



August 28, 2018

REPLACEMENT LETTER



The Honorable Senator Peter Courtney, Co-Chair
The Honorable Representative Tina Kotek, Co-Chair
State Emergency Board
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

Dear Co-Chairpersons:

Nature of the Request

The Oregon Department of Agriculture (ODA) requests permission to appear before the September meeting of the Emergency Board for the purpose of securing emergency funding for an increase in its Regulatory Laboratory capacity specific to the research, method development and implementation of a new test for the presence of cyanotoxins (water contaminant) in manufactured food products.

Agency Action/Background

Recent detections of cyanotoxins in drinking water caused by Harmful Algal Blooms (HABs) have raised health concerns across the state. The Oregon Health Authority (OHA), Department of Environmental Quality (DEQ), Oregon Department of Agriculture (ODA), Oregon Emergency Management (OEM), Oregon Military Department, municipalities, nonprofit organizations and community partners are working together to protect public health from the risks posed by cyanotoxins.

The ODA's Regulatory Laboratory provides the majority of the chemistry and microbiology testing services for ODA's regulatory enforcement programs (pesticides, CAFO, fertilizer) including the Food Safety Program (manufactured food, retail, dairy, meats, shellfish). Testing specific to Food Safety includes monitoring of the food supply, compliant investigations, or event/emergency response.

The mission of ODA's Food Safety Program (FSP) is to educate, collaborate with and regulate Oregon's food industries to prevent unhealthy or unsafe conditions in the food supply and to reduce the risk of foodborne illness. The FSP is responsible for licensing and inspecting all food producers and retailers (with the exception of restaurants) in the state (over 11,000 licenses).

The recent occurrence of cyanotoxins in Salem's drinking water led to a large number of local manufactured food producers (who use Salem's drinking water in their food processing) contacting ODA's FSP looking for a cyanotoxin testing process to test their food products for safety, brand integrity and, if cyanotoxins were detected, justification/support for filing a loss

claim with their insurance company. Unfortunately, there is no currently approved method for the testing of cyanotoxins in manufactured food products and no regulatory limits defined.

This recent incident of cyanotoxin contamination, which could potentially take place in other parts of the state, has highlighted a need for ODA's Regulatory Lab and the FSP to collaborate in order to research, develop and implement testing methods of manufactured food products for the presence of cyanotoxins and possible other emerging water contaminants. The ODA's Regulatory Lab, does not have the current capacity (either personnel or equipment) to carry out the research, method development and testing needed to create an approved cyanotoxin testing process for manufactured foods. This request will help fund the development of such a testing process, help ensure public health and the economic stability of Oregon's Manufactured Food Producers in future effected areas.

Action Requested

The Department respectfully requests the Emergency Board appropriate \$730,295 General Fund for the current 2017-19 biennium. Funding would support one Limited Duration position (0.38 FTE in 2017-19); new dedicated analytical equipment; research and method development supplies and expenses and other miscellaneous staff resources and expenses. Work is expected to continue into the 2019-21 biennium and is estimated to be \$375,802 General Fund, which includes 1.00 FTE.

According to preliminary research conducted by ODA Regulatory Lab personnel, Scientists in England have developed an ISO accredited method for testing for cyanotoxins in fish and shellfish. There also exists an approved method for testing for cyanotoxins in water in which parts of the extraction process might be applicable to food testing. Funding of this request will allow ODA's Regulatory Lab to use the above existing research and data to help achieve an approved method for testing for cyanotoxins in food products.

It is the agency's hope that once this method is developed, the Regulatory Lab would be able to use existing staff and the equipment and supplies purchased from this request, to offer ongoing cyanotoxin testing to Oregon's Manufactured Food Processors on a fee-for-service basis.

Legislation Affected

Oregon Law 2017, Chapter 562, Section 1, Subsection (2)

Sincerely,



Alexis M. Taylor, Director
Oregon Department of Agriculture

Attachments: ODA Cyanotoxin Estimates



August 27, 2018

The Honorable Senator Peter Courtney, Co-Chair
The Honorable Representative Tina Kotek, Co-Chair
State Emergency Board
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

Dear Co-Chairpersons:

Nature of the Request

The Oregon Department of Agriculture (ODA) requests permission to appear before the September meeting of the Emergency Board for the purpose of securing emergency funding for an increase in its Regulatory Laboratory capacity specific to the research, method development and implementation of a new test for the presence of cyanotoxins (water contaminant) in manufactured food products.

Agency Action/Background

Recent detections of cyanotoxins in drinking water caused by Harmful Algal Blooms (HABs) have raised health concerns across the state. The Oregon Health Authority (OHA), Department of Environmental Quality (DEQ), Oregon Department of Agriculture (ODA), Oregon Emergency Management (OEM), Oregon Military Department, municipalities, nonprofit organizations and community partners are working together to protect public health from the risks posed by cyanotoxins.

The ODA's Regulatory Laboratory provides the majority of the chemistry and microbiology testing services for ODA's regulatory enforcement programs (pesticides, CAFO, fertilizer) including the Food Safety Program (manufactured food, retail, dairy, meats, shellfish). Testing specific to Food Safety includes monitoring of the food supply, compliant investigations, or event/emergency response.

The mission of ODA's Food Safety Program (FSP) is to educate, collaborate with and regulate Oregon's food industries to prevent unhealthy or unsafe conditions in the food supply and to reduce the risk of foodborne illness. The FSP is responsible for licensing and inspecting all food producers and retailers (with the exception of restaurants) in the state (over 11,000 licenses).

The recent occurrence of cyanotoxins in Salem's drinking water led to a large number of local manufactured food producers (who use Salem's drinking water in their food processing) contacting ODA's FSP looking for a cyanotoxin testing process to test their food products for

safety, brand integrity and, if cyanotoxins were detected, justification/support for filing a loss claim with their insurance company. Unfortunately, there is no currently approved method for the testing of cyanotoxins in manufactured food products and no regulatory limits defined.

This recent incident of cyanotoxin contamination, which could potentially take place in other parts of the state, has highlighted a need for ODA's Regulatory Lab and the FSP to collaborate in order to research, develop and implement testing methods of manufactured food products for the presence of cyanotoxins and possible other emerging water contaminants. The ODA's Regulatory Lab, does not have the current capacity (either personnel or equipment) to carry out the research, method development and testing needed to create an approved cyanotoxin testing process for manufactured foods. This request will help fund the development of such a testing process, help ensure public health and the economic stability of Oregon's Manufactured Food Producers in future effected areas.

Action Requested

The Department respectfully requests the Emergency Board appropriate \$730,295 General Fund for the current 2017-19 biennium and \$375,802 General Fund for the 2019-21 biennium. Funding would support one Limited Duration position (0.38 FTE in 2017-19 and 1.00 FTE in 2019-21); new dedicated analytical equipment; research and method development supplies and expenses and other miscellaneous staff resources and expenses.

According to preliminary research conducted by ODA Regulatory Lab personnel, Scientists in England have developed an ISO accredited method for testing for cyanotoxins in fish and shellfish. There also exists an approved method for testing for cyanotoxins in water in which parts of the extraction process might be applicable to food testing. Funding of this request will allow ODA's Regulatory Lab to use the above existing research and data to help achieve an approved method for testing for cyanotoxins in food products.

It is the agency's hope that once this method is developed, the Regulatory Lab would be able to use existing staff and the equipment and supplies purchased from this request, to offer ongoing cyanotoxin testing to Oregon's Manufactured Food Processors on a fee-for-service basis.

Legislation Affected

Oregon Law 2017, Chapter 562, Section 1, Subsection (2)

Sincerely,



Alexis M. Taylor, Director
Oregon Department of Agriculture

Attachments: ODA Cyanotoxin Estimates