

Ohio's Food Safety Net

**Ensuring Safe Food from
Production to Consumption**



April 2006

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

Ohio'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.² The Ohio Department of Agriculture's Dairy Division inspects, licenses, and maintains records on Ohio's more than 2,500 Grade A milk producers, more than 1,000 manufacture milk producers, and all milk haulers, milk processors, milk transfer stations, and milk receiving stations in Ohio.³ Ohio'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 Ohio’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,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.

Ohio 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 Ohio Department of Health’s Food Safety Program provides assistance in all aspects of food safety to local health department staff, the food service industry and the general public. Specifically, the program certifies individuals in food protection; provides recall information regarding food products to local health departments and the public; acts as liaison with other agencies regarding food-borne disease outbreaks involving food service operations; and evaluates the food service operation programs of local health districts to determine if boards of health are qualified and have the capacity to administer and enforce the food service operation law and rules.⁷

Honey

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.⁸ Some states, including Ohio, have enacted more stringent labeling requirements for honey.

Ohio prohibits the sale of any product labeled, advertised, or otherwise represented to be honey if it is not honey; any product that looks like honey labeled with the word “imitation” whether or not it contains any honey; and any product that is a blend of honey and other ingredients that contains a label with the word “honey,” or any picture, drawing, or other representation implying honey, when such word, picture, drawing, or representation is more prominently displayed than the word “blend” or other word clearly implying the existence of other ingredients.⁹ 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. In Ohio, licensed apiaries sold 1.4 million pounds of honey in 2002.¹⁰

Apple Cider

For the manufacture of apple cider, Ohio law requires that the food company use a mechanical washing and scrubbing device to remove orchard soil and dirt from the fruit prior to crushing. This device must be equipped with automatic scrubbing brushes and a means to chlorinate the water used as the washing liquid.¹¹ This law simply ensures that apples used to make cider are as free of dirt, pesticide residue, and bacteria as possible.

Conclusion

The Ohio 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 Ohio Revised Code, Title IX, Chapter 917, §§917.01- 917.99; also see Ohio Grade A Milk Rules (Chapter 901:11-1) and Ohio Manufacture Milk Rules (Chapter 901:11-2), accessed March 23, 2006 at <http://www.ohioagriculture.gov/pubs/divs/dary/dary-oac-orc.stm>.

³ Ohio Department of Agriculture, Dairy Division, accessed March 23, 2006 at www.ohioagriculture.gov/dairy/.

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 Ohio Revised Code, Title XXXVII, §§3717.01- 3717.33.

⁷ Ohio Department of Health, Food Safety Program, accessed March 22, 2006 at <http://www.odh.ohio.gov/odhPrograms/eh/foods/food2.aspx>.

⁸ 21 CFR 168.180.

⁹ Ohio Revised Code, Title XXX VII, §3715.38.

¹⁰ USDA, National Agricultural Statistics Service, *2002 Census of Agriculture*, Volume 1 Chapter 1: Ohio State Level Data, "Table 32. Other Animals and Animal Products - Inventory and Number Sold: 2002 and 1997," http://www.nass.usda.gov/census/census02/volume1/oh/st39_1_030_032.pdf.

¹¹ Ohio Revised Code, Title XXXIV, §3715.27(B).

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>.