



# State of North Carolina

**ROY COOPER**  
GOVERNOR

May 24, 2022

## EXECUTIVE ORDER NO. 259

### REESTABLISHING 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 by executive order 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 has assisted North Carolina in its navigation of multiple wide-spread food safety emergencies and food-borne illness outbreaks in the last few decades; and

**WHEREAS**, for example, 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”) extensively reviewed the Task Force’s response efforts during the 2007 recall, which have since become a model for similar recall efforts nationwide; and

**WHEREAS**, the Task Force also provided vital assistance to the North Carolina Department of Health and Human Services (“DHHS”) during the adoption of the 2009 and 2017 FDA Food Codes, which have significantly enhanced and improved the State’s retail food safety inspection process; and

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

**WHEREAS**, the Task Force continues to support necessary updates to food safety regulations based on available science and continues to provide training and support to personnel across the food-supply system; 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 (5) years, with the current project period ending June 30, 2023; and

**WHEREAS**, since its inception in 2003, the Task Force has subsequently been extended by executive orders issued under the Easley, Perdue, McCrory, and undersigned’s administrations; and

**WHEREAS**, the most recent Executive Order directing the continuation of the Task Force’s important work expired in August 2020, and now requires reestablishment.

**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. Re-establishment**

The Food Safety and Defense Task Force is hereby reestablished.

**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 (representatives from this Section 3(a)(5) 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.
- d. The North Carolina Commissioner of Agriculture or his designee is formally invited to serve as a member and an additional Co-Chair of 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. Submit 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. No Private Right of Action**

This Executive Order is not intended to create, and does not create, an individual right, privilege or benefit, whether substantive or procedural, enforceable in law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any other officers, employees, or agents thereof.

#### **Section 8. Miscellaneous**

- a. The Task Force's expenditures, if any, shall be funded exclusively by the Grant, and shall comply with state law and with the rules and policies of the Office of State Budget and Management.
- b. DHHS shall provide administrative and staff support services to the Task Force.

#### **Section 9. Effect and Duration**

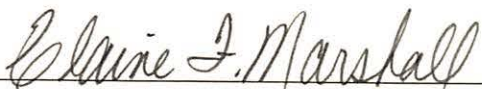
This Executive Order shall be effective immediately. It shall remain in effect until June 30, 2025, pursuant to N.C. Gen. Stat. §147-16.2, or until rescinded, whichever occurs first.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 24<sup>th</sup> day of May in the year of our Lord two thousand and twenty-two.



Roy Cooper  
Governor

**ATTEST:**



Elaine F. Marshall  
Secretary of State

