

NORTH DAKOTA 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	NORTH DAKOTA DEPARTMENT OF AGRICULTURE	NORTH DAKOTA STATE DEPARTMENT OF HEALTH	NORTH DAKOTA PUBLIC SERVICE COMMISSION	LOCAL AGENCIES
Food Processor		Split Authority		Split Authority ¹
Food Repacked		Split Authority		Split Authority ¹
Food Salvager		Split Authority		Split Authority ¹
Bottled Water		Split Authority		Split Authority ¹
Ice		Split Authority		Split Authority ¹
Dietary Supplements		*		
Warehouse		Split Authority		Split Authority ¹
Food Banks		Split Authority		Split Authority ¹
Seafood		Split Authority		Split Authority ¹
Food Transport		Split Authority ²		Split Authority ¹
Beer/Wine		Split Authority		Split Authority ¹
Distilled Spirits		Split Authority		Split Authority ¹

COMMENTS:

- ¹ Only First District Health Unit.
- * Deferred to the FDA.
- ² Not routinely inspected.





DAIRY

FACILITY TYPE	NORTH DAKOTA DEPARTMENT OF AGRICULTURE	NORTH DAKOTA STATE DEPARTMENT OF HEALTH	NORTH DAKOTA PUBLIC SERVICE COMMISSION	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			
COMMENTS:				





MEAT/POULTRY

FACILITY TYPE	NORTH DAKOTA DEPARTMENT OF AGRICULTURE	NORTH DAKOTA STATE DEPARTMENT OF HEALTH	NORTH DAKOTA PUBLIC SERVICE COMMISSION	LOCAL AGENCIES
Meat	Authority			
Poultry	Authority			
Rabbit				
Other Non-Amenable Species	Authority			
Custom Slaughter	Authority			
Livestock Inspection	Authority			
Pet Food – Raw	Authority			
Pet Food – Processed	Authority			
Egg Inspection/Grading	Authority			
COMMENTS:				





ANIMAL FEED

FACILITY TYPE	NORTH DAKOTA DEPARTMENT OF AGRICULTURE	NORTH DAKOTA STATE DEPARTMENT OF HEALTH	NORTH DAKOTA PUBLIC SERVICE COMMISSION	LOCAL AGENCIES
Feed	Authority			
Medicated Feed	Authority			
BSE Inspections	Authority			
Rendering Plant	Authority			
Grain				
COMMENTS:				





RETAIL FOOD

FACILITY TYPE	NORTH DAKOTA DEPARTMENT OF AGRICULTURE	NORTH DAKOTA STATE DEPARTMENT OF HEALTH	NORTH DAKOTA PUBLIC SERVICE COMMISSION	LOCAL AGENCIES
Restaurant		Split Authority		Split Authority ¹
Food Service		Split Authority		Split Authority ¹
Grocery Store		Split Authority		Split Authority ¹
Market		Split Authority		Split Authority ¹
Convenience Stores		Split Authority		Split Authority ¹
Public/Private Schools		Split Authority		Split Authority ¹
Correctional Facilities		Split Authority		Split Authority ¹
Hospitals		Authority ²		
Long-Term Care		Split Authority		Split Authority ¹
Nursing Homes		Authority ²		
Other Institutions		Split Authority		Split Authority ¹
Vending Machines		Authority		
Mobile Food Facilities		Split Authority		Split Authority ¹
Caterers		Split Authority		Split Authority ¹
Home Based Processors				

Retail Food list continued on next page.





