

◆ Elliot O. Grosvenor Food Safety Award ◆

This nomination must be submitted by February 1, 2013
to be considered for the current year's award

Criteria for Nominations

The Elliot O. Grosvenor Food Safety Award is given to recognize outstanding achievements made by food safety programs within State Departments of Agriculture, Natural Resource Agencies, Public Health Departments or Environmental Conservation Departments in the United States or Canada. The award will go to the program that best showcases improvement, innovation or sustained high performance within a food safety program. A food safety program could include responsibility for: food safety, food protection, and food defense or food sanitation. The applications will be made to the AFDO awards committee by the deadline.

(PLEASE TYPE)

Date of Nomination: February 19, 2013 (for the year ending December 31, 2012)

Program's Full Name: New York State Bio-Terrorism Imported Food Surveillance Program

Nominator: Angela Montalbano

Immediate Organization: New York State Department of Agriculture and Markets

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AFDO Member: YES

Executive Summary:

Due to the global economy and increased demand for traditional ethnic foods, the rate of imported foods into the United States is on the rise. As noted by the many nationwide food recalls and import alerts, numerous imported food products are of safety concern for the US consumer. Since the federal Bio-Terrorism Act of 2002 the New York State Department of Agriculture and Markets took a proactive initiative and responded to the influx of violative imported foods in commerce. The department hired and trained "Bio-Terrorism Food Inspectors" to conduct imported food surveillance and investigations. Inspectors were trained with FDA Consumer Safety Officers in the Imported Food Division to fully understand the FDA's imported food procedures. New York State inspectors learned to analyze a myriad of unapproved foods and ingredients that commonly enter the US food supply. Once these FDA regulated products enter the United States and are considered domestic, they become the responsibility of state and local agencies to assure their safety (Corby). Historically state and federal agencies conduct independent surveillance of domestic and imported food products throughout the year. However New York State Bio-terrorism food inspectors now conduct joint targeted enforcement surveillance with federal partners during specific times of the year. There has been a recognized benefit for conducting joint agency targeted surveillance investigations.

Agency interaction provides a broad field of knowledge, jurisdiction and action level. Utilizing an integrated food safety system acknowledges food safety issues at hand, takes immediate action and continues with trace

back to locate the origin. The intent is to prevent the prohibited items from entering the country by

obtaining product import alerts and to reduce the potential impact on the US food supply and economy.

□ **Agency Demography (Population Served, Age and Diversity)**

The population in New York is quite diverse throughout the state. In fact the percentages of various nationalities are higher than the average of the United States resulting in a higher demand for traditional ethnic foods. Due to diversity of the state's population imported foods was identified as a potential risk to food safety. In the year 2000, the population of New York State was 18,976,457 and by 2012 the population Of New York State increased to 19,570,261. In twelve years there was an increase in state's population by Over a half million citizens.

□ **Agency Resources and Budget (Staff, Facilities, Revenues)**

At the time of inception of the Bio-Terrorism Imported Food Surveillance Program in 2003 there were 100 Food safety inspectors to conduct agency jurisdictional duties. The New York State Department of Agriculture And Markets Food Safety and Inspection Division is responsible for conducting sanitary inspections at retail establishments including grocery, seafood, meat, wholesale manufacturers including bakeries, food warehouse / distribution centers, live poultry markets and conducting seafood and juice HACCP Inspections.

At the present time in 2013 the staff has declined to 84 food safety inspectors.

□ **Program Planning/Self Evaluation (Vision, Staff Participation)**

In 2003, at inception of the Bio-Terrorism Imported Food Surveillance Program 6 Bio-Terrorism Food Safety Inspectors were strategically placed throughout New York State – New York Metropolitan, Albany, Buffalo and Champlain.

Northern, Western New York and Canadian border points are major connection points to Canada's largest cities. Imported products from Montreal, Ottawa, and Toronto are trucked through Buffalo, Niagara Falls, and several Northern New York border crossings where they enter the country and end up throughout New York State.

State inspectors work with FDA officials at these crossing points during various times during the year and inspect food products within the trucks destined for New York markets. Southern New York import entry points include the water ports of New York and New Jersey and the International Airport at JFK.

These products are generally moved to imported food warehouses where state inspectors can easily conduct physical evaluations of these food products.

