

Department of Environmental Conservation Duties Related To Food, Animals, and Agriculture

The integrated approach to food safety that currently exists within the Department has been developed as a result of a statutory and regulatory framework that aligns with DEC's mission to protect human health and the environment. Since the early 1980s, DEC's statutory authorities have enabled the Department to ensure the safety of food products made and sold in Alaska, including dairy products, sprouts, produce, reindeer meat, shellfish, seafood, and other processed food items. The Department's regulatory programs provide an objective, fair, and science-based framework for ensuring the production and sale of safe food, which in turn supports not only the physical health of Alaskans, but also the robust commercial fishing, aquaculture, tourism, and agricultural industries throughout the state. The Department's focus is on the human and animal health aspects of the food chain, from production to sale to the end consumer.

Title 03 Agriculture, Animals, and Food.

AS 03.05.011 Powers of commissioner of environmental conservation.

This section of the Alaska Statutes (AS) contains the broad powers of the DEC Commissioner as it relates to animals and animal products in Alaska, and allows the Commissioner to issue orders or permits to prevent the spread of pests or contagious or infectious diseases and to promote the safe and sanitary conditions for transportation of animals and animal products. These powers are made specific in state regulation at 18 AAC 36 (Animal Health), which prescribes standards and procedures for animal importation and transportation, animal disease control, and importation and use of veterinary biologics.

AS 03.05.013 State veterinarian.

This section of State law was codified in 2006 and empowers the DEC commissioner to employ or appoint a State Veterinarian to carry out requirements and duties in this title. While there had been provisions in statute for a State Veterinarian since 1949, until the changes in 2006, those duties referred to fur farms and other anachronisms, and limited quarantine authority to livestock, limiting response authority for non-livestock disease outbreaks such as avian influenza and rabies. The 2006 adoption of this section, with the expanded authorities over all animals, not just livestock, reflected cooperative efforts between the Departments of Environmental Conservation, Natural Resources, and Fish and Game.

AS 03.55.100 Minimum standards of care for animals.

These statutory sections prescribe minimum standards for care of animals, and allows the Department to adopt regulations to implement this section. The Department recently completed a revision to 18 AAC 36 that accomplishes this statutory objective.

Title 17 Food and Drugs.

AS 17.20.005 – AS 17.20.370 Alaska Food, Drug, and Cosmetic Act.

These sections of State Law grant the Commissioner of DEC the authority to "...issue orders, regulations, permits, quarantines, and embargoes relating to food offered to the public or sold, including inspection of meat, fish, poultry, and other food products; standards of sanitation and handling methods for all phases of slaughtering, processing, storing, transporting, displaying, and selling; labeling; and the training, testing, and certification requirements for individuals who handle or prepare food, their supervisors, and their employers to ensure their knowledge of food safety and sanitation principles and requirements."

This broad responsibility is made specific through several regulations at 18 AAC 31 (Alaska Food Code), 18 AAC 32 (Milk, Milk Products, and Reindeer Slaughtering and Inspection), and 18 AAC 34 (Seafood Processing and Inspection).

AS 17.06.010 – AS 17.06.070 Sale of Organic Meat, Fish, Poultry, and Processed Foods.

The Department has additional powers in these sections as it relates to food represented as organic in Alaska.

Title 44 State Government.

AS 44.46.020 Duties of the department.

The responsibilities for ensuring sanitary conditions at places where food is produced, processed, or offered to the public is reiterated in this statute, which requires that the Department adopt regulations for the prevention and control of public health nuisances, the regulation of sanitary and sanitary practices in the interest of public health, and specifically, "...standards of cleanliness and sanitation in connection with the construction, operation, and maintenance of a ...food handling establishment, food manufacturing plant,...and for other similar establishments in which lack of sanitation may create a condition that causes disease...". Again, these duties are carried out through DEC's regulations at 18 AAC 31 (Alaska Food Code), 18 AAC 32 (Milk, Milk Products, and Reindeer Slaughtering and Inspection), and 18 AAC 34 (Seafood Processing and Inspection).

Title 46 Water, Air, Energy, and Environmental Conservation.