RETAIL FOOD (continued)

FACILITY TYPE	NORTH DAKOTA DEPARTMENT OF AGRICULTURE	NORTH DAKOTA STATE DEPARTMENT OF HEALTH	NORTH DAKOTA PUBLIC SERVICE COMMISSION	LOCAL AGENCIES
Temporary Food Facilities		Split Authority		Split Authority ¹
Water Vending Machines		Split Authority ³		Split Authority ³
Ice Vending Machines		Split Authority ³		Split Authority ³
Farm Stands		Split Authority ³		Split Authority ³
Farmers Markets		Split Authority ³		Split Authority ³
Live Poultry Markets	Authority			
Food Pantry		Split Authority		Split Authority ¹

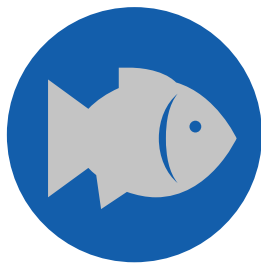
COMMENTS:

¹ 3 City & 6 Multi County Health Units have delegated authority. See addendum on last page for full listing of departments, phone numbers, and coverage information.

² Department of Health, Division of Health Facilities has jurisdiction.

³ Don't license or routinely inspect.

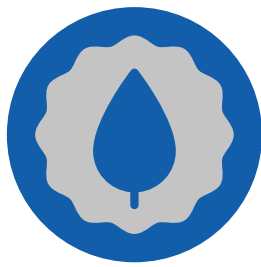




SHELLFISH/AQUACULTURE

FACILITY TYPE	NORTH DAKOTA DEPARTMENT OF AGRICULTURE	NORTH DAKOTA STATE DEPARTMENT OF HEALTH	NORTH DAKOTA DEPARTMENT OF ENVIROMENTAL QUALITY	LOCAL AGENCIES
Shellfish Growing Areas				
Shellfish Post Harvest Handling				
Shellfish Depuration				
Shellfish Patrol				
Biotoxin Monitoring			Authority	
Aquaculture			Authority	
COMMENTS:				





ORGANIC FOODS

FACILITY TYPE	NORTH DAKOTA DEPARTMENT OF AGRICULTURE	NORTH DAKOTA STATE DEPARTMENT OF HEALTH	NORTH DAKOTA PUBLIC SERVICE COMMISSION	LOCAL AGENCIES
Organic Production	*			
Organic Food Handling	*			
Organic Food Processing	*			

COMMENTS:
* Defers to USDA.





PRODUCE

FACILITY TYPE	NORTH DAKOTA DEPARTMENT OF AGRICULTURE	NORTH DAKOTA STATE DEPARTMENT OF HEALTH	NORTH DAKOTA PUBLIC SERVICE COMMISSION	LOCAL AGENCIES
Farms				
Packing Sheds		Authority*		
Repackers		Authority*		
Terminal Markets		Authority*		
COMMENTS: * Don't license or routinely inspect. Can investigate outbreaks and 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	NORTH DAKOTA DEPARTMENT OF AGRICULTURE	NORTH DAKOTA STATE DEPARTMENT OF HEALTH	NORTH DAKOTA PUBLIC SERVICE COMMISSION	LOCAL AGENCIES
Embargo/Quarantine	Authority	Authority		Authority
Seizure	Authority			Authority
Condemnation & Destruction	Authority	Authority		Authority
Voluntary Condemnation & Destruction	Authority	Authority		Authority
Stop Sale Orders		Authority		Authority
Health Advisories		Authority		Authority
Administrative Penalties	Authority			
Criminal Penalties	Authority	Authority		Authority
Civil Penalties	Authority	Authority		Authority
Injunction	Authority	Authority		Authority
Warning Letters	Authority	Authority		Authority

Enforcement Authority list continued on next page.





ENFORCEMENT AUTHORITY (continued)

FACILITY TYPE	NORTH DAKOTA DEPARTMENT OF AGRICULTURE	NORTH DAKOTA STATE DEPARTMENT OF HEALTH	NORTH DAKOTA PUBLIC SERVICE COMMISSION	LOCAL AGENCIES
License Suspension	Authority	Authority		Authority
License Revocation	Authority	Authority		Authority
Hearings	Authority	Authority		Authority
Closure		Authority		Authority
Mandatory Recall				
Inspection Warrant	Authority	Authority		Authority
COMMENTS:				