This initiative prepared the BT inspectors to conduct imported independent and joint FDA imported food surveillance, sampling and recalls. The exchange of intelligence and information with the FDA instituted the first state driven FDA Import Alert initiated by the New York State Department of Agriculture.

□ Program Management (Staff Control, Community/Industry/Consumer Support)

Throughout the span of the Imported Food Surveillance Program, numerous special projects have been conducted to evaluate and gain compliance in imported foods. The sampling projects conducted included melamine, olive oil, aflatoxins, lead in candy and arsenic in juice.

The Bio-Terrorism Inspectors conduct annual joint targeted surveillance investigations with USDA SITC (Smuggling Interdiction Trade and Compliance).

Joint investigations are conducted with FDA investigators when warranted.

In collaboration with Cornell University, the agency has published three Imported Food Products Guides in English, Chinese and Russian. The imported food guides were presented at seminars geared to inform the industry, brokers and importers of the federal regulations, issues and concerns involving imported foods. The latest seminar was presented in October 2012.

The Bio-Terrorism Inspectors have participated in community outreach educational programs with USDA SITC (Smuggling Interdiction Trade and Compliance) division and the NY Bronx Zoo for "Bush Meat" and the New York City Health Department for lead contamination in foods and the environment. Two BT inspectors are active in both committees.

Two BT inspectors are active in the BTAC (Biological Threat Assessment Committee). This committee is comprised of US Customs and numerous federal enforcement agencies.

□ Program Implementation (Training, Compliance, Enforcement)

Since the federal Bio-Terrorism Act of 2002, the NYSDAM took a proactive initiative and responded to the influx of violative imported foods in commerce. The department trained Bio-Terrorism Food Inspectors to conduct imported food surveillance and investigations.

The inspectors were trained with Food and Drug Administration (FDA) Consumer Safety Officers and newly hired FDA Import Investigators in the Imported Food Division to fully understand the FDA's imported food procedures and protocols.

The import process, roles of various federal agencies and protocols for inspection and enforcement activities were reviewed. New York State inspectors learned to survey and monitor imported foods including a myriad of unapproved foods and ingredients that commonly enter the US food supply. The state inspectors conducted joint investigations with federal agency officials.

New York State has food seizure authority to utilize as an enforcement tool which allows them to put a hold or stop on the marketing of a food product. This is an authority which FDA currently does not have, and they will often contact state officials to request a food item be placed under food seizure.

The FDA has authority to place a product on an import alert to prevent the violative product from entering the country.

Sharing agency intelligence and enforcement tools is a true example of the Integrated Food Safety System.

□ **Program Outcomes (Measurable Outcomes)**

Through intelligence, product sampling and lab results there is solid evidence that many imported foods are of safety concern for the US consumer. The New York State Department of Agriculture and Markets recall data was researched and analyzed from the year 2000 – 2010. The data revealed the imported food recalls were consistently and significantly higher than the domestic food recalled products. (chart below)

| YEAR | TOTAL # RECALLS | IMPORTED | | DOMESTIC | |
|---------|--------------------|----------|-----|----------|-----|
| 2000 | 127 | 80 | 63% | 47 | 26% |
| 2001 | 178 | 123 | 69% | 55 | 15% |
| 2002 | 358 | 280 | 78% | 78 | 22% |
| 2003 | 353 | 228 | 65% | 125 | 35% |
| 2004 | 358 | 245 | 68% | 113 | 33% |
| 2005 | 339 | 259 | 76% | 80 | 23% |
| 2006 | 351 | 269 | 77% | 82 | 26% |
| 2007 | 311 | 231 | 74% | 80 | 27% |
| 2008 | 301 | 241 | 80% | 60 | 30% |
| 2009 | 202 | 129 | 64% | 73 | 32% |
| 2010 | 227 | 163 | 72% | 64 | 28% |
| Average | 282 | 204 | 71% | 78 | 27% |

The chart below represent the Food Recall Summary 2000-2011 with a breakdown of the recalls classification,

Imported and Domestic food recalls. The Class 1 Recalls were significantly higher than the domestic recalls.