AS 46.03 describes the powers and duties of the Department, and reiterates the policy of the state to conserve, improve and protect Alaska's natural resources and environment to enhance the health, safety, economic and social well-being of Alaskans. The Department's powers within this chapter relating to food production and sale include affirming the Department's ability to enter into contracts and compliance agreements, enter and inspect any property or premises, conduct investigations and hold hearings, and adopt regulations necessary to carry out its purposes.

OSV Program	Organizational Considerations
<p>“One Health” Animal Disease & Traceability</p> <p>AS 03.05.011 AS 03.05.013 AS 03.05.040 AS 03.05.050 AS 03.05.090 AS 03.05.100 AS 03.45 AS 03.55</p>	<p>“One Health” is a worldwide strategy for expanding interdisciplinary collaborations and communications in all aspects of health care for humans, animals, and the environment. This forward-thinking and economically efficient concept of synergy among animal health, environmental health, and public health agencies, reduces redundancy within these agencies and is demonstrated in the existing organizational structure by providing broad authority to the State Veterinarian over all animal health in the state, not limited to livestock.</p> <p>Any transfer of duties would require statute changes to AS 03.05 and AS 03.55. Funding activity for Environmental Health Laboratory (EHL) testing services and sample processing would need to be maintained.</p>
<p>Food Safety Modernization Act, Produce Safety Rule</p> <p>AS 17.20 18 AAC 31</p>	<p>Relying on the overarching integrated food safety approach across the programs in the Division of Environmental Health, the recent addition of the Produce Safety program to the OSV is intended to make the best use of available resources and expertise and to continue to enhance the existing relationship with agricultural food producers in Alaska.</p> <p>Any transfer of duties will require statute changes to AS 17.20. This could potentially split the regulation of produce between DEC (processed produce and all other food) and DNR (raw produce).</p>
<p>Dairy</p> <p>AS 03.05.011 AS 17.20 18 AAC 31 18 AAC 32</p>	<p>The dairy program includes three pieces. OSV staff perform as the Dairy Sanitarians under the supervision of a veterinarian as required by the Pasteurized Milk Ordinance; the EHL performs regulatory testing on milk and milk products, and maintains FDA certified Laboratory Evaluation Officers for certification of on-site screening laboratories at the dairies.</p> <p>Any transfer of duties will require statute changes to AS 03.05 and AS 17.20. This could potentially split the regulation of food products between DEC (all non-dairy products) and DNR (dairy products). Funding for regulatory testing and laboratory certification activities at the EHL would need to be maintained.</p>
<p>Reindeer Slaughter</p> <p>AS 03.05.011 AS 17.20 18 AAC 31 18 AAC 32</p>	<p>The OSV oversees the producers and processors of commercial scale slaughter and processing of reindeer intended to be sold as part of intrastate commerce and intended for human consumption; ensuring wholesomeness and non-adulteration of inspected reindeer product that potentially could be sold and/or comingled into USDA inspected sausage type products.</p> <p>Any transfer of duties will require statute changes to AS 03.05 and AS 17.20. This could potentially split the regulation of meat/meat products between DEC (non-reindeer meat and seafood products) and DNR (reindeer products).</p>
<p>Fish Tissue Monitoring Program</p>	<p>The FTMP was established within the OSV in 2001 in response to federal government concerns related to fish consumption. The program coordinates the collection and analysis of samples of Alaska fish to determine the presence of bioaccumulative contaminants and monitor spatial and temporal trends in the levels of those contaminants in fish tissue. A wide variety of contaminants are analyzed, including heavy metals (i.e. mercury, arsenic), organochlorine compounds (i.e. PCBs, pesticides), as well as emerging contaminants such as fire retardants, pharmaceuticals; and radionuclides monitoring for Fukushima- related radiation.</p> <p>Industry, regulators, scientists and the public benefit from this information by being able to make informed decisions about fish consumption and the impact of environmental contaminants on commercial and subsistence fisheries in Alaska. With the support of the U.S. DHHS, data obtained from this award-winning program has allowed Alaska’s DHSS to issue fish consumption guidelines for children and childbearing age women. Using a risk benefit evaluation scientifically justifies consumption guidelines that are higher than those of the EPA. This not only provides valuable information to Alaskan subsistence and personal use fishermen, but also informs the world market that Alaskan fish are low in contaminants.</p>

