

Iowa's Food Safety Net

**Ensuring Safe Food from
Production to Consumption**



April 2006

Iowa PIRG Education
Fund

Iowa's Food Safety Net:

Ensuring Safe Food from Production to Consumption

Iowa PIRG Education
Fund

April 2006

Acknowledgements

Written by Alison Cassady, Research Director with Iowa PIRG Education Fund.

© 2006, Iowa PIRG Education Fund

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).

The author would like to thank Benjamin Cohen, Senior Staff Attorney with the Center for Science in the Public Interest, for offering editorial review and compiling the list of state food safety laws that forms the foundation of this report. Additional thanks to Meghan Purvis, Environmental Health Advocate with Iowa PIRG Education Fund, for her contributions.

Special thanks to the Beldon Fund and Bauman Foundation for supporting the state PIRGs' work on toxics and right-to-know issues.

For more information, contact:

Iowa PIRG Education Fund
P.O. Box 93951
Des Moines, IA 50393
(515) 282-4193
www.iowapirg.org

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 Iowa has enacted standards to ensure the safety of the food supply in Iowa 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. 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.

Iowa's Grade A Milk Certification Program certifies that all Grade A milk and milk products are produced, transported, processed, sampled, quality tested and labeled in accordance with Iowa's requirements, ensuring that Iowans are purchasing true Grade A products. The Iowa Department of Public Health inspects all dairy farms, milk plants, transfer stations and receiving stations to ensure compliance with the state's sanitation standards. Iowa's standards state that no milk or milk product may be sold, advertised, or offered if it is adulterated and lay out a detailed definition of "adulterated."² Iowa's milk standards protect the state's residents from the outbreaks of milk-borne diseases that were common in the early 20th century.

A key component of state milk safety standards, including Iowa's standards, is the provision empowering the state to prevent the sale of contaminated or adulterated milk.³ 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 Food 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,⁴ 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.⁵

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.

Iowa 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.⁶ The Iowa Department of Inspections & Appeals is responsible for administering and enforcing the state's food safety standards by inspecting food establishments (grocery stores, restaurants and convenience stores) and food processing plants. Iowa has developed a joint state and local inspection program by contracting with counties and cities to perform food inspections for 85 percent of the state.⁷

Honey

In Iowa, approximately 100 commercial beekeepers operate, producing an average of 3.1 million pounds of honey annually, valued at \$3.5 million for the last five years. Beekeeping is valued even more for the pollination of important plants in Iowa than for the honey that is produced.⁸

FDA requires that any table syrup that represents maple, honey, or both maple and honey as the characterizing flavor contain at least 10 percent maple and/or honey by weight of the finished food. FDA also requires that the label list the presence of any natural or artificial flavor.⁹ Some states, including Iowa, have enacted more stringent labeling requirements for honey. Iowa law prohibits food manufacturers from labeling a product "as honey, imitation honey or honey blend"

or using the word “honey” in any prominent location on the label of a product unless the entire product is honey.¹⁰ When enforced, this law protects local honey producers from imitation products that hurt sales of pure honey and ensures that consumers who want to consume only pure honey or avoid honey entirely can do so.

Sorghum

Sweet sorghum, also called “sorgo,” is a type of grain grown for its stalk, which contains a sweet juice that can be made into syrup. Across the country, farmers harvested 5.7 million acres of sorghum in 2005, including sweet sorghum.¹¹

Similar to the state’s standards for honey, Iowa law prohibits food manufacturers from labeling a product as “sorghum, imitation sorghum, or sorghum blend” or using the word “sorghum” in a prominent location on the label of the product unless the product label states that the product is sorghum syrup, imitation sorghum (a product that has the flavor of sorghum but contains no sorghum syrup), or a sorghum blend (a product that is not entirely sorghum syrup).¹² The FDA’s labeling standards for sorghum only state that the product label must list the ingredients, which can include salt, chemical preservatives, de-foaming agents, enzymes, anti-crystallizing agents, and anti-solidifying agents.¹³ Iowa’s standards ensure that consumers who want to consume only pure sorghum can do so and protect sorghum farmers from having to compete with artificial “sorghum” products.

Conclusion

The Iowa 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 2,757.¹⁴ 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 Iowa Grade “A” Milk Inspection Law, Title V, Subtitle 4, Chapter 192.101-192.146.

³ Iowa Grade “A” Milk Inspection Law, Title V, Subtitle 4, Chapter 192.103.

⁴ 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.

⁵ 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.

⁶ Iowa Code, Title IV, Subtitle 2, Chapter 137F, available at <http://www.state.ia.us/government/dia/1997%20Food%20Code%2009.05.pdf>.

⁷ Iowa Department of Inspections & Appeals, “Food and Consumer Safety,” accessed March 22, 2006 at <http://www.state.ia.us/government/dia/page9.html>.

⁸ Iowa Honey Producers Association, “Beekeeping Industry in Iowa Facts,” accessed March 28, 2006 at <http://www.abuzzaboutbees.com/IHPA/Information/IowaFacts.htm>.

⁹ 21 CFR 168.180.

¹⁰ Iowa Code, Title V, §189.14(2).

¹¹ USDA, National Agricultural Statistics Service, Field Crops, “Sorghum: Acreage by Year, US,” accessed March 28, 2006 at http://www.nass.usda.gov/Charts_and_Maps/Field_Crops/sorgac.asp.

¹² Iowa Code, Title V, §189.14(3).

¹³ 21 CFR 168.160.

¹⁴ 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>.