

**1999 SENATE INDUSTRY, BUSINESS AND LABOR**

**SB 2270**

1999 SENATE STANDING COMMITTEE MINUTES


BILL/RESOLUTION NO. SB2270

IB&L

Senate ~~Political Subdivisions~~ Committee

Conference Committee

Hearing Date February 1, 1999

Tape Number	Side A	Side B	Meter #
1	x		3400 to end
1		x	0 to 2958
Committee Clerk Signature 			

Minutes:

SENATOR KRAUTER: INTRODUCE SB2270, country awards and labeling to make a quality good and service, import and export of commercial goods and the stamp that is placed upon them. Misdemeanor for not having this label placed up the product.

SENATOR MUTCH: do you process any of these products

SENATOR KRAUTER: membership of different entities that address this issue

SENATOR SAND: barley delegations and what we do for our commodities. when Oregon labeled the sheep did this stop the import of lambs or did something else stop the import?

SENATOR KRAUTER: don't know the specifics but the state of Washington required labeling on all Lamb, workable bill from the retail end of this. workable bill

SENATOR MUTCH: retailers problem to see that the labeling is done

SENATOR KRAUTER: sign that are the consumer benefit as to the county of origin

SENATOR KREBSBACH: logic as to why restaurant, cafeteria and prepared foods are excluded

SENATOR KRAUTER: retail level to the consumer to make the choice, can add restaurant and cafeteria if so desired

SENATOR MUTCH: questions

SENATOR KLEIN: what recourse to I have for finding the retailer, now the whole sales is responsible and not the grocer in telling the consumer where the product is coming from

SENATOR KRAUTER: continued outward migration of farmers in the state of ND and where the debate should start regarding to labeling the box,

SENATOR TOMAC: support of 2270, testimony included

SENATOR KLEIN: brooding of this bill into the citrus products and other products including beef. Bill is way to broad and making grocers mad

SENATOR TOMAC: don't view the legislation as quite that broad, should we start with meet

## **SIDE B**

SENATOR TOMAC: importance of where our food comes from and the treating of grapes from Chili and other chemicals that countries use. Tracking of the meat

SENATOR SAND: local products and the grocer is doing this already, how is labeling going to take place for a commodity that is made half in US and half in another county

SENATOR TOMAC: no answer to this question

SENATOR MUTCH: agriculture commissioner to answer this questions

SENATOR MATHERN: 1st step in telling the consumers and the world about the quality of ND products and support this bill

ROGER JOHNSON: Commissioner of Agriculture, see testimony

SENATOR MUTCH: problem is NAFTA

ROGER JOHNSON: we are going to trade but we want to know where we are trading from and not a problem for free trade

SENATOR KREBSBACH: meals eaten outside the home and how to we correlates these areas

ROGER JOHNSON: support the idea that restaurants being excluded from this bill and what happens with meat from another country. How do you impose these requirements and what the point of origin

SENATOR SAND: labeling a loaf of bread and the ingredients included in this loaf of bread

ROGER JOHNSON: determining where the flower comes from and that will determine where the bread is coming from, restaurant issue and where the beef is coming from

SENATOR KLEIN: growing issue across the country and would be surprised if congress does not pass this legislation this session, Bison steaks and where the meat goes and what standards this meat meets. The need for this bill, consumer verses the producer

SENATOR MUTCH: opposition to this bill

WADE MOSLEY: support this bill, what level does the stamping of boxes occur and what effects this had to that level

BRIAN KRAMER: support this bill and loosing of the trade restrictions, Free trade verses fair trade

SENATOR KLEIN: required stamp from Canada

BRIAN KRAMER: no, it's not

DENNIS JOHNSON: support for this bill and wanting rest of people to know about ND quality

SENATOR MUTCH: anyone else in favor, opposed

TOM WILLIAMS: see testimony, telling the wholesaler to put a stamp on the products and what to do if they don't.

SENATOR HEITKAMP restaurants and labeling and the difference verses going to the grocery store and knowing what you are buying

TOM WILLIAMS: sea food product and meat products and knowing just where these products are being produced, depends on restaurant or grocery store

SENATOR HEITKAMP: when you make the decision to become a customer of the restaurants

TOM WILLIAMS: restaurants included in all bills

SENATOR KELSH: note from ag commissioners about Pride of Dakota and supporting the county and the state and having another sign conflict

TOM WILLIAMS: free space available for any ND product and encourage retailers to do such. informants bill and making signs. Tough enough now

SENATOR MUTCH: reactions of people with NAFTA and supporting these people in trading with other countries and the inspection of products

TOM WILLIAMS: congress is addressing this issue now and what the people or retailers know what is going on

SENATOR MUTCH: anyone else

MOTION: closed hearing on SB2270

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Senate Political Subdivisions Committee  
Bill/Resolution Number Sb2270  
Hearing Date February 1, 1999

Senator Klein motioned to pass the 90573.0201 amendment. Senator Heitkamp seconded the motion. The motion carried with a 7-0-0 vote.

Senator Klein motioned for a do pass with amendments recommendation on SB2270. Senator Heitkamp seconded his motion. The motion carried with a 6-1-0 vote.

Date: 2/2/99  
 Roll Call Vote #: 2870

**1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO.**

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken AMEND 90573.0201

Motion Made By KLEIN Seconded By HEITKAMP

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Klein	X				
Senator Krebsbach	X				
Senator Heitkamp	X				
Senator Mathern	X				
Senator Thompson	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 2/2/99 SR221784  
 Roll Call Vote #: 2570

**1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO.**

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS AS AMENDED

Motion Made By KUEN Seconded By NETILAMP

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Klein	X				
Senator Krebsbach		X			
Senator Heitkamp	X				
Senator Mathern	X				
Senator Thompson	X				

Total (Yes) 6 No 1

Absent 0

Floor Assignment KUEN

If the vote is on an amendment, briefly indicate intent:



**REPORT OF STANDING COMMITTEE**

**SB 2270: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2270 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide a penalty"

Page 1, line 6, remove "- **Penalty**"

Page 1, line 7, replace "the following food products" with "fresh beef and pork" and remove "meat,"

Page 1, remove lines 8 and 9

Page 1, line 10, remove "cooking oils" and after "section" insert a comma

Page 1, line 11, remove "on the individual product, the consumer unit with respect to bunched"

Page 1, line 12, remove "foods, the food bin or container, or on a sign or placard"

Page 1, line 14, remove "Any person who violates this section is guilty of an"

Page 1, remove line 15

Renumber accordingly

**1999 HOUSE AGRICULTURE**

**SB 2270**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2270

House Agriculture Committee

Conference Committee

Hearing Date 2-25-99

Tape Number	Side A	Side B	Meter #
One SB 2270	x		35 to 54
		x	0 to 15.0
Committee Clerk Signature <i>Arline Hanson</i>			

Minutes:

Summary of bill: Relates to country of origin labels as it pertains to fresh beef and pork available for sale to retail customers, Does not apply to restaurants, etc.

Sen Krauter: Dist 35 Country of origin label bill. (Testimony attached by state) If we could identify what country the product is coming from we could have an equal playing field. What you have before you is a bill that has been amended by the Senate. It now states that fresh beef and fresh pork will have the country of origin label on it at the at the retail level. Now if you look at the bill it has Section 19 of the Century Code that relates to the Health Department. When the bill was originally introduced it identified many other produce and products that are raised in North Dakota particularly pasta, flour, honey, quite a few items in there. This bill you have before you now has strictly fresh beef and fresh pork. Grocery can now run specials on a certain product saying it is raised in North Dakota and it will be labeled that way. When I put my cloths

on in the morning I can see where it was made. Also the car I drive. If you pass this bill we could do the same with the meat we eat.

Rep Berg: Do other States notice any difference in increased price of their products.

Sen Krauter:

Rep Berg: My question is the cattle coming in from Canada going down to the feedlots in Nebraska at what point are you determining when it should be labeled.

Sen Krauter: We are talking the country of origin, that means the country of birth, now when the processor packages that they need to identify it so when they sell it wholesale for retail it can be identified as to its origin.

Rep Fairfield: I want to talk about this from a consumer point of view. I am what I call a professional shopper. At least that's what my husband says. As a professional shopper I'm an avid label reader. Unfortunately not all labels are created equal. I can find my native label on my clothing it is often difficult if not impossible to determine where my food comes from. This has caused some marital strife. My husband does not want to go grocery shopping with me because he doesn't want to wait while I pick through every head of lettuce, broccoli to find out what country that particular product came from. This is why I'm glad to have my name on this bill. I believe this bill furthers the spirit of free trade and provides the North Dakota consumer with the least expensive statement and highest quality food in the world.

Chm Nicholas: Just wanted to know if you buy pasta from Dakota Growers? Ha

Rep Fairfield: I do that, in fact I can say I've turned many people towards Dakota Growers products.

Rep Berg: How many slaughter houses do we have in North Dakota? We really don't have any slaughter houses in state so then with this legislation we would have to ask a Minn or Iowa or South Dakota slaughter house to put our label on our meat and they are going to tell us to forget it. Really this is a federal issue and should be dealt with there. What has been the response from our congressional delegation. Have they introduced any legislation down there in Wash. DC. What is the penalty if a grocer doesn't label the meat?

Sen Krauter: Last October a bill was passed in Congress with the country of origin in there but it was stripped out at the last moment.

Rep Berg: If we pass this legislation do we expect it to be followed and how do we enforce it?

Roger Johnson: St Agr Commissioner. Rise in support of this bill. We have 20 Federally Inspected plants in the State. 2 points with this bill. It ought to benefit producers. It ought to benefit the consumers. We are seeing a growing awareness for this type of labeling. ( Testimony attached)

Wade Moser: This legislation does not address all the meat in our stores. Most meat comes in frozen and this bill only covers fresh meat. This legislation ties in well with Meat Inspection plants bill.

Rep Warner: McDonalds and Burger king are not using US Beef.

Wade Moser: Burger King bought meat from Australia because IBP wouldn't package the hamburger in 50 lb package just in 500 lb ones.

Tom Woodmanse: ND Grocers Assoc in support of bill as amended.

Dennis L. Johnson: ND FU in support of bill.

Mary Christianson: ND Resource council support the bill.

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House Agriculture Committee  
Bill/Resolution Number Sb 2270  
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Brian Kramer. ND FB, me too.

Motion by Rep Mueller for a DO PASS as amended second by Rep Renner motion prevailed

Vote total.. YES 11 NO 3 ABSENT 1 bill carrier Rep Renner

Date: 2-25-99  
 Roll Call Vote #:

**1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 9270**

House AGRICULTURE Committee \_\_\_\_\_

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do pass as Amended

Motion Made By Mueller Second By Renner

Representatives	Yes	No	Representatives	Yes	No
Eugene Nicholas, Chaiman	✓		Bob Stefonowicz	✓	
Dennis E. Johnson, Vice Chm	✓				
Thomas T. Brusegaard		✓			
Earl Rennerfeldt	✓				
Chet Pollert		✓			
Dennis J. Renner	✓				
Michael D. Brandenburg	✓				
Gil Herbel	✓				
Rick Berg		✓			
Myron Koppang	✓				
John M. Warner		✓			
Rod Froelich	✓				
Robert E. Nowatzki	✓				
Phillip Mueller	✓				

Total (Yes) 11 No 3

Absent 1

Floor Assignment Renner

REPORT OF STANDING COMMITTEE (410)  
March 1, 1999 2:37 p.m.

Module No: HR-36-3800  
Carrier: Renner  
Insert LC: 90573.0301 Title: .0400

**REPORT OF STANDING COMMITTEE**

SB 2270, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2270 was placed on the Sixth order on the calendar.


Page 1, line 7, after "beef" insert ", lamb,"

Re-number accordingly



1999 TESTIMONY  
SB 2270

February 1, 1999



# North Dakota Legislative

Good morning members of the Senate IBL Committee:

As a consumer, I have been troubled that it is difficult to find out where the food we purchase originates from. As a food producer in one of the highest quality food producing states in the world, I am troubled that consumers do not see what country their food comes from. This bill helps resolve both those difficulties.

Country of origin labeling is not new. The clothing and car manufactures have been required to do this for many years. And while these labels were brought forth to protect US manufacturers, a country of origin bill for food would help protect consumers. How well we remember the food scares of the past year.....e coli from strawberries from Mexico, mad cow disease in England...to name a few. There are herbicides that are allowed in neighboring countries that are prohibited in production agriculture in the United States. DDT is still used on fresh produce in Mexico that are imported into the United States. We outlawed DDT years ago because it was a recognized carcinogen.

While this is not one of the Commission on the Future of Agriculture's clearly defined objectives, it is consistent with the vision to become the trusted provider of the highest quality of food in the world. This bill will allow consumers to clearly identify and enjoy the quality of food we produce in this state and nation. It will give them a choice to support the farmers and ranchers from this state when possible. It will give the food retailers the opportunity to promote American made food.

Consumers have the right to know!

Steve Tomac  
Senator

2493 59th Street  
St. Anthony, ND 58566  
701-445-7364  
701-445-7354 Fax  
stomac@state.nd.us

**Testimony of Roger Johnson**  
**Commissioner of Agriculture**  
**Senate Bill 2270**  
**Senate Industry, Business & Labor Committee**  
**Roosevelt Park Room**  
**February 1, 1999**

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Chairman Mutch and members of the Senate Industry, Business & Labor Committee, I am Commissioner of Agriculture Roger Johnson. I am here today in support of SB 2270, which will establish country of origin labeling on certain food products in North Dakota.

I am very supportive of efforts to enact country of origin legislation on both the state and federal levels. Country of origin labeling already exists on many foreign-made products and goods – everything from cars to clothing carries labels. Country of origin labels provides consumers with the information they need to make informed choices and purchases.

Consumers are not the only beneficiaries of country of origin labeling. Farmers and ranchers will benefit from country of origin labeling on food products as they will be rewarded by consumers in the marketplace for their high quality commodities and food products. Country of origin labeling will be a useful tool as we move toward North Dakota agriculture's vision of becoming "the trusted provider of the highest quality food in the world."

In March of last year, I offered language as a policy statement on country of origin labeling for adoption to the National Association of State Departments of Agriculture. The language was adopted into policy and reads:

*"Federal law requires most imports, including many food items to bear labels informing the ultimate purchaser of their country of origin. By expanding country of origin labeling requirements, American consumers will be made aware of the source of the retail food supply and include that knowledge in selecting their purchases. Further, as we continue to shift toward a global economy and marketplace, imports will likely continue to increase. Consumers have the right to be made aware of the origin of the food products they purchase. NASDA supports country of origin labeling."*

On the federal level, country of origin labeling was considered through legislation in the 105<sup>th</sup> Congress. Unfortunately, no legislation was enacted into law.

Country of origin labeling has again been introduced in the 106<sup>th</sup> Congress. Four pieces of legislation have been introduced – S. 19, S. 242, S. 251, and H R. 252. This legislation would provide for country of origin labeling on meat and meat products including beef, lamb, and pork.

**Testimony of Roger Johnson**

**SB 2270**

**February 1, 1999**

**Page Two**

I have attached a letter from Florida Commissioner of Agriculture Bob Crawford regarding Florida's state country of origin labeling law. Florida's law requires origin labeling on fresh produce. As Commissioner Crawford points out in his letter, "consumers have broadly supported this requirement here in our state", and "the costs...have been minimal to both the state and the food retail sector."

Opponents of country of origin labeling have argued that this requirement would establish further barriers with our trading partners. I do not believe this is true. In fact, many of our trading partners have country of origin labeling laws of their own. New Zealand requires that all muscle cuts sold at the retail meat case are labeled by country of origin, Japan requires country of origin labeling on all meat imports, Germany is considering beef labeling legislation, and Canada requires country of origin labeling on processed, packaged meat products. Many countries also require labels of origin on fresh produce and frozen fruit and vegetable products.

Country of origin labeling on food products in North Dakota will provide consumers with the information they need to make informed choices about the products they buy for their families. Country of origin labeling will also allow our farmers and ranchers to differentiate their high quality products in the marketplace and become the trusted provider of high quality food products for North Dakota consumers.

Chairman Mutch and committee members, I urge a do pass on SB 2270. I would be happy to answer any questions you may have.

COMMISSIONER OF AGRICULTURE  
ROGER JOHNSON



PHONE (701) 328-2231  
(800) 242-7535  
FAX (701) 328-4567

DEPARTMENT OF AGRICULTURE  
State of North Dakota  
600 E. Boulevard Ave. Dept. 602  
Bismarck, ND 58505-0020

April 2, 1998

Honorable Bob Crawford  
Commissioner  
Florida Department of Agriculture & Consumer Services  
The Capitol  
Tallahassee, FL 32399-0800

Dear Commissioner Crawford:

Thank you for your letter and accompanying information on Florida's Country of Origin state law. I appreciate hearing from you.

I am encouraged by the support of the National Association of State Departments of Agriculture (NASDA) during the mid-winter meeting in Washington, D.C. I believe that consumers should be provided information that demonstrates the origin of the food products they purchase. Further, American producers are deserving of factual differentiation of the high quality food products they produce.

I have shared the information you provided with members of my staff. A state law may be something to consider in the future if legislation does not pass on the federal level.

I look forward to working with you on this issue in the future.

Sincerely,

Handwritten signature of Roger Johnson in cursive.

Roger Johnson  
Commissioner of Agriculture

Handwritten signature in cursive, possibly reading "Thank!".

RJ:pe



Florida Department of Agriculture & Consumer Services  
BOB CRAWFORD, Commissioner  
The Capitol • Tallahassee, FL 32399-0800

Please Respond to:

March 20, 1998

Honorable Roger Johnson  
Commissioner  
North Dakota Department of Agriculture  
600 East Boulevard  
Bismarck, North Dakota 58505-0020

Dear Commissioner Johnson:

I am sorry that I did not get to be with you at the NASDA Midwinter meeting in Washington. Regrettably, with the issues before our Legislature involving the Department, you can not leave town while they are in session.

I know that you passed a policy amendment supporting Country of Origin labeling while you were in Washington. I strongly support this issue. Since we have had such a law in Florida since the 1979, I thought you might be interested in some background information concerning our experiences. In my estimation, this is a basic consumer right to know issue, and consumers have broadly supported this requirement here in our state. My department also has the food safety program, and as a part of their routine inspections of retail food stores, inspectors will also determine if stores are adhering to Country of Origin labeling requirements as they inspect the stores for sanitation and other provisions. Stores can even use hand lettered signs on the bins at retail sale, and the costs of the program have been minimal to both the state and the food retail sector.

If you have any questions about our program or how it is administered, please do not hesitate to contact me.

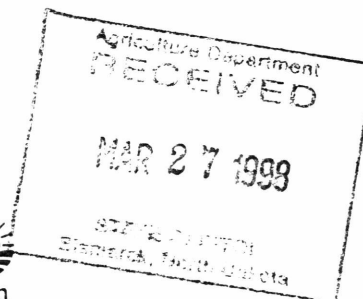
Sincerely,

A handwritten signature in cursive script that reads "Bob Crawford".

BOB CRAWFORD  
COMMISSIONER OF AGRICULTURE

BCvrr  
Enclosure

cc: Rick Kirschhoff  
Martha Roberts  
Sherman Wilhelm



Florida Agriculture and Forest Products  
\$53 Billion for Florida's Economy



Florida Department of Agriculture & Consumer Services  
BOB CRAWFORD, Commissioner

### COUNTRY OF ORIGIN LABELING

Florida initiated a Country of Origin Labeling program after enactment of Florida Statutes 504, the Produce Labeling Act of 1979. The Produce Labeling Act requires disclosure of the Country of Origin of any produce in the Florida retail market place to the ultimate consumer. The Florida Department of Agriculture and Consumer Services verifies compliance with the law as a part of the routine inspection of all retail food stores in the state. The Country of Origin Labeling law in Florida has proven to be a cost effective, basic law providing beneficial information to all consumers.

Most consumer products from automobiles to clothes and shoes require a country of origin declaration under United States Law. The United States Code also requires this for fruits and vegetables, but many years ago fruits and vegetables were exempted by regulation because, at the time, technology was not available to label such products to the ultimate consumer, it was felt. Today everything from apples to oranges to even small kiwi are in the market place with individual stickers having varieties, product look-up numbers and even movie advertisements.

Enforcement activity at the retail stores includes verification of origin of shipping containers in the storage and unpacking areas with the actual signs or labels of origin in the retail display areas. The inspector utilizes approximately 15 minutes per supermarket and grocery store inspection to review displays and document discrepancies. Enforcement costs are estimated to be approximately \$35,000 annually in past years. Inspection costs are now approximately \$90,000 per year since additional enforcement actions and emphasis has been placed on this consumer issue. The Department routinely inspects over 29,000 retail, processing and food establishments annually, with approximately 10,000 to 15,000 having imported produce sales.

The Country of Origin Labeling program is economical and is not costly if conducted by the same inspectional authority that is usually in food stores. There is no need to create additional bureaucracy or many additional positions if the routine inspectional authority is used.

The food industry has estimated a cost of approximately \$5 to \$10 per store per week to maintain Country of Origin display signs. The estimated industry compliance costs state-wide are approximately \$195,000 annually. Therefore, for less than \$300,000 consumers in the fourth largest state in the nation with 14,000,000 residents and over 30,000,000 visitors have basic information regarding the source of the produce they are buying at retail.

The industry maintains compliance through a variety of means. Hand lettered signs are placed in retail bins, random weight slugs with the country listed are used on wrapped items, and some stores have printed permanent signage. Other stores use signs in which lettered product item and origin information can easily be slipped into slots on the edge of display bins.

The Department allows a wide variety of methods to comply with the law. The chief concern is properly conveying the information to the consumer.

Over the past three years, compliance with the law was found to be less than satisfactory. A program of education by the inspector when visiting the store was first attempted. When compliance was still not evident, the Department proceeded to issue a Notice of Violation to each store. If compliance was still not achieved, the Department began issuing \$200 fines per item in violation during 1995-96. Repeat violations are increased to \$400/violation and then higher based on the number of items not in compliance.

The Department has consistently conducted numerous inspections in this area. In testimony before Congress in 1987, we reported 47,047 inspections relating to Country of Origin labeling from 1985-1987 with 1,425 stop sale orders placing a hold on product until corrective labeling could be put in place. Violations totaled 506 or 9.7/week in 1995. Through July of 1996, 305 violations were detected and 116 fines were issued. From June, 1996 forward, less than 10 violations per week statewide were detected indicating consistent compliance. During 1997, 184 Notice of Violations were issued, with 84 Administrative Fines totaling \$33,300.00.

The Florida retail food industry has been most cooperative in their compliance with the Country of Origin labeling requirement. The Department for many years has supported expansion of this labeling requirement to all states nationwide. When then Congressman Panetta sponsored similar legislation in 1987, we testified in support and gave information about how simple and economical the program is to implement.

Commissioner Crawford strongly supported this type of legislation or administrative requirement with the U.S. Department of Agriculture in 1991 and 1992. USDA at that time opposed extension of such a requirement. USDA felt that the requirement would be too costly, would impede international trade and would have no effect on public health protection.

The Country of Origin Labeling program is economical and is not costly if conducted by the same inspectional authority that is usually in retail stores. There is no need to create additional bureaucracy or many additional positions if the routine inspectional authority is used.

The Country of Origin Labeling requirement will not and does not impede international trade. The requirement has been in effect in Florida since 1979, the requirement is also current in Canada and the European Union.

The Country of Origin Labeling requirement does have an effect on public health protection. Florida was the only state in the nation requiring country of origin declaration in 1995 and in 1996 when we experienced over 500 cases of Cyclospora infection each year from what has now been narrowed epidemiologically to consumption of Guatemalan raspberries.

Consumers can readily determine whether they wish to purchase a particular fruit or vegetable from a specific country because they have the "right to know" this information in our state. Consumers may wish to either seek out or avoid produce from a certain country based on their knowledge of published reports of sanitation in that country, reports of violative pesticide residues, or specific reports of disease associated with a particular commodity.



CHAPTER 504

SPECIALIZED AGRICULTURAL PRODUCT LABELING

PART I PRODUCE (ss. 504.011-504.014)

PART II ORGANIC FARMING AND FOOD (ss. 504.21-504.36)

PART I  
PRODUCE

PART II  
ORGANIC FARMING AND FOOD

- 504.011 Short title.
- 504.012 Label marking permitted; removal prohibited.
- 504.013 Penalties.
- 504.014 Enforcement.

**504.011 Short title.**—This part shall be known and may be cited as the "Produce Labeling Act of 1979."  
History.—s. 1, ch. 79-121; s. 2, ch. 90-322.

**504.012 Label marking permitted; removal prohibited.**—

(1) All producers, growers, and shippers of fresh fruits and vegetables and bee pollen and honey in this state shall be permitted to mark each individual fruit or vegetable, package of bee pollen, or package of honey in a conspicuous place as legibly, indelibly, and permanently as the nature of the fruit or vegetable, package of bee pollen, or package of honey will permit, in such manner as to indicate to an ultimate purchaser that the product was produced in Florida. Any fresh fruit or vegetable, package of bee pollen, or package of honey, including any package containing foreign honey blended with domestic honey, produced in any country other than the United States and offered for retail sale in Florida shall be marked individually in a conspicuous place as legibly, indelibly, and permanently as the nature of the fruit or vegetable, package of bee pollen, or package of honey will permit, in such manner as to indicate to an ultimate purchaser the country of origin. Markings shall be done prior to delivery into Florida.

(2) All retail vendors engaged in the business of selling products labeled or identified as to origin shall be prohibited from willfully and knowingly removing such labels or identifying marks.

History.—s. 2, 3, ch. 79-121; s. 367, ch. 81-259; s. 2, ch. 83-14.

**504.013 Penalties.**—Any person, firm, or corporation engaged in the business of the retail vending of fresh fruits, fresh vegetables, bee pollen, or honey who willfully and knowingly removes any labels or identifying marks from fruits, vegetables, bee pollen, or honey so labeled is guilty of a noncriminal violation as defined in s. 775.08(3) and upon conviction shall be punished as provided in s. 775.082(5) by a civil fine of not more than \$500.

History.—s. 4, ch. 79-121; s. 3, ch. 83-14.

**504.014 Enforcement.**—The Department of Agriculture and Consumer Services shall be responsible for enforcing the provisions of this part.

History.—s. 5, ch. 79-121; s. 3, ch. 90-322.

- 504.21 Short title.
- 504.22 Purpose.
- 504.23 Definitions.
- 504.24 Department's duties and responsibilities.
- 504.25 Certain acts prohibited.
- 504.26 Certification of organic food.
- 504.27 Duties of certifying agent.
- 504.28 License and fee.
- 504.29 Organic food standards.
- 504.31 Organic food advisory council.
- 504.32 Rulemaking authority.
- 504.33 Inspection, sampling, analysis, and enforcement.
- 504.34 Penalties; duties of law enforcement officers; injunctive relief.
- 504.35 Labeling and advertisement.
- 504.36 Disposition of fees, fines, and penalties.

**504.21 Short title.**—This part shall be known as the "Florida Organic Farming and Food Law."

History.—ss. 1, 6, ch. 90-322; s. 4, ch. 91-429.

**504.22 Purpose.**—The purpose of this part is to provide a regulatory framework to protect consumers, producers, and retailers who desire to purchase, market, or produce organic foods as described in this part, as well as to protect conventional agriculture and organic agriculture against false labeling, misleading advertising, and fraudulent practices in the marketplace.

History.—ss. 1, 6, ch. 90-322; s. 4, ch. 91-429.

**504.23 Definitions.**—For the purposes of this part, the following terms shall have the following meanings:

(1) "Organic farming" means a food production system based on farm management methods or practices that rely on building soil fertility by utilizing crop rotation, recycling of organic wastes, application of unsynthesized minerals, and, when necessary, mechanical, botanical, or biological pest control.

(2) "Organic food" means a food which is labeled as organic or organically grown and which has been produced, transported, distributed, processed, and packaged without the use of synthetic pesticides, synthetically compounded fertilizers, synthetic growth hormones, or artificial radiation and which has been verified by a certifying agent as complying with all provisions of this part and rules adopted under this part.

(3) "Certifying agent" means an independent third party whose certifying standards meet or exceed the minimum guidelines set by nationally recognized

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grower groups, such as the Organic Food Producers Association of North America, and who is licensed by the department to certify foods as organic.

(4) "Certified" means any food that is verified by a certifying agent as being produced in accordance with this part and rules adopted under this part.

(5) "Synthetic" means a material that is manufactured chemically, by synthesis, from its elements or from other chemicals, as compared to a material found in nature.

(6) "Department" means the Department of Agriculture and Consumer Services.

History.—ss. 1, 6, ch. 90-322; s. 4, ch. 91-429.

504.24 Department's duties and responsibilities.

The department shall have the authority to enforce the provisions of this part, enter into reciprocity agreements with other states' departments of agriculture, and require records to be maintained by the certifying agent. The department shall work with nationally recognized grower groups, such as the Organic Food Producers Association of North America, in formulating its policies. The department, in implementing chapter 571, may implement a program to promote organically produced Florida agricultural products.

History.—ss. 1, 6, ch. 90-322; s. 4, ch. 91-429.

504.25 Certain acts prohibited.—The following acts, or the causing thereof knowingly, are prohibited:

(1) The certification of food as organic by any certifying agent without a license issued by the department, or the certification of any food in violation of the provisions of this part and rules adopted under this part.

(2) The labeling, advertising, or otherwise representing of food to be organic by any producer, handler, distributor, or retailer unless the food complies with all of the provisions of this part and rules adopted under this part.

(3) The selling or offering for sale of food as organic which does not comply with all of the provisions of this part and rules adopted under this part.

(4) The buying, selling, or offering for sale of any organic food by any handler, distributor, or retailer who has not notified the department.

History.—ss. 1, 6, ch. 90-322; s. 4, ch. 91-429.

504.26 Certification of organic food.—Any producer who sells or intends to sell organic food shall make application to a certifying agent for inspection and certification in accordance with requirements of this part and rules adopted under this part.

History.—ss. 1, 6, ch. 90-322; s. 4, ch. 91-429.

504.27 Duties of certifying agent.—The duties of a certifying agent shall include, but not be limited to:

(1) Inspecting and verifying that all certification requirements have been met.

(2) Keeping all records necessary to document that food certified was produced, processed, stored, manufactured, and transported in accordance with all certification requirements of this part.

History.—ss. 1, 6, ch. 90-322; s. 4, ch. 91-429.

504.28 License and fee.—

(1) Prior to certifying food as organic, a certifying agent shall make application to the department for a license. Such application shall be on a form provided by the department and shall be accompanied by an annual license fee as established by rule of the department. The fee shall be sufficient to cover the costs of administering this part. Upon approval of the application by the department, a license shall be issued. Such licenses shall expire each June 30th. Reapplication is required for renewal.

(2) Before buying, selling, or offering for sale any organic food, any handler, distributor, or retailer shall notify the department in a form and manner as required by the department. The term "retailer" as used in this part shall not include food service establishments licensed pursuant to chapter 509.

History.—ss. 1, 6, ch. 90-322; s. 4, ch. 91-429; s. 47, ch. 95-144.

504.29 Organic food standards.—Food shall be certified as organically grown when all the following conditions are met:

(1) The food is produced without the use of artificial radiation, synthetic pesticides, synthetic plant or soil amendments, or synthetically compounded fertilizers.

(2) In the case of perennial crops, the food is grown in soil or growth medium free of the application of synthetic pesticides, synthetic soil and plant amendments, and synthetic fertilizer materials, for 3 years prior to harvest.

(3) In the case of annual crops and 2-year crops, the food is grown without the use of synthetic pesticides, synthetic soil and plant amendments, and synthetic fertilizer materials, for 3 years prior to planting.

(4) There are no residues of synthetic pesticides, except for residues resulting from environmental contaminants or drift. These residues shall be no greater than 1 percent of the tolerances or guidelines established by the United States Environmental Protection Agency or the United States Food and Drug Administration, or both. The department shall take as its guideline the federal rules in effect as of February 1, 1990.

(5) In the case of meat, poultry, fish, or other animal, each is produced with certified organic feed and supplements throughout the life of the animal and without the use of any chemical or drug to stimulate or regulate growth or tenderness and without any drugs or antibiotics administered or introduced to such animal by injection or ingestion, from birth to slaughter, except for treatment of a specific disease. Drugs or antibiotics may not be administered or introduced to the animal within 120 days of the slaughter of the animal.

History.—ss. 1, 6, ch. 90-322; s. 4, ch. 91-429.

504.31 Organic food advisory council.—

(1) ORGANIZATION.—There is created within the department the organic food advisory council to consist of nine members appointed by the Commissioner of Agriculture for 4-year staggered terms. The membership shall include a representative of the Florida Certified Organic Growers and Consumers, a representative of the Florida Fertilizer and Agrichemical Association, two producers of organic food, two retailers of organic food, one handler-broker of organic food, and

# North Dakota Grocers Association

PO Box 758 • Bismarck, North Dakota 58502 • Phone (701)223-4106 • Fax (701)223-6783

## TESTIMONY ND Grocers Association...S.B. #2270

NDGA opposes S.B. #2270, not because we don't want people to know where our products come from, but because it appears to be burdensome and unworkable.

County of origin labeling would lead to increased costs with no discernable food safety benefit.

At this time, the U.S. Congress has directed the U.S. Secretary of Agriculture to study the impacts of mandated county of origin labeling.

Existing Federal law, already sets requirements for identifying the county of origin of imports, including food products. It is our belief, that this legislation could be burdensome and have no inherent ability to increase food safety.

The great majority of imported produce enters this country to satisfy consumer demand for year-round availability of fresh fruits and vegetables. For many commodities, such as grapes, winter vegetables and specialty fruits, there simply is not enough domestic produce to meet consumer needs.

In a great many cases, we do not know where our products come from because our wholesalers do not make info available. It is from our wholesalers that 95% of our groceries come from.

This bill does exclude restaurants!!

Ex: Buy products at local grocery store...they must be labeled.  
Those same products at the restaurant do not.

Finally Mr. Chairman, I don't believe we need more legislation that can find us guilty of something that usually is out of our control.

I urge a DO NOT PASS on S.B.#2270



February 1, 1999

## Country-of-Origin Labeling Battle Unfolds

As reported, Rep. Helen Chenoweth (R-ID) has introduced legislation (H.R. 222) to "require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin." Last week, FMI asked you to contact your representatives and urge them not to cosponsors H.R. 222, especially before knowing the results of the study by the U.S. Department of Agriculture on the retail ramifications of country-of-origin labeling due to Congress this spring. (See 1/25 *Washington Report*.) In addition to Rep. Chenoweth's bill, there are several proposals in the Senate.

Minority Leader Tom Daschle (D-SD) introduced the Agricultural Safety Net and Market Competitiveness Act of 1999 (S. 19). It requires imported beef, lamb and pork muscle cuts and ground meat offered for retail sale to be identified by country of origin. Sen. Conrad Burns (R-MT) introduced legislation (S. 251) on January 19 that requires country-of-origin labeling for imported beef and lamb. Sens. Tim Johnson (D-SD) and Mike Enzi (R-WY) introduced legislation (S. 241 and S. 242 respectively) on January 19. S. 241 changes current quality grade labeling requirements to block imported beef and lamb that is slaughtered in this country from receiving a USDA quality grade. S. 242 requires the labeling of imported meat and meat food products.

FMI is a leading member of the Food Industry Trade Coalition, a group of 30 plus trade associations and food companies that view country-of-origin labeling mandates as protectionist burdens that offer no meaningful benefit to consumers. In addition to FMI's letter to the hill, the coalition sent a letter to members of the House and Senate outlining the industry's concerns last week. FMI is also meeting with targeted members of Congress on key committees on the issue. In order for our efforts in Washington to be successful, **we need you** to contact your members of Congress to urge them not to cosponsor proposals mandating country-of-origin labeling. See last week's *Issuegram* for a list of talking points. Contact Nancy Yanish for more information.

### Beltway "Briefs"

- House Majority Leader Dick Armey called for an across-the-board 10 percent tax cut in a letter to his Republican colleagues last week. Armey is expected to introduce his own tax cut bill in the next few weeks.
- According to Republican and Democratic staffers, electricity deregulation is one of the biggest goals of the Senate Energy and Natural Resources Committee and the House Commerce Energy and Power Subcommittee. Nuclear waste removal is another top issue.
- Former House Appropriations Chairman Bob Livingston (R-LA) will resign his seat by the end of February. The would-be Speaker of the House decided to speed his exit when top-tier candidate, former Gov. David Treen, entered the race for his seat last Monday.

## Senate Majority Leader Outlines Agenda

Senate Majority Leader Trent Lott (R-MS) promised to quickly turn to legislation after the impeachment trial of President Clinton ends. On January 27, Sen. Lott outlined an ambitious agenda for the year, including tax relief (specifically elimination of the estate tax), managed care reform, fast track trade negotiating authority, regulatory reform and Year 2000 compliance, among other things. Lott also expressed his support for many of the budget process reforms proposed by Budget Committee Chairman Pete Domenici (R-NM), including biannual budgeting, which will likely be opposed in the House because members terms are only two years. The Majority Leader also said senators should not be allowed to add legislative riders to appropriations bills.

**North Dakota Pork Producers Council resolution of support for SB 2270**

The North Dakota Pork Producers Council supports the passage of SB 2270.

The pork producers of North Dakota produce the leanest, safest, high quality pork in the world. The citizens of our state deserve to know that the pork they buy at the grocery store meets these standards.

During the recent historically low price cycle, we have asked packers to process American hogs first. We could not get that commitment. This legislation will allow the consumer to make a conscious decision to support North Dakota producers.



Daryl Dukart  
President, North Dakota Pork Producers Council

## Washington

### **69.04.940. Imported lamb products--Labeling requirements**

All retail sales of fresh or frozen lamb products which are imported from another country shall be labelled with the country of origin. For the purposes of this section "imported lamb products" shall include but not be limited to, live lambs imported from another country but slaughtered in the United States.

this section.

6. **Penalty.** A person who fails to comply with the provisions of this section commits a civil violation and may be adjudged a fine not more than \$100. Each day in violation constitutes a separate offense.

7. **Repealed.** Laws 1991, c. 506, s 2, eff. June 24, 1991.

## Nevada

### **583.045 Selling or offering to sell product of foreign country without label stating country of origin prohibited; penalty.**

1. No person or corporation may sell or offer for sale to the consumer through a meat market, store or otherwise any meats, either fresh or frozen, which are products of any country foreign to the United States, without first indicating such

2. Any person violating any of the provisions of this section is guilty of a misdemeanor.

### **585.350 Misbranded food.**

A food shall be deemed to be misbranded:

...

5. If it is not labeled as required by NRS 583.045.

## Texas

### **s 93.030. Labeling**

(a) Citrus fruit that is packed or offered for shipment under this chapter shall be marked with its official grade or labeled or stamped with a registered brand or trademark.

(b) Grapefruit that is transported, marketed, or sold in this state in original perishable form shall be marked with the name of the state or foreign country of its origin in letters that are at least three-sixteenths of an inch high, or with individual trade names or copyrighted trademarks that sufficiently identify the state or foreign country of origin.

(c) Subsection (b) of this section is satisfied if not more than 25 percent of a lot of citrus fruit is improperly or partially marked.

(d) A person may not pack citrus fruit in a used container or subcontainer unless the markings, certificates of inspection, and designations of brand, trademark, quality, and grade that do not apply to the contents have been removed or obliterated.

## **FLORIDA**

### **504.012. Label marking permitted; removal prohibited**

(1) All producers, growers, and shippers of fresh fruits and vegetables and bee pollen and honey in this state shall be permitted to mark each individual fruit or vegetable, package of bee pollen, or package of honey in a conspicuous place as legibly, indelibly, and permanently as the nature of the fruit or vegetable, package of bee pollen, or package of honey will permit, in such manner as to indicate to an ultimate purchaