



TEXAS
Health and Human
Services

**Texas Department of State
Health Services**

DSHS Consumer Protection Overview

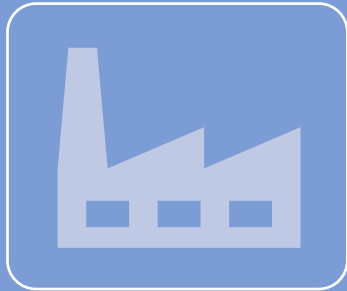
November 2024

Tim Stevenson, DVM, PhD

Deputy Commissioner for

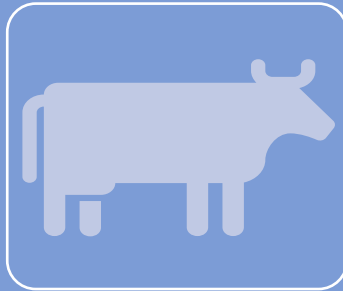
Consumer Protection Division

DSHS Food and Drug Consumer Protection Programs



Manufactured Foods
~23,300 licenses

Interstate & Intrastate



Meat Safety
~330 establishments

Intrastate



Milk Safety
~1,400 licenses

Interstate & Intrastate



Drug Manufacturing
~9,100 licenses

Interstate & Intrastate



Retail Food Establishments
~9,000 DSHS-inspected establishments

Intrastate



Texas Department of State Health Services

Food and Drug Safety Program Elements

- Standards and regulatory framework - focused on production environment and hygienic conditions
- Labeling
- Licensure
- Inspection
- Enforcement
- Coordination between federal and state agencies
- Additional elements, depending on the program:
 - Laboratory verification - periodic depending on state/federal requirements or complaint-based (e.g., milk and other products)



DSHS Manufactured Foods Program

- **Enabling statute:** Health and Safety Code, Chapter 431 – Texas Food, Drug, and Cosmetic Act
- **Standards/Framework:** DSHS regulations incorporate the FDA Food Safety Modernization Act (FSMA) for risk-based preventive controls.
- **Licensure:** ~23,300 entities
- **Inspection:** Inspections evaluate production processes, safe handling and distribution, and accurate labeling.
 - Since Texas statute aligns with the FSMA, DSHS inspections allow licensed food manufacturers to engage in interstate commerce without needing federal inspection.
 - Common products: Salads, canned goods, grocery stores, deli meat, juices, seafood
- **State/Federal coordination:** Recalls primarily involve undisclosed allergens or the presence of contaminants that could cause immediate, acute illness



