

TEXAS

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	TEXAS DEPARTMENT OF AGRICULTURE	TEXAS DEPARTMENT OF HEALTH AND HUMAN SERVICES	TEXAS DEPARTMENT OF CORRECTIONS	LOCAL AGENCIES
Food Processor		Authority		
Food Repacked		Authority		
Food Salvager		Authority		
Bottled Water		Authority		
Ice		Authority		
Dietary Supplements		Authority*		
Warehouse		Authority		
Food Banks		Authority		
Seafood		Authority		
Food Transport		Authority		
Beer/Wine		Authority		
Distilled Spirits		Authority		

COMMENTS:
* DSHS inspects dietary supplements under 21 CFR 117. DSHS has not adopted 21 CFR 111 and defers to FDA. Office of the Texas State Chemist has enforcement authority for human food diverted to animal feed.





DAIRY

FACILITY TYPE	TEXAS DEPARTMENT OF AGRICULTURE	TEXAS DEPARTMENT OF HEALTH AND HUMAN SERVICES	TEXAS DEPARTMENT OF CORRECTIONS	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: Includes non-dairy frozen desserts.				





MEAT/POULTRY

FACILITY TYPE	TEXAS DEPARTMENT OF AGRICULTURE	TEXAS DEPARTMENT OF HEALTH AND HUMAN SERVICES	OFFICE OF THE TEXAS STATE CHEMIST	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	Split Authority	Split Authority		
COMMENTS:				





ANIMAL FEED

FACILITY TYPE	TEXAS DEPARTMENT OF AGRICULTURE	TEXAS DEPARTMENT OF HEALTH AND HUMAN SERVICES	OFFICE OF THE TEXAS STATE CHEMIST	LOCAL AGENCIES
Feed			Authority	
Medicated Feed			Authority	
BSE Inspections			Authority	
Rendering Plant			Authority	
Grain			Authority	
COMMENTS:				





RETAIL FOOD

FACILITY TYPE	TEXAS DEPARTMENT OF AGRICULTURE	TEXAS DEPARTMENT OF HEALTH AND HUMAN SERVICES	TEXAS DEPARTMENT OF CORRECTIONS	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			Authority	
Hospitals		Authority		
Long-Term Care		Authority		
Nursing Homes		Authority		
Other Institutions		Split Authority		Split Authority ²
Vending Machines		Split Authority		
Mobile Food Facilities		Split Authority		Split Authority ²
Caterers		Split Authority		Split Authority ²
Home Based Processors		Split Authority ¹		Split Authority ²

Retail Food list continued on next page.

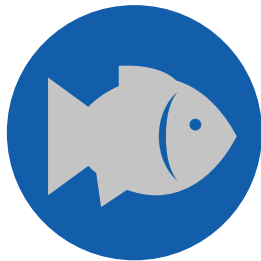




RETAIL FOOD (continued)

FACILITY TYPE	TEXAS DEPARTMENT OF AGRICULTURE	TEXAS DEPARTMENT OF HEALTH AND HUMAN SERVICES	TEXAS ANIMAL HEALTH COMMISSION	LOCAL AGENCIES
Temporary Food Facilities		Split Authority		Split Authority ²
Water Vending Machines		Split Authority		Split Authority ²
Ice Vending Machines		Split Authority		Split Authority ²
Farm Stands		Split Authority		Split Authority ²
Farmers Markets		Split Authority		Split Authority ²
Live Poultry Markets			Authority	
Food Pantry		Split Authority		Split Authority ²
COMMENTS: 1 Texas Cottage Food Law gives DSHS enforcement authority only in the event of a foodborne illness/event related to a cottage food. ² Department of Health and Human Services delegates authority to local agencies.				

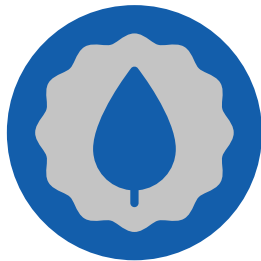




SHELLFISH/AQUACULTURE

FACILITY TYPE	TEXAS DEPARTMENT OF AGRICULTURE	TEXAS DEPARTMENT OF HEALTH AND HUMAN SERVICES	TEXAS PARKS AND WILDLIFE	LOCAL AGENCIES
Shellfish Growing Areas		Authority		
Shellfish Post Harvest Handling		Authority		
Shellfish Depuration		Authority		
Shellfish Patrol			Authority	
Biotoxin Monitoring		Authority		
Aquaculture			Authority ¹	
COMMENTS: ¹ Authority for oyster mariculture and they are responsible for regulation of oyster mariculture in Texas				





ORGANIC FOODS

FACILITY TYPE	TEXAS DEPARTMENT OF AGRICULTURE	TEXAS DEPARTMENT OF HEALTH AND HUMAN SERVICES	TEXAS DEPARTMENT OF CORRECTIONS	LOCAL AGENCIES
Organic Production	Split Authority	Split Authority		
Organic Food Handling		Authority		
Organic Food Processing		Authority		
COMMENTS: TDA Organics Certification checks for certain food safety licenses during inspections, DSHS has authority for production, handling, and processing food.				





PRODUCE

FACILITY TYPE	TEXAS DEPARTMENT OF AGRICULTURE	TEXAS DEPARTMENT OF HEALTH AND HUMAN SERVICES	TEXAS DEPARTMENT OF CORRECTIONS	LOCAL AGENCIES
Farms	Authority			
Packing Sheds	Split Authority	Split Authority		
Repackers		Authority		
Terminal Markets		Authority		
COMMENTS: TDA has authority if the packing shed is conducting covered activities of covered produce, otherwise it is DSHS. Mixed type farm facility is under TDA and DSHS.				





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	TEXAS DEPARTMENT OF AGRICULTURE	TEXAS DEPARTMENT OF HEALTH AND HUMAN SERVICES	OFFICE OF THE TEXAS STATE CHEMIST	LOCAL AGENCIES
Embargo/Quarantine	Authority	Authority	Authority	Authority ²
Seizure	Authority	N ¹	Authority	N ¹
Condemnation & Destruction	Authority	Authority	Authority	Authority ²
Voluntary Condemnation & Destruction	Authority	Authority	Authority	Authority ²
Stop Sale Orders	Authority	Authority	Authority	Authority ²
Health Advisories	Authority	Authority	Authority	Authority ²
Administrative Penalties	Authority	Authority	Authority	Authority ²
Criminal Penalties	Authority	Authority	Authority	Authority ²
Civil Penalties	Authority	Authority	Authority	Authority ²
Injunction	Authority	Authority	Authority	Authority ²
Warning Letters	Authority	Authority	Authority	Authority ²

Enforcement Authority list continued on next page.





ENFORCEMENT AUTHORITY (continued)

FACILITY TYPE	TEXAS DEPARTMENT OF AGRICULTURE	TEXAS DEPARTMENT OF HEALTH AND HUMAN SERVICES	OFFICE OF THE TEXAS STATE CHEMIST	LOCAL AGENCIES
License Suspension	Authority	Authority	Authority	Authority ²
License Revocation	Authority	Authority	Authority	Authority ²
Hearings	Authority	N ¹	Authority	N ¹
Closure	Authority	Authority	Authority	Authority ²
Mandatory Recall		Authority	Authority	Authority ²
Inspection Warrant	Authority	Authority	Authority	Authority ²
COMMENTS: ¹ Conducted through State Office of Administrative Hearings. ² Department of Health and Human Services delegates authority to local agencies.				

