

# MONTANA 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	MONTANA DEPARTMENT OF AGRICULTURE	MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES	MONTANA DEPARTMENT OF LIVESTOCK	MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY	LOCAL AGENCIES
Food Processor		Split Authority*			Split Authority*
Food Repacked		Split Authority			Split Authority
Food Salvager		Split Authority			Split Authority
Bottled Water		Split Authority			Split Authority
Ice		Split Authority			Split Authority
Dietary Supplements		Split Authority			Split Authority
Warehouse		Split Authority			Split Authority
Food Banks		Split Authority			Split Authority
Seafood		Split Authority			Split Authority
Food Transport		Split Authority			Split Authority
Beer/Wine		Split Authority			Split Authority
Distilled Spirits		Split Authority			Split Authority

**COMMENTS:**

\* Wholesale – State does process review and local agencies do on the ground inspections.





# DAIRY

FACILITY TYPE	MONTANA DEPARTMENT OF AGRICULTURE	MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES	MONTANA DEPARTMENT OF LIVESTOCK	MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY	LOCAL AGENCIES
Grade-A Plant			Authority		
Raw Milk			Authority		
Cheese			Authority		
Yogurt			Authority		
Cream/Sour Cream			Authority		
Butter			Authority		
Ice Cream			Authority		
Milk Pooling			Authority		
<b>COMMENTS:</b>					





# MEAT/POULTRY

FACILITY TYPE	MONTANA DEPARTMENT OF AGRICULTURE	MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES	MONTANA DEPARTMENT OF LIVESTOCK	MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY	LOCAL AGENCIES
Meat			Authority		
Poultry			Authority		
Rabbit			Authority		
Other Non-Amenable Species			Authority		
Custom Slaughter			Authority		
Livestock Inspection			Authority		
Pet Food – Raw	Authority*				
Pet Food – Processed	Authority*				
Egg Inspection/Grading			Authority		

**COMMENTS:**

\* Agriculture has jurisdiction unless products contain certain percentage of meat, then Livestock handles.





# ANIMAL FEED

FACILITY TYPE	MONTANA DEPARTMENT OF AGRICULTURE	MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES	MONTANA DEPARTMENT OF LIVESTOCK	MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY	LOCAL AGENCIES
Feed	Authority				
Medicated Feed	Authority				
BSE Inspections	Authority				
Rendering Plant			Authority		
Grain	Authority				
<b>COMMENTS:</b>					





# RETAIL FOOD

FACILITY TYPE	MONTANA DEPARTMENT OF AGRICULTURE	MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES	MONTANA DEPARTMENT OF LIVESTOCK	MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY	LOCAL AGENCIES
Restaurant					Authority <sup>1</sup>
Food Service					Authority
Grocery Store					Authority
Market					Authority
Convenience Stores					Authority
Public/Private Schools					Authority
Correctional Facilities					Authority
Hospitals					Authority
Long-Term Care					Authority
Nursing Homes					Authority
Other Institutions					Authority
Vending Machines					Authority
Mobile Food Facilities					Authority
Caterers					Authority
Home Based Processors					Authority <sup>2</sup>

**Retail Food list continued on next page.**



# RETAIL FOOD (continued)

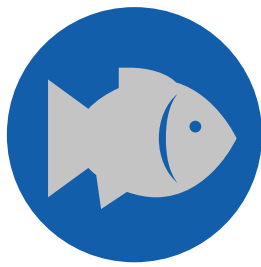
FACILITY TYPE	MONTANA DEPARTMENT OF AGRICULTURE	MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES	MONTANA DEPARTMENT OF LIVESTOCK	MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY	LOCAL AGENCIES
Temporary Food Facilities					Authority
Water Vending Machines					Authority
Ice Vending Machines					Authority
Farm Stands					Authority
Farmers Markets					Authority
Live Poultry Markets			Authority		
Food Pantry					Authority

**COMMENTS:**

<sup>1</sup> State has advisory role – writes and adopts the rules.

<sup>2</sup> Register with State, State writes rules, no routine inspection – outbreaks investigated locally.



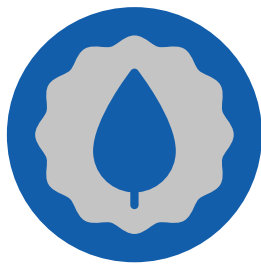


# SHELLFISH/AQUACULTURE

FACILITY TYPE	MONTANA DEPARTMENT OF AGRICULTURE	MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES	MONTANA DEPARTMENT OF LIVESTOCK	MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY	LOCAL AGENCIES
Shellfish Growing Areas					
Shellfish Post Harvest Handling					
Shellfish Depuration					
Shellfish Patrol					
Biotoxin Monitoring				Authority	
Aquaculture		Authority			
<b>COMMENTS:</b>					







# ORGANIC FOODS

FACILITY TYPE	MONTANA DEPARTMENT OF AGRICULTURE	MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES	MONTANA DEPARTMENT OF LIVESTOCK	MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY	LOCAL AGENCIES
Organic Production	Authority*				
Organic Food Handling	Authority*				
Organic Food Processing	Authority*				

**COMMENTS:**

\* Organic certification.





# PRODUCE

FACILITY TYPE	MONTANA DEPARTMENT OF AGRICULTURE	MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES	MONTANA DEPARTMENT OF LIVESTOCK	MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY	LOCAL AGENCIES
Farms	Authority				
Packing Sheds				Authority*	
Repackers				Authority	
Terminal Markets				Authority	

**COMMENTS:**

\* On farm and raw agriculture are exempt from licensure, agency can follow-up on outbreaks/complaints.





# 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	MONTANA DEPARTMENT OF AGRICULTURE	MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES	MONTANA DEPARTMENT OF LIVESTOCK	MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY	LOCAL AGENCIES
Embargo/Quarantine	Authority	Authority	Authority		Authority
Seizure	Authority	Authority	Authority		Authority
Condemnation & Destruction	Authority	Authority	Authority		Authority
Voluntary Condemnation & Destruction	Authority	Authority	Authority		Authority
Stop Sale Orders	Authority	Authority			Authority
Health Advisories		Authority	Authority		Authority
Administrative Penalties	Authority		Authority		
Criminal Penalties	Authority	Authority	Authority		Authority
Civil Penalties	Authority	Authority	Authority		Authority

**Enforcement Authority list continued on next page.**





# ENFORCEMENT AUTHORITY (continued)

FACILITY TYPE	MONTANA DEPARTMENT OF AGRICULTURE	MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES	MONTANA DEPARTMENT OF LIVESTOCK	MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY	LOCAL AGENCIES
Injunction	Authority	Authority	Authority		Authority
Warning Letters	Authority	Authority	Authority		Authority
License Suspension	Authority	Authority	Authority		Authority
License Revocation	Authority	Authority	Authority		Authority
Hearings	Authority	Authority	Authority		Authority
Closure		Authority			Authority
Mandatory Recall			Authority		
Inspection Warrant	Authority		Authority		

**COMMENTS:**