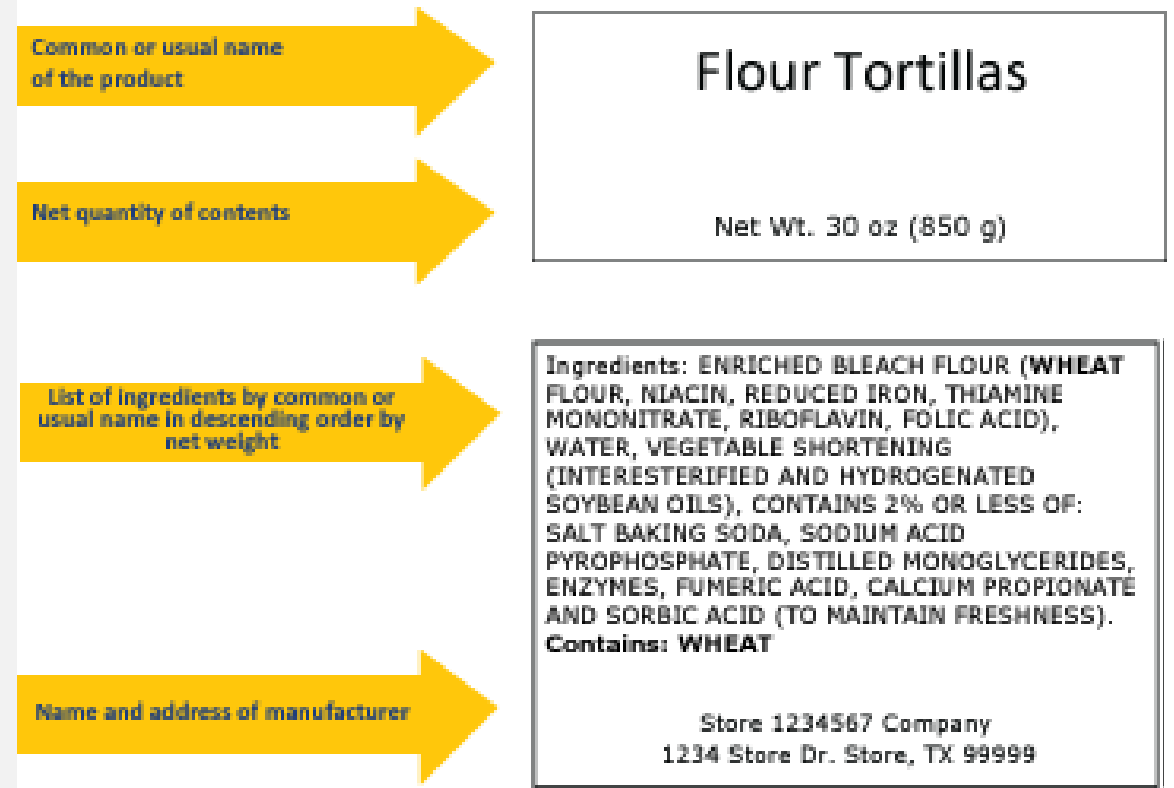
Manufactured Foods Program: Inspections

- **Current Good Manufacturing Processes (cGMPs):**
 - **Focus:** Food manufacturer production environment
 - **Examples:** Personnel hygiene, design and construction of the production environment, equipment, sanitation, production controls
 - **Additional standards:** Certain types of products may have additional cGMP standards, including low-acid canned foods, infant formula, etc.
- **Each manufacturing firm approaches production differently:**
 - DSHS inspectors analyze these production methods and determine if they meet cGMPs.

Manufactured Foods Program: Labeling

- Labeling standards are driven by the federal Nutrition Labeling Education Act of 1990.
- All packaged food labels must include:
 - Common or usual name of the product;
 - Name/address of manufacturer;
 - List of ingredients in descending order by predominance of net weight, including ingredient components;
 - Common food allergens;
 - Certified colors;
 - Preservatives; and
 - Net quantity of contents.

Food Labeling Examples (depicts the front and back of a label)



Manufactured Foods Program: Labeling

Food manufacturers must follow labeling requirements for additives and ingredients per FDA and state requirements. This includes declaring several food ingredients that can cause reactions in certain individuals.

Sulfites

- Used as preservatives. Must be declared if food contains ≥ 10 parts per million total sulfites.
- Other names:
 - Potassium bisulphite
 - Potassium metabisulphite
 - Sodium bisulphite
 - Sodium dithionite
 - Sodium metabisulphite
 - Sodium sulphite
 - Sulphur dioxide
 - Sulphurous acid

Color Additives

- FD&C Yellow No. 5
- FD&C Red No. 40
- Color additives made from cochineal extract and carmine

Gluten

- Describes a group of proteins found in certain grains. For example:
 - wheat
 - barley
 - rye

Nitrates/Nitrites

- Cured or processed meats — bacon, sausage, hot dogs, and ham, as well as deli meats such as chicken, turkey, roast beef, and salami — often contain added nitrates and nitrites.
- These compounds prevent the growth of harmful bacteria, add a salty flavor, and make the meat appear red or pink

DSHS Efforts to Ensure Food Safety: Foodborne Illness Outbreaks

- **Cross-Jurisdictional Coordination:** DSHS traces and responds to foodborne illnesses within retail food establishments and food manufacturing firms, in coordination with local, state, and federal partners as needed.
- **Common sources:**
 - Norovirus (cross contamination from humans)
 - *Salmonella*, *Campylobacter*, and *E. coli* O157:H7
 - *Listeria*
- **Complex cases:** Use the Texas Rapid Response Team to mitigate outbreaks



DSHS Efforts to Ensure Food Safety: Inspection Frequency

- **Current Challenges:**

- Increasing number of food manufacturing firms
- Complex manufacturing processes
- Long inspection frequency cycle: once every 5 years for firms not identified as high-risk
- Competition for workforce trained in handling complex inspections

- **Importance of Timely Inspections:**

- Ensure manufacturers implement food safety systems
- Verify ingredients used in products
- Ensure accuracy of labels (not false or misbranded)
- Increase education of industry personnel
- Identify high risk firms for more frequent inspections

- **DSHS Exceptional Item:**

- Funding to stabilize existing inspection workforce to prevent longer duration between inspections



Federal Role: Ingredient and Food Additive Safety

- Under the Federal Food, Drug, and Cosmetic Act, FDA is responsible for approving a food additive before it can be used in food. This approval guides state regulatory programs.
- FDA also authorizes ingredients considered generally recognized as safe (GRAS).
- FDA is currently reviewing the safety of ingredients (e.g., FD&C Red No. 3, propylparaben, potassium bromate, and titanium dioxide).

Intended Use

- Applicant must provide evidence that the substance is safe for the intended use – including the foods it will be used in and the intended levels of use.

Evaluation Criteria

- Use of food additives must be supported by science that demonstrates its use meets FDA's safety standard – a reasonable certainty of no harm.



Pesticides in Foods

- **Federal Oversight:**

- Pesticides are regulated by the Environmental Protection Agency (EPA)
- EPA sets tolerances for pesticides in most foods, except for meat, poultry, egg products, etc. (approved by USDA)
- FDA enforces pesticide tolerances through selective testing of raw products and table-ready products

- **State Oversight:**

- Texas Department of Agriculture – lead agency related to EPA requirements, including registration and labeling

Conclusion

- The DSHS food manufacturers program is geared towards preventing immediate and acute illness.
- Adequate inspection frequencies are key to identifying manufacturing processes that cause a risk and to ensuring labels are truthful and accurate.





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Thank you