institutional Foodservice, Restaurant, and Retail Food Store Facility Types*, 2004.

⁶ Centers for Disease Control, Division of Bacterial and Mycotic Diseases, "Foodborne Illness" fact sheet, accessed March 22, 2006 at http://www.cdc.gov/ncidod/dbmd/diseaseinfo/files/foodborne_illness_FAQ.pdf.

⁷ Arizona Administrative Code, R9-8-101- R9-8-109.

⁸ National Organization on Fetal Alcohol Syndrome, "FASD: What Everyone Should Know," fact sheet, accessed March 23, 2006 at <http://www.nofas.org/MediaFiles/PDFs/factsheets/everyone.pdf>.

⁹ 27 CFR 16.

¹⁰ Arizona Revised Statutes, Title 4, Chapter 2, Article 4, §4-261.

¹¹ Arizona Revised Statutes, Title 3, Chapter 16, Article 1, §§3-2901- 3-2913, available at <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=3>; Arizona Administrative Code, Title 3, Chapter 2, Article 10, Sections R3-2-1001 through R3-2-1010, available at www.azsos.gov/public_services/Title_03/3-02.htm.

¹² State of Arizona, Department of Agriculture, *Annual Report: Fiscal Year 2003-2004*, at 23, accessed March 28, 2006 at <http://www.azda.gov/Main/an2004final.pdf>; State of Arizona, Department of Agriculture, *Annual Report: FY 2004-2005*, at 44, accessed March 28, 2006 at <http://www.azda.gov/Main/Annual%20Report%2004-05.pdf>.

¹³ FDA, Office of Management Budget Formulation and Presentation, "Foods," accessed March 30, 2006 at <http://origin.www.fda.gov/oc/oms/ofm/budget/2007/HTML/1Foods.htm>.