BOILING POINTS
Hot Topics in Food System Law and Policy

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FIGURE 2-8 Links between the food supply chain and the larger biophysical and social/institutional context.
Inputs
- chemicals
- feed

Fishing

Process
Package
Distribute

Direct to
Consumer

Process
Package
Distribute...etc

Final Product
Wholesale

Transport

Restaurants

Grocery

Institutions

CONSUMER

Export/Import

Waste or Reuse
ENSURING A SAFE FOOD SUPPLY:
A CONCISE GUIDE TO THE U.S. FOOD REGULATORY SYSTEM

CONCISE?!
# Ensuring a Safe Food Supply: A Concise Guide to the U.S. Food Regulatory System

## Other Agencies

<table>
<thead>
<tr>
<th>Agency</th>
<th>Contact</th>
<th>Food Regulatory Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Research Service (ARS)</td>
<td>202/720-3636, <a href="http://www.ars.usda.gov">www.ars.usda.gov</a></td>
<td>Conducts research to ensure high quality, safe food and other agricultural products, and to assess the nutritional needs of Americans.</td>
</tr>
<tr>
<td>Center for Nutrition Policy and Promotion (CNPP)</td>
<td>703/305-7600, <a href="http://www.cnpp.usda.gov">www.cnpp.usda.gov</a></td>
<td>Develops and promotes dietary guidance that links scientific research to the nutrition needs of consumers. Administers the Dietary Guidelines for Americans, which include food safety recommendations.</td>
</tr>
<tr>
<td>Food and Nutrition Service (FNS)</td>
<td>703/305-2281, <a href="http://www.fns.usda.gov/tnp">www.fns.usda.gov/tnp</a></td>
<td>Provides children and needy families better access to food and a more healthful diet through food assistance programs and comprehensive nutrition education efforts. Administers National School Lunch Program.</td>
</tr>
<tr>
<td>National Agricultural Library (NAL) USDA/FDA Food Safety Information Center</td>
<td>301/524-5719, <a href="http://www.nal.usda.gov/fnic">www.nal.usda.gov/fnic</a></td>
<td>Maintains a database of computer software, audiovisuals, posters, games, teachers' guides and other educational materials or preventing foodborne illness. Helps educators, food service trainers, and consumers locate educational materials on preventing foodborne illness.</td>
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<tr>
<td>Centers for Disease Control and Prevention (CDC) DIHS</td>
<td>404/639-3534, (800)11-3435, <a href="http://www.cdc.gov">www.cdc.gov</a></td>
<td>Conducts surveillance of foodborne illness and investigates multi-state outbreaks in cooperation with FDA or USDA (depending on the product) and state agencies where the outbreaks have occurred. Conducts National Health and Nutrition Examination Survey (NHANES) on the health and nutrition of the U.S. population.</td>
</tr>
<tr>
<td>Center for Veterinary Medicine (CVM) FDA / DHHS</td>
<td>240/276-9300, <a href="http://www.fda.gov/cvm">www.fda.gov/cvm</a></td>
<td>Regulates the manufacture and distribution of food additives and drugs that will be given to animals.</td>
</tr>
<tr>
<td>Department of Homeland Security</td>
<td>202/252-8000, <a href="http://www.dhs.gov/rop">www.dhs.gov/rop</a></td>
<td>Coordinates partnerships among federal agencies, state and local leadership, and private industry to protect the nation’s food and agriculture supply from terrorist attacks, major disasters, and other emergencies.</td>
</tr>
<tr>
<td>Federal Trade Commission</td>
<td>202/267-2222, <a href="http://www.ftc.gov">www.ftc.gov</a></td>
<td>Enforces a variety of laws that protect consumers from unfair, deceptive, or fraudulent practices, including deceptive and unsubstantiated advertising.</td>
</tr>
<tr>
<td>National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) Department of Commerce</td>
<td>301/713-2334, <a href="http://www.nmfs.noaa.gov">www.nmfs.noaa.gov</a></td>
<td>Provides a voluntary Seafood Inspection Program that inspects and certifies fishing vessels, seafood processing plants, and retail facilities according to federal sanitation standards. Works cooperatively with FDA’s Office of Seafood, and uses FDA criteria to evaluate seafood products and processes.</td>
</tr>
</tbody>
</table>

## State Regulatory Agencies

These entities – including state departments of health and agriculture – work with FDA, USDA, and other federal agencies to implement food safety standards for all foods produced within state borders. The laws and standards they enforce are encouraged to coincide with either federal laws or uniform model codes such as those created by the Association of Food and Drug Officials. State agencies inspect restaurants, grocery stores and other retail food establishments, as well as dairy farms and milk processing plants, grain mills, and food manufacturing plants within local jurisdictions. In addition, they can halt the sale (embargo) of unsafe food products made or distributed within state borders. Food products that cross state lines (interstate shipment) are subject to federal jurisdiction.
# Ensuring a Safe Food Supply: A Concise Guide to the U.S. Food Regulatory System

## Issue Responsibility by Federal Agency

<table>
<thead>
<tr>
<th>Issue</th>
<th>Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal and plant diseases/pests</td>
<td>APHIS</td>
</tr>
<tr>
<td>Animal feed additives</td>
<td>CYM</td>
</tr>
<tr>
<td>Fish and seafood products (except cáich)</td>
<td>CFSAN, NOAA, NMFS</td>
</tr>
<tr>
<td>Biotechnology</td>
<td>APHIS, CFSAN, EPA</td>
</tr>
<tr>
<td>Eggs (processed): regulation and inspection</td>
<td>FSIS</td>
</tr>
<tr>
<td>Eggs (shell): regulation and inspection</td>
<td>CFSAN</td>
</tr>
<tr>
<td>Food and color additives, ingredients</td>
<td>CFSAN, FSIS</td>
</tr>
<tr>
<td>Food labeling</td>
<td>CFSAN, FSIS</td>
</tr>
<tr>
<td>Food recalls</td>
<td>CFSAN, FSIS</td>
</tr>
<tr>
<td>Food security/protection/defence</td>
<td>USDA, CFSAN, DHS</td>
</tr>
<tr>
<td>Foodborne illness education</td>
<td>FSIS, CFSAN, CDC</td>
</tr>
<tr>
<td>Foodborne illness outbreaks/surveillance</td>
<td>CDC</td>
</tr>
<tr>
<td>HACCP</td>
<td>CFSAN, FSIS</td>
</tr>
<tr>
<td>Imported food</td>
<td>CFSAN, FSIS</td>
</tr>
<tr>
<td>Inspection of food animals</td>
<td>FSIS</td>
</tr>
<tr>
<td>Inspection of food processing plants (non meat)</td>
<td>CFSAN</td>
</tr>
<tr>
<td>Inspection of meat and poultry slaughter facilities and processing plants</td>
<td>FSIS</td>
</tr>
<tr>
<td>Irradiation</td>
<td>CFSAN</td>
</tr>
<tr>
<td>Microbial standards</td>
<td>CFSAN, FSIS</td>
</tr>
<tr>
<td>National Organic Program</td>
<td>AMS</td>
</tr>
<tr>
<td>Packaging requirements</td>
<td>CFSAN, FSIS</td>
</tr>
<tr>
<td>Pesticides (enforces tolerances established by EPA)</td>
<td>CFSAN, FSIS</td>
</tr>
<tr>
<td>Pesticides (establishes tolerances)</td>
<td>EPA</td>
</tr>
<tr>
<td>Pesticides (regulates development, distribution, promotion, handling, storage, use, disposal)</td>
<td>EPA</td>
</tr>
<tr>
<td>Safe food handling practices</td>
<td>CFSAN, FSIS, CDC</td>
</tr>
<tr>
<td>School meal programs</td>
<td>FNS</td>
</tr>
<tr>
<td>Veterinary (animal) drugs</td>
<td>CYM</td>
</tr>
</tbody>
</table>

## Contact IFIC for More Information

### International Food Information Council Foundation
- Phone: 202/296-6540
- [http://www.foodinsight.org/](http://www.foodinsight.org/)

### Gateway to Government Food Safety Information

### Partnership for Food Safety Education
- Phone: 202/225-6651
- [http://www.fshbao.com/](http://www.fshbao.com/)

### Council for Agricultural Science and Technology (CAST)
- Phone: 515/292-2126
- [http://www.castscience.org/](http://www.castscience.org/)

### Children's Food and Beverage Advertising Initiative (Better Business Bureau)

### Congressional Resources
- **Senate Committee on Agriculture, Nutrition & Forestry**
  - Phone: 202/224-2005
  - [http://agriculture.senate.gov/](http://agriculture.senate.gov/)
- **Senate Committee on Appropriations**
  - Phone: 202/224-7363
  - [http://appropriations.senate.gov/](http://appropriations.senate.gov/)
- **Senate Committee on Health, Education, Labor and Pensions**
  - Phone: 202/224-6375
  - [http://help.senate.gov](http://help.senate.gov)

## Consumer Advocates
- **Center for Science in the Public Interest (CSP)**
  - Phone: 202/332-9110
  - [http://www.cspinet.org/](http://www.cspinet.org/)
- **Consumer Federation of America**
  - Phone: 202/367-8121
  - [http://www.consumfed.org](http://www.consumfed.org)
- **National Consumers League**
  - Phone: 202/835-3233
  - [http://www.ncl.org](http://www.ncl.org)

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**About IFIC and IFIC Foundation**
Based in Washington, D.C., the International Food Information Council (IFIC) and its educational arm, the IFIC Foundation, communicate science-based information on food safety and nutrition to health care and nutrition professionals, educators, journalists, government officials and others. Both are supported primarily by the broad-based food, beverage and agricultural industries. They have established partnerships with a wide range of professional organizations, academic institutions and government agencies to develop and disseminate science-based information. [www.foodinsight.org](http://www.foodinsight.org)
Regulating dinner: shrimp & grits

Idea: take a single dish and evaluate the regulatory system pertaining to the ingredients
<table>
<thead>
<tr>
<th>Agency</th>
<th>Ingredient</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>USDA</td>
<td>Corn</td>
<td>Subsidy, insurance, etc.</td>
</tr>
<tr>
<td></td>
<td>Andouille</td>
<td>Slaughter, processing, label</td>
</tr>
<tr>
<td>FDA</td>
<td>Cheese</td>
<td>Safety, processing, label</td>
</tr>
<tr>
<td></td>
<td>Shrimp</td>
<td>Safety, processing, label</td>
</tr>
<tr>
<td></td>
<td>Butter</td>
<td>Safety, processing, label</td>
</tr>
<tr>
<td>NOAA</td>
<td>Shrimp</td>
<td>Fisheries (if wild, processing inspection)</td>
</tr>
<tr>
<td>NMFS</td>
<td>Shrimp</td>
<td>Fisheries (if wild)</td>
</tr>
<tr>
<td>EPA</td>
<td>ANY</td>
<td>Pesticide use, landfill and toxic waste disposal</td>
</tr>
<tr>
<td>FTC</td>
<td>ANY</td>
<td>Consumer protection</td>
</tr>
<tr>
<td>USPTO</td>
<td>ANY, especially corn</td>
<td>Trademarks for wholesaler; patent for some GMOs</td>
</tr>
<tr>
<td>Local</td>
<td>ANY</td>
<td>Waste and landfill management</td>
</tr>
<tr>
<td>DoL</td>
<td>ANY</td>
<td>Labor and immigrants</td>
</tr>
</tbody>
</table>
Food System Policy Analysis Layers

• What’s the concern?
• Where does it “light up” on the Food System chain?
• What policy issues arise?
• What laws and agencies regulate?
• What interest group are involved?
• What Food System factors are driving the issue and solutions?
• What external factors are also drivers and obstacles?
16 Hot Topics!
The Food
Seafood Fraud

• ~ 1/3 all fish is fraudulent
• Very hard to regulate
• Private sector initiatives
• FISHazam

Of course I’m a grouper. What are you talkin’ about?
Alcohol Distribution Regulation

- 3-tiered system
- Big wine and Big Beer
- Wine by direct to consumer and groceries
- Craft beer movement
The Wine System

- Pesticides
- Mechanized harvest
- Additives
- The “Natural Wine” movement
The War on Sugary Drinks

- All calories are not equal
- 1 can of Coke!
- Big Soda
- NYC cup size law
- Local soda taxes
- SNAP limits
What Does “Natural” Mean?

- FDA and Organic
- FDA and Natural
- Private certifications
- Read the labels!
Are GMOs Good or Bad?

• What is GMO
• Public perception
• Environmental effects – the science
• Human effects – the science
• Supersalmon
• Golden rice
The New GMO Labeling Law

• Public perception
• Voluntary programs
• Certification
• State label laws
• New Federal law preempts state laws
High Tech Urban Farming

- Container gardens
- Vertical farms
- Low waste/water/land footprints
- But high energy use
- Closed-loop systems with fish
Community Gardens in Shrinking Cities

- Shrinking city syndrome
- Food swamps and food deserts
- Zoning obstacles
- Land tenure obstacles
Restaurant Health Inspection

- No national law
- Model code
- State models
- Local implementation
- Inspections
- Publication of scores
National School Lunch Program

- Huge stakes
- Michelle Obama’s “Let’s Move”
- Big Food influence
- Obesity continues to rise
The Prison Food System

- Rising prison populations
- Privatization of prisons
- And of prison food system
- Federal standards
- Weak state and local standards
- Maricopa County: $1.12/day
Our Food Gatherers

- 3 million farmworkers
- Average family income <$20K
- Inadequate food, shelter, education, security, etc.
- Private certification and subsidies
- Hot goods laws
SNAP and Promoting Healthy Eating

• Unhealthy food purchases significant

• Solutions
  – Allocate mandatory share to healthy
  – Increase $ if purchase healthy
  – Restrict unhealthy purchases

• Does bottom 10 percent have time for healthy?
Food Swamps and Food Waste

- Food swamp—too much bad
- Food desert—not enough good
- Another Kroger is not the solution
- Poverty
- Innovative groceries
Food Waste – Nashville Case Study

- Food loss and food waste
- Food recovery hierarchy
- End of the line - digestor