

109 SW 9th Street
4th Floor
Topeka, Kansas 66612-1280



phone: (785) 296-3556
fax: (785) 296-8389
www.ksda.gov
ksag@kda.ks.gov

Office of the Secretary
Kansas Department of Agriculture

Sam Brownback, Governor
Dale A. Rodman, Acting Secretary

February 3, 2011

To: House Agriculture and Natural Resources Committee
Representative Larry Powell, Chair

From: Chris Wilson, Deputy Secretary

This information is provided by Department staff in follow-up to questions asked by Committee members when Secretary Rodman was before the Committee. Thank you for the opportunity to respond to questions of the Committee, and please contact us anytime we may provide further information. I've worked with the Department of Agriculture, from outside the Department, for 25 years, but I'm learning so much more every day as I have the opportunity to work with the staff and programs from this perspective.

Weights and Measures program: There was a question regarding a change that occurred in vehicle tank meter inspections. Since 1985, when the gas pump program came over to Ag from Revenue, we have tested the gas pumps and if there is a problem, the station calls in a service company to repair or calibrate and then we may do a follow up, depending on what was wrong. This has always been the system for gas pumps. What changed about two years ago involved Vehicle Tank Meters. Vehicle Tank Meters are the trucks that deliver to farmers. Before the change, private service companies tested these trucks and if needed they calibrated or repaired the truck. These trucks were required to be tested every 365 days. Now these trucks are treated just like gas pumps, we test them and if needed a service company is called for repairs or recalibration, then we may retest. Now these trucks are tested every 18 months or less, just like gas pumps. The change occurred because there became less service companies to handle the trucks. The year before the change 18% of the trucks were not tested in 365 days. Every year it had increased. Before the change an owner paid for the test and the repair. Now we don't charge him, and he only pays for the repair.

Lodging inspections: There was a question regarding the Department's inspections of lodging facilities. We are currently inspecting new lodging facilities prior to the granting of a license and any facility for which we receive a complaint. When the program came from KDHE in 2008, there was an SGF appropriation that funded the program. When KDA no longer had the SGF, the lodging inspections had to be ceased (could not be funded through other fees, i.e. food service fees). A budget proviso last year allowed the new facility and complaint inspections to resume. This year, a bill has been introduced through House Agriculture and Natural Resources Budget Committee to for increased fees that lodging facilities will pay to support the inspections.

Meat inspections: regarding having 3 inspectors in a meat plant at the same time - Does that happen?

This does happen for several reasons:

House Ag & Natural Resources
February 4, 2011
Attachment 1

When new inspectors do their on-the-job training they are paired with another employee (inspector, Ag3, or vet);

Ag3's directly supervise 4 Ag2s and they routinely are out in the field either providing continuing education, evaluating Ag2s, conducting annual reviews, or other reason;

An Enforcement, Investigation, Analysis Officer (EIAO) may be in the plant to do a Food Safety Assessment independent of inspection services we provide on a daily basis. Food Safety Assessments are conducted routinely once every 4 years; or as needed based on conditions in the plant;

A Compliance Officer (CO) may be in the plant investigating complaints.

Supervisors have been directed to identify the key people necessary for the type of inspection or activity and not schedule additional people to be in that plant unless it involves training, quality assurance, meeting with plant owners or other necessary duties such as disposition of carcasses. We understand that our state plants are small and space is at a premium, and while it can be necessary to have multiple MPI staff in a plant we don't want any more staff than necessary in a plant.

Food safety inspections: There was a comment that when a member had a food license, it seemed like the inspector wrote them up for something, no matter what they did, i.e. could see light above the back door.

In CY10 there were 23,604 inspections performed. Of these there were 6,985 or 29.6% of all inspections had no violations (critical or non-critical) at all. That does mean that 70.4% of inspections identified some violation. In addition, there were 11,088 or 47.1% of all inspections had no critical violations cited. However, something like a gap above a door could allow insects OR rodents in the facility. If there were flies or other insects in a facility then our inspectors would be looking for gaps and if found they would be cited for a violation. KDA has never had a policy where all facilities had to be cited for some type of violation, although there has been the rumor that prior to KDA assuming control of the program there was some sort of unwritten quota system. Even if violations are found, enforcement actions do not occur until it is reviewed independently by a case review officer to determine the scope of the violations and consequently the appropriate enforcement action if any.

Door to door meat sales: Laws pertaining to meat do apply to these businesses, but also Weights and Measures law in how products are sold (priced per pound), not individually labeled (bulk breaking) and consumer protection laws such as buyer's right to cancel an unsolicited sale within 3 days of purchase. Complaints about door-to-door sales of meat are referred to the Meat and Poultry Inspection program. Meat and Poultry Compliance Officers investigate these complaints. Usually the laws that were violated concern consumer protection and they are referred to the Attorney General's office for enforcement. One of the primary issues is that many of the operations doing door-to-door meat sales do not have a business location within the state. This makes it impossible to do a review at the business location and usually the only time we can perform a review is if we catch them while they are selling product to a consumer.

Rural Opportunity Zones: We asked the Department of Revenue to review the data for Sumner County. They indicated it was 9.5% based on 2009 numbers, but that might change when the data is available for 2010, and if it is 10% or greater, than Sumner County could be included in the Rural Opportunity Zones.