

# State of North Carolina

**ROY COOPER**

GOVERNOR

June 29, 2018

EXECUTIVE ORDER NO. 47

## ESTABLISHING THE FOOD SAFETY AND DEFENSE TASK FORCE

**WHEREAS**, the Food Safety and Defense Task Force (“Task Force”), comprised of state and local government officers and staff, academic professionals, and agricultural industry stakeholders, was first established on September 12, 2003 to identify, evaluate, and address vulnerabilities in North Carolina’s food-supply system and agricultural industry; and

**WHEREAS**, the Task Force’s emergency response plans have been incorporated into the North Carolina Emergency Operations Plan; and

**WHEREAS**, in 2007, the Task Force, in collaboration with other state agencies, helped remove more than 30,000 recalled canned food products from circulation and prevented the spread of botulism in the State; and

**WHEREAS**, the United States Food and Drug Administration (“FDA”) has extensively reviewed the Task Force’s response efforts during the 2007 recall, which have since become a national model, and been adopted by several states and federal agencies; and

**WHEREAS**, the Task Force provided vital assistance to the North Carolina Department of Health and Human Services (“DHHS”) during the adoption of the 2009 FDA Food Code, which has significantly enhanced and improved the State’s retail food safety inspection process; and

**WHEREAS**, the Task Force will endorse the 2017 FDA Food Code to ensure the State’s retail food safety inspection process remains current; and

**WHEREAS**, the Task Force is funded through a \$10,000 a year grant from the FDA (“the Grant”) that must be renewed every five years, with the current project period running from September 9, 2015 through August 31, 2020.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

### **Section 1. Establishment**

The Food Safety and Defense Task Force, which was terminated by the terms of Exec. Order No. 92, 30 N.C. Reg. 2133-2134 (April 15, 2016), *Reestablishing the Food Safety and Defense Task Force*, issued on March 15, 2016, is hereby reinstated.

### **Section 2. Purpose**

The purpose of the Task Force is to coordinate interagency and public-private collaborative efforts to enhance protection of the State’s food-supply system and agricultural industry.

### **Section 3. Membership**

- a. The Governor shall appoint members to the Task Force as follows:
  1. The Secretary of the North Carolina Department of Environmental Quality (“DEQ”), or designee;
  2. The Secretary of DHHS, or designee;
  3. The Secretary of the North Carolina Department of Public Safety, or designee;
  4. Representatives from the University of North Carolina System; and
  5. Representatives from other government agencies, private industry, and other public members associated with the State’s food-supply system or agricultural industry (collectively referred to as “Appointed Members”).
- b. Appointed Members shall serve at the Governor’s pleasure.
- c. The Secretary of DHHS and the Secretary of DEQ, or their respective designees, shall serve as co-chairs of the Task Force. Vacancies created by Appointed Members shall be filled by the Governor.
- d. The North Carolina Commissioner of Agriculture or his designee is formally invited to serve as a member and co-chair on the Task Force.

### **Section 4. Meetings**

The Task Force shall meet at least six (6) times a year. A simple majority of the members shall constitute a quorum for the purpose of transacting business.

### **Section 5. Committees**

The Task Force may establish such committees or other work groups as necessary to carry out its duties.

### **Section 6. Duties**

The Task Force, by and through its committees, shall have the following duties:

- a. Conduct focused studies on the vulnerability of the State’s food system and make recommendations that would, if implemented, accomplish or address the following:
  1. Improve the safety and defense of the food system by, among other things, reducing the potential threat and impact of terrorism on the food system; and
  2. Improve food safety and defense mitigation and response plans; and
  3. Implement and coordinate the training for key stakeholders in the State’s food-supply system that incorporates the findings from these studies.
- b. Recommend legislation and policy aimed at improving the ability of state departments and agencies to protect the State’s food supply and agricultural industry base, including legislation that would protect sensitive and proprietary information pertaining to the State’s food-supply system, safety and defense vulnerability data, and defense plans that, if compromised, would increase the State’s food-supply system’s exposure to criminal or terrorist acts.
- c. Recommend necessary adjustments to improve the ability and capacity of state departments and agencies to protect the State’s food-supply system and agricultural industry.
- d. Prepare an annual report to the Governor no later than December 20<sup>th</sup> each year that includes recommendations or proposals for changes in laws, rules, policies, and programs that the Task Force determines are appropriate to enhance food safety and defense in the State.

### **Section 7. Miscellaneous**

- a. The Task Force’s expenditures, if any, shall be funded exclusively by the Grant, and shall comply with state law and the rules and policies of the Office of State Budget and Management.

- b. The Task Force shall make reasonable efforts to ensure its work product is shared and disseminated in a manner that does not reveal any more information about vulnerabilities in the State's food system and agricultural industry than is absolutely necessary.
- c. Notwithstanding Section 7.b., the Task Force does not assume nor does this Executive Order impose any legally enforceable duties on the Task Force in carrying out its duties.
- d. DHHS shall provide administrative and staff support services to the Task Force.

**Section 8. Effect and Duration**

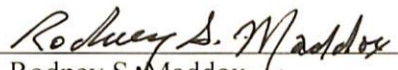
This Executive Order shall be effective immediately. It shall remain in effect until August 21, 2020, pursuant to N.C. Gen. Stat. § 147-16.2, or until rescinded, whichever occurs first. All other executive orders or portions of executive orders inconsistent herewith are hereby rescinded.

IN WITNESS WHEREOF, I have hereunto signed my named and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this the 29<sup>th</sup> day of June in the year of our Lord two thousand and eighteen.



Roy Cooper  
Governor

ATTEST:



Rodney S. Maddox  
Chief Deputy Secretary of State

