

DELAWARE

Food Safety Jurisdictions and Enforcement Authorities



Agency jurisdiction and responsibility for regulating food safety varies from state to state. While an agency may have jurisdiction over a facility or commodity, not all agencies issue licenses or routinely inspect every facility or commodity type. All of the State agencies which have jurisdiction to regulate food safety within the state are listed in the tables below, with their jurisdiction over a particular facility type or commodity denoted by the word “Authority” or “Split Authority” in the row of the facility or commodity type within their column.





MANUFACTURER/PROCESSOR

FACILITY TYPE	DELAWARE DEPARTMENT OF AGRICULTURE	DELAWARE DEPARTMENT OF HEALTH & SOCIAL SERVICES	DELAWARE DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL	LOCAL AGENCIES
Food Processor	N ²			
Food Repacked	N ²			
Food Salvager	N ²			
Bottled Water		N ¹		
Ice		Authority		
Dietary Supplements		N ²		
Warehouse	N ²			
Food Banks				
Seafood	N ²			
Food Transport	N ²			
Beer/Wine	N ²			
Distilled Spirits	N ²			

COMMENTS:

¹ Delaware Office of Drinking Water

² Defers to FDA.





DAIRY

FACILITY TYPE	DELAWARE DEPARTMENT OF AGRICULTURE	DELAWARE DEPARTMENT OF HEALTH & SOCIAL SERVICES	DELAWARE DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL	LOCAL AGENCIES
Grade-A Plant		Authority		
Raw Milk				
Cheese		*		
Yogurt		Authority		
Cream/Sour Cream		Authority		
Butter		*		
Ice Cream		*		
Milk Pooling				
COMMENTS: * Defers to FDA.				





MEAT/POULTRY

FACILITY TYPE	DELAWARE DEPARTMENT OF AGRICULTURE	DELAWARE DEPARTMENT OF HEALTH & SOCIAL SERVICES	DELAWARE DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL	LOCAL AGENCIES
Meat	Authority			
Poultry	Authority			
Rabbit	Authority			
Other Non-Amenable Species				
Custom Slaughter	Authority			
Livestock Inspection	Authority			
Pet Food – Raw	Authority			
Pet Food – Processed	Authority			
Egg Inspection/Grading	Authority			

COMMENTS:





ANIMAL FEED

FACILITY TYPE	DELAWARE DEPARTMENT OF AGRICULTURE	DELAWARE DEPARTMENT OF HEALTH & SOCIAL SERVICES	DELAWARE DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL	LOCAL AGENCIES
Feed	Authority			
Medicated Feed	Authority			
BSE Inspections	Authority			
Rendering Plant	Authority			
Grain	Authority			
COMMENTS:				





RETAIL FOOD

FACILITY TYPE	DELAWARE DEPARTMENT OF AGRICULTURE	DELAWARE DEPARTMENT OF HEALTH & SOCIAL SERVICES	DELAWARE DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL	LOCAL AGENCIES
Restaurant	Split Authority	Split Authority ²		
Food Service	Split Authority	Split Authority ²		
Grocery Store	Split Authority	Split Authority ²		
Market	Split Authority	Split Authority ²		
Convenience Stores	Split Authority	Split Authority ²		
Public/Private Schools	Split Authority	Split Authority ²		
Correctional Facilities	Split Authority	Split Authority ²		
Hospitals	Split Authority	Split Authority ²		
Long-Term Care	Split Authority	Split Authority ²		
Nursing Homes	Split Authority	Split Authority ²		
Other Institutions	Split Authority	Split Authority ²		
Vending Machines	Authority			
Mobile Food Facilities	Split Authority	Split Authority ²		
Caterers	Split Authority	Split Authority ²		
Home Based Processors	Split Authority	Split Authority ²		

Retail Food list continued on next page.





RETAIL FOOD (continued)

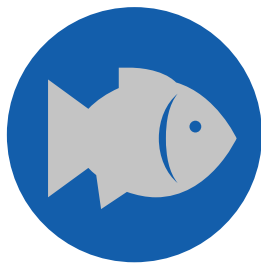
FACILITY TYPE	DELAWARE DEPARTMENT OF AGRICULTURE	DELAWARE DEPARTMENT OF HEALTH & SOCIAL SERVICES	DELAWARE DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL	LOCAL AGENCIES
Temporary Food Facilities	Split Authority	Split Authority ²		
Water Vending Machines				
Ice Vending Machines				
Farm Stands	Authority			
Farmers Markets	Split Authority	Split Authority ¹		
Live Poultry Markets				
Food Pantry	Split Authority	Split Authority ¹		

COMMENTS:

¹ Only facilities that are doing food preparation.

² Meat products only.



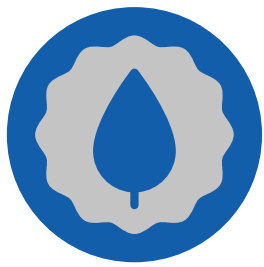


SHELLFISH/AQUACULTURE

FACILITY TYPE	DELAWARE DEPARTMENT OF AGRICULTURE	DELAWARE DEPARTMENT OF HEALTH & SOCIAL SERVICES	DELAWARE DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL	LOCAL AGENCIES
Shellfish Growing Areas				
Shellfish Post Harvest Handling			Authority	
Shellfish Depuration			Authority	
Shellfish Patrol			Authority	
Biotoxin Monitoring			Authority	
Aquaculture			Authority	

COMMENTS:





ORGANIC FOODS

FACILITY TYPE	DELAWARE DEPARTMENT OF AGRICULTURE	DELAWARE DEPARTMENT OF HEALTH & SOCIAL SERVICES	DELAWARE DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL	LOCAL AGENCIES
Organic Production				
Organic Food Handling				
Organic Food Processing				
COMMENTS: None				





PRODUCE

FACILITY TYPE	DELAWARE DEPARTMENT OF AGRICULTURE	DELAWARE DEPARTMENT OF HEALTH & SOCIAL SERVICES	DELAWARE DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL	LOCAL AGENCIES
Farms				
Packing Sheds				
Repackers				
Terminal Markets				

COMMENTS:
None





ENFORCEMENT AUTHORITY

Each state regulatory agency has enforcement authorities that are established through state laws, regulations, or administrative rules. These enforcement authorities enable the agency to perform their regulatory functions and ensure the safety of the food supply. Below are the authorities of each agency.

FACILITY TYPE	DELAWARE DEPARTMENT OF AGRICULTURE	DELAWARE DEPARTMENT OF HEALTH & SOCIAL SERVICES	DELAWARE DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL	LOCAL AGENCIES
Embargo/Quarantine	Authority	Authority		
Seizure	Authority			
Condemnation & Destruction	Authority			
Voluntary Condemnation & Destruction	Authority	Authority		
Stop Sale Orders				
Health Advisories				
Administrative Penalties	Authority	Authority		
Criminal Penalties	Authority			
Civil Penalties	Authority			
Injunction	Authority	Authority		
Warning Letters	Authority	Authority		

Enforcement Authority list continued on next page.





ENFORCEMENT AUTHORITY (continued)

FACILITY TYPE	DELAWARE DEPARTMENT OF AGRICULTURE	DELAWARE DEPARTMENT OF HEALTH & SOCIAL SERVICES	DELAWARE DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL	LOCAL AGENCIES
License Suspension	Authority	Authority		
License Revocation	Authority	Authority		
Hearings	Authority	Authority		
Closure	Authority	Authority		
Mandatory Recall	Authority			
Inspection Warrant	Authority	Authority		
COMMENTS:				