Food Recall Summary 2000-2011

| Year | Class 1 | Class II | Class III | Totals |
|------------------------------|--|--|--|--|
| 2000 | 46 33 Imported 13 Domestic | 58 43 Imported 15 Domestic | 20 14 Imported 6 Domestic | 124 80 Imported 44 Domestic |
| 2001 | 61 39 Imported 22 Domestic | 104 73 Imported 31 Domestic | 13 11 Imported 2 Domestic | 178 123 Imported 55 Domestic |
| 2002 | 129 101 Imported 28 Domestic | 187 141 Imported 46 Domestic | 42 38 Imported 4 Domestic | 358 280 Imported 78 Domestic |
| 2003 | 101 54 Imported 47 Domestic | 187 122 Imported 65 Domestic | 65 52 Imported 13 Domestic | 353 228 Imported 125 Domestic |
| 2004 | 73 55 Imported 18 Domestic | 183 123 Imported 60 Domestic | 102 67 Imported 35 Domestic | 358 245 Imported 113 Domestic |
| 2005 | 70 46 Imported 24 Domestic | 192 164 Imported 28 Domestic | 72 44 Imported 28 Domestic | 334 254 Imported 80 Domestic |
| 2006 | 22 14 Imported 8 Domestic | 223 192 Imported 31 Domestic | 106 65 Imported 41 Domestic | 351 271 Imported 80 Domestic |
| 2007 | 41 31 Imported 10 Domestic | 187 160 Imported 27 Domestic | 83 40 Imported 43 Domestic | 311 231 Imported 80 Domestic |
| 2008 | 45 38 Imported 7 Domestic | 201 165 Imported 36 Domestic | 59 3 Imported 21 Domestic | 305 241 Imported 64 Domestic |
| 2009 | 32 20 Imported 12 Domestic | 127 84 Imported 43 Domestic | 43 25 Imported 18 Domestic | 202 129 Imported 73 Domestic |
| 2010 | 52 27 Imported 25 Domestic | 151 128 Imported 23 Domestic | 36 20 Imported 16 Domestic | 239 175 Imported 64 Domestic |
| 2011 | 57 29 Imported 28 Domestic | 161 123 Imported 38 Domestic | 48 26 Imported 22 Domestic | 266 178 Imported 88 Domestic |
| 2012 (as of mid-June) | 64 | 249 | 35 | 348 |
| TOTAL 2000 - 2011 | 729 487 Imported 242 Domestic | 1,969 1,518 Imported 443 Domestic | 689 440 Imported 249 Domestic | 3,379 2,445 Imported 934 Domestic |

As previously mentioned, the BT inspectors conducted joint imported food surveillance with USDA SITC

NYS / USDA Joint Targeted Surveillance Data

| 2008 | 2009 | 2010 |
|--|-----------------------------------|----------------------------------|
| 91 Establishments Visited | 152 Establishments Visited | 35 Establishments Visited |
| 443 Physical Exams | 701 Physical Exams | 247 Physical Exams |
| 26 Seizures | 3 Seizures | 13 Seizures |
| 31,505 Pounds Seized | 218 Pounds Seized | 948 Pounds Seized |
| 21,540 Pounds Destroyed | 218 Pounds Destroyed | 926 Pounds Destroyed |
| 9,323 Pounds Released | 0 Pounds Released | 22 Pounds Released |
| 642 Pounds Violated | 0 Pounds Violated | 0 Pounds Violated |
| 38 Food Samples | 12 Food Samples | 21 Food Samples |
| 19 Violative 15 non violative / 4 not analyzed | 10 Violative | 12 Violative |
| 19 Recalls | 10 Recalls | 12 Recalls |
| 1 Class 1's | 1 Class 1's | 0 Class 1's |
| 16 Class 2's | 8 Class 2's | 11 Class 2's |
| 2 Class 3's | 1 Class 3's | 1 Class 3's |

The chart above represents the enforcement action data from 3 consecutive years of joint investigations conducted by 3 Bio-Terrorism Food Inspectors in a total of 6 days. Consistent, updated training and imported food intelligence has helped develop the success of the program.

BT Summary 2005 – 2012 (6 Bio-Terrorism Food Inspectors)

| | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 |
|-----------------------|--------|--------|---------|--------|--------|--------|-------|
| Assignments | NA | 490 | 316 | 200 | 216 | 214 | 166 |
| Physical Exams | 157 | 362 | 900 | 898 | 903 | 655 | 769 |
| Seizures | 32 | 76 | 61 | 47 | 37 | 38 | 19 |
| #Seized | 83,896 | 90,428 | 821,735 | 49,580 | 31,384 | 18,269 | 4,510 |
| #Destroyed | NA | 67,299 | 196,658 | 35,086 | 9,178 | 7,584 | 2,053 |
| Food Samples | 105 | 231 | 256 | 209 | 82 | 149 | 154 |
| Violative | NA | 94 | 63 | 57 | 29 | 32 | 37 |
| Non-Violative | NA | 137 | 193 | 152 | 53 | 117 | 117 |
| Feed Samples | 55 | 51 | 29 | 20 | 18 | 10 | 0 |
| Violative | NA | 6 | 3 | 1 | 2 | 1 | 0 |
| Non-Violative | NA | 45 | 26 | 19 | 16 | 9 | 0 |
| Recalls | 34 | 94 | 63 | 57 | 29 | 32 | 37 |
| Class I | NA | 4 | 7 | 10 | 3 | 3 | 4 |
| Class II | NA | 53 | 38 | 44 | 17 | 27 | 32 |
| Class III | NA | 37 | 18 | 3 | 9 | 2 | 1 |

□ Goals for Improvement

New programs and standards always pose agency challenges however there are always goals to strive toward.

The enhancement of the state's food lab testing methodologies can improve the surveillance and testing of the imported food samples.

Although the BT inspectors have presented imported food issues and concerns to fellow food safety inspectors at annual inspector seminars, it would be beneficial for all New York State Food Inspectors to receive thorough imported food training.

□ Issues/Challenges/Risks

State agency food programs are consistently faced with challenges. Although New York State has been struck by attrition the food safety inspectors and bio-terrorism food inspectors throughout New York state continue to focus on the day to day sanitary inspection responsibilities.

With imported food recalls on the rise there is a need for more inspectors to increase sampling, recall protocols and product monitoring. To assure food samples are obtained on a routine basis the division has created an updated sampling program. With the addition of the altered program the number of samples and recalls has increased throughout the state.

Through research and data evaluation the Bio-Terrorism Imported Food Surveillance program has proven to be an effective means of removing adulterated and violative imported food products from commerce.

Although directors and Bio-Terrorism inspectors have presented such information to other government agencies it continues to be a challenge, for numerous reasons, for other states to follow suit.

All agencies share a common goal. The overall projection is to reduce the prevalence of violative imported food product in commerce and to help safeguard the United States agriculture and economy.

□ Summary (Improvement or Innovation that Merits Award)

While the Bio-Terrorism program was in progress, innovative leaders Joe Corby of the NYSDAM and Bob Hart of the FDA took a proactive approach to an Integrated Food Safety System. The two leaders teamed up and formed a cooperative federal-state approach for monitoring imported foods.

The data clearly illustrates that something new and innovative for dealing with imported foods was needed in the state. New York Agriculture and Markets and FDA's New York District joined forces and developed their Imported Food Initiative. In the initiative FDA and New York officials agreed to share information about imported products, share inspection information, do field examinations jointly, collect imported food and feed samples, and act on violative imported products accordingly. This program has since been adopted by other FDA jurisdictions to collaborate with state partners in Michigan and Texas.

The BT program has resulted in great exposure throughout the country by directors and BT inspectors presenting imported food surveillance results to AFDO and its affiliates. Presentations have also been made to local, state, federal and community based populations. The information is always welcomed and received great feedback.

A copy of the Imported Food Products – Food Safety Manual will be submitted along with this application.

Attachments

- Testimonials (maximum of two)
- Acknowledgements
- Appendices

Nominated by: Angela Montalbano

Signature: Angela Montalbano

The winner of this award will identify an individual to receive travel funds (if available and pursuant to AFDO's travel policy) to attend the annual AFDO conference held in June in order to publicly receive an official plaque of recognition and will be given time on the program agenda to comment on the award. The winner will be invited to attend the AFDO Wiley Awards Banquet during the conference.

Attendance is not mandatory for receiving the award. Return this form, a photocopy of this form (both sides) and ***please submit by February 1, 2013***, to:

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