



Arizona Department of Agriculture

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September 22, 2010

Debra K. Davenport
Auditor General
2910 North 44th Street, Suite 410
Phoenix, AZ 85018

Dear Ms. Davenport:

I have reviewed the revised draft preliminary report of the sunset review of the Arizona Department of Agriculture. This letter provides the Arizona Department of Agriculture's written comments on the report.

Sunset Factor 3. The extent to which the Department has operated within the public interest.

Under this sunset factor, the Auditor General stated that the Department should:

- Promote produce safety audits
- Promote food defense measures

Agency Response:

The Department (through the USDA-Agricultural Marketing Service Specialty Crop Block Grant Program pass through grants), the Arizona Leafy Greens Marketing Agreement (an industry funded initiative), the Arizona Iceberg Lettuce Research Council (industry funded) and the Arizona Grain Research and Promotion Council (industry funded) have granted funds totaling \$740,964 for 19 separate projects directly related to food safety. During these last four years, the 19 projects addressed a myriad of topics directly related to food safety awareness, education and research. These grants funded or are currently funding the following projects:

- Survey of exposure estimates of uranium in desert lettuce
- A Survey of Coliform Bacteria in Irrigation Canal Waters to Partially Explain why Arizona Head Lettuce is Safe
- Preliminary Assessment of Microbial Risk to Lettuce from Canine Waste on Canal Banks

- The assessment of a site-specific yield determination and field-level tracking system for Iceberg lettuce production in the desert southwest.
- Developing More Efficient Systems to Avoid Cross-Contamination and Decontaminate Leafy Greens from Harvest to Finished Product
- Estimating the Risk Posed by Birds in Leafy Greens Fields in the Low Desert
- Effect of Microflora Competition on Growth and Survival of Escherichia Coli O157:H7 in Leafy Vegetables
- A Producer-Friendly, Web-based Site-Specific Postharvest Security and Field-level Tracking System for Vegetable Growers and Shippers in the Desert Southwest
- Equipment for Enhancement of Food Safety Research in the Southwestern Desert
- Evaluation of exposure and risk assessment of heavy metals in Arizona fruits and vegetables
- Quality and Microbial Risk Assessment of Iceberg and Romaine Lettuce as Influenced by Irrigation System
- Biocontamination Risk Reduction in Leafy Greens
- Evaluating New Repellants for Bird Management
- Food Safety for Youth in Yuma County
- Implementing an Arizona GHP/GAP Certification Training and Promotion Program
- Implementing an Arizona GHP/GAP Certification Cost-Share Program
- Preliminary Studies on Soil Accumulation, Potential Sources, and Soil Factors Affecting Cadmium Concentrations in Desert Durum Wheat
- Development of Durum Wheat Varieties with Low Cadmium
- Reducing Cadmium Accumulation in Durum Wheat grown in Arizona

As you can see, the Department, through its federally funded grant program (SCBGP), and several industry funded initiatives and industry funded councils have accomplished significant food safety awareness, education and research and will continue to do so as appropriate.

The Citrus, Fruit and Vegetable Standardization and the Fresh Produce Grade Inspections Program have changed direction and been involved for over two years in the training and performing of audits of Food Safety and Good Agricultural and Handling Practices. The USDA GHP/GAP Program has generated immense interest recently because of its value compared to other third party audit programs available. With the increase coming shortly in the number of auditors we have licensed, it will result in a rapid increase in the number of participants in Food Safety Audit Programs. The goal of the Arizona Department of Agriculture is to have industry wide participation. In some areas, such as the Arizona Leafy Greens Marketing Agreement, this is already happening.

The dairy, egg and meat and poultry programs have no statutory mandate in title 3 to enforce or promote food defense. The FDA does not require a food defense program with the cooperative Interstate Milk Shippers program, nor does it promote a voluntary program. Likewise, neither USDA-FSIS nor USDA-AMS require such a program. USDA-FSIS offers a strictly voluntary assessment, which is not required by federal law and which has been promoted by ADA staff.

It is desirable to promote food defense programs. However, ADA staff feel that food producers under its regulatory authority have generally done a good job in promoting food defense. Many firms have increased facility security and trained their employees to recognize threats to producing safe food products. ADA staff have participated in some of this training, most notably a table-top exercise with the dairy industry. This exercise provided a mock scenario which was unknown to the participants, who worked in teams to provide simulated response to the incident and public information. The regulated industries have also participated as “players” in drills such as TopOFF IV and as related to releases of radiation from the Palo Verde Nuclear Generating Station. Both of these drills have had terrorist elements written into the scenarios.

ADA has not expanded its work in food defense, because of serious budgetary constraints and the fact that it has no statutory authorization for this work. The agency has maintained its focus on its primary food safety mission, for which it does have federal and state regulatory authority. The animal food products programs have provided information and assistance to food producers and processors when requested.

Sunset Factor 6. The extent to which the Department has been able to investigate and resolve complaints that are within its jurisdiction.

Under this sunset factor, the Auditor General stated that the Department should:

- Establish guidelines for when to involve the Office of Special Investigations in a complaint;
- Establish time frames for key steps in the complaint handling process, such as supervisory review; and
- As resources are available, modify the AIRS database and use it to periodically monitor its inspectors’ timeliness in responding to complaints and conducting investigations into alleged livestock neglect, abuse, and theft.

In compliance with the Joint Legislative Audit Committee procedures, the Department responds as follows:

Agency Response:

The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

There is a close working relationship between the Animal Health and Welfare Officers in the Animal Services Division (ASD) and the Special Investigator in the Office of Special Investigations (OSI). Since the agency is relatively small with 13 Animal Health and Welfare Officers/Inspectors and 1 Special Investigator, cases have for the most part been completed flawlessly. ASD will develop guidelines relating to collaborating with OSI on complaints and investigations. These guidelines will help ensure consistency for current staff and will be an aid for new employees.

Time frames for case oversight will be established. Currently, statute lays out requirements as to how complaints will be completed relating to questionable ownership and animal seizure. This will include a schedule for review by supervisors.

Finally, as resources allow, the AIRS database will be updated to automate for responses to ensure case progression.

Sunset Factor 10. The extent to which the termination of the Department would significantly harm the public's health, safety or welfare.

The audit report states that if the Department were terminated, it would “likely” require others to assume the department’s functions.

To ensure safe food, limited pest pressures, quality non-food products and an open market, it is not “**likely**” that others would need to pick up the department functions, **it is a fact**.

Respectfully,

Donald Butler
Director

DB/lh