

Nevada's Food Safety Net

**Ensuring Safe Food from
Production to Consumption**



April 2006



**U.S. 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 Nevada has enacted standards to ensure the safety of the food supply in Nevada 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.

The Nevada State Dairy Commission inspects, licenses, and regulates all segments involved in the production and sale of dairy products to Nevada consumers – from the cow to the consumer. In particular, the Commission ensures compliance with sanitation standards in all phases of milk production and processing and inspects dairy farms and dairy processing plants and all equipment used to transport and store raw milk.² Nevada'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 Nevada's standards, is the provision empowering the state to prevent the sale of contaminated or adulterated milk. 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,³ 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.⁴

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.

Nevada 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.⁵ Nevada's Bureau of Health Protection Services, part of the Nevada State Health Division, is responsible for protecting public health by inspecting and enforcing the state's food safety standards at approximately 4,800 food establishments, hotels, motels, public bathing places, child care facilities, institutions, schools, correctional facilities, state parks and RV parks throughout the state.⁶

Sandwich Labeling

With only a few dense population centers, Nevada is a large, desert state crisscrossed by highways linking the Rocky Mountain West to California. Many travelers on Nevada's highways are just passing through, trying to get from point “A” to point “B” as quickly as possible. Small stores and sandwich shops have popped up across the state to cater to these hurried travelers, offering home-made packaged sandwiches.⁷

To ensure the health of those passing through Nevada and purchasing these home-made sandwiches, Nevada enacted a standard regulating the safety, packaging and labeling of this food.⁸ This regulation states that prepackaged sandwiches made for sale and consumption off the premises must have a label that has been approved by the health authority. The label must include the name and address of the food establishment; a list of ingredients; and the last date of sale

shown clearly as the three letters of the month followed by the date. Frozen sandwiches that have been thawed also must be labeled to indicate the last date of sale. Similarly, food that is prepared and stored in a food establishment for later use must have a label that includes the contents and the date on which the food was prepared.

Honey

In 2004, honey production in Nevada totaled an estimated 770,000 pounds, derived from 14,000 bee colonies. The average price received by Nevada honey producers was \$3.30 per pound, making the value of the crop more than \$2.5 million.⁹

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.¹⁰ Some states, including Nevada, have enacted more stringent labeling requirements for honey. Nevada prohibits food manufacturers from labeling a food product as honey if the product consists partly or entirely of ingredients other than honey; the state also prohibits food manufacturers from labeling a food product as containing honey unless the product contains honey as an ingredient and the other ingredients are disclosed.¹¹ 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.

Conclusion

The Nevada 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 2,757.¹² 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 Nevada State Dairy Commission, "Dairy Commission History and Mission," accessed March 22, 2006 at http://dairy.state.nv.us/new_mission.htm; See also Nevada Revised Statutes, Title 51, Chapter 584, §§584.180-584.210.

³ 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.

⁴ 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.

⁵ Nevada Revised Statutes, Title 40, Chapter 446, §§446.017-446.945.

⁶ Nevada State Health Division, Bureau of Health Protection Services, "Inspections - Food and Drink Establishments," accessed March 22, 2006 at <http://health2k.state.nv.us/BHPS/ehs/fdrst.htm>.

⁷ Based on personal communication with Cindy Ulch, Environmental Health Specialist, Nevada State Health Division, Bureau of Health Protection Services, March 29, 2006.

⁸ Nevada Administrative Code, Chapter 446, §446.050

⁹ USDA, National Agricultural Statistics Service, "Nevada Ag Stats Newsletter," March 2005, accessed March 28, 2006 at <http://www.nass.usda.gov/nv/Mar05.htm>.

¹⁰ 21 CFR 168.180.

¹¹ Nevada Revised Statutes, Title 51, Chapter 585, §585.355.

¹² 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>.