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STATE COMPTROLLER



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STATE OF NEW YORK  
OFFICE OF THE STATE COMPTROLLER

September 29, 2000

Mr. Nathan L. Rudgers  
Commissioner  
Department of Agriculture and Markets  
1 Winners Circle  
Albany, NY 12235

Re: Report 2000-F-27

Dear Mr. Rudgers:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law, we have reviewed the actions taken by officials of the Department of Agriculture and Markets as of September 19, 2000, to implement the recommendations contained in our audit report, *Food Safety Program* (Report 98-S-15) issued June 7, 1999. Our prior audit reviewed the Department's efforts to ensure food safety and to minimize the risk of foodborne illness and whether the Department measures the effectiveness of its food safety program.

**Background**

The overall mission of the Department of Agriculture and Markets (Department) is to foster a competitive food and agriculture industry to benefit producers and consumers. The Department's Division of Food Safety and Inspection (Division) is responsible for enforcing State laws and Department regulations related to food safety, which is a critically important factor in maintaining the health and well-being of the people of New York State.

The Division's intent is to ensure a safe and properly labeled food supply - from the producer to the retailer to the consumer ("farm-to-fork") by:

- ! performing unannounced sanitary inspections of food manufacturers, wholesale bakeries, beverage processors, food warehouses, refrigerated warehouses, retail food (supermarkets to small grocery stores), slaughterhouses, fish processors, rendering/disposal plants, and food transportation services;
- ! sampling food products for analysis by the Department's food laboratory;

- ! providing information seminars for the food industry on food safety and labeling;
- ! investigating consumer complaints;
- ! licensing food operators of various types of establishments;
- ! consulting with owners of food establishments and industry groups;
- ! seizing unfit or adulterated foods;
- ! ensuring proper food labeling and advertising; and
- ! carrying out enforcement activities, such as imposing civil penalties or revoking licenses.

### **Summary Conclusion**

Our prior audit found that the Department needs to address a significant backlog in inspections to better ensure food safety and minimize the risk of foodborne illness. We recommended that Division officials continue to actively manage the food safety program and pursue innovative options to increase the efficiency of the inspection process and reduce the backlog. We also found the Department did not measure this program's effectiveness, and recommended that it develop a performance measurement system to report program results to both Department management and to the public.

In our follow-up review, we found that Department officials continue to disagree with our audit recommendations and have not taken any corrective actions.

### **Summary of Status of Prior Audit Recommendations**

The two recommendations have not been implemented.

#### **Recommendation 1**

*Consider different strategies to increase the efficiency of the inspection process and reduce the inspection backlog, such as, but no limited to:*

- ! *continually assessing the use of emerging technology in improving efficiency;*
- ! *evaluating periodically the adequacy of staffing;*
- ! *conducting more "blitz" inspections which focus on problem areas, such as imported foods;*

- ! *considering incentives such as an award program for food establishments that have demonstrated good food quality control;*
- ! *accelerating the Division's plans to centralize the inspection scheduling process; and*
- ! *establishing standard performance expectations for inspections.*

Status - Not Implemented

Agency Action - Department officials stated that they are and have been effective and continually strive to achieve even greater efficiency and effectiveness, and, as such there was no action needed.

### **Recommendation 2**

*Develop appropriate program goals and objectives related to the Division's mission to ensure a safe and properly labeled food supply in New York State, and develop meaningful ways to measure outputs and outcomes. Consider the measurements used by other states as benchmarks to piloting a performance measurement program.*

Status - Not Implemented

Agency Action - Department officials stated they already had meaningful program goals and objectives. They added these goals and objectives are continuously monitored.

The major contributor to this report is Dominick Vanacore.

We would appreciate your response to this report within 30 days.

Very truly yours,

Carmen Maldonado  
Audit Director

cc: Charles Conaway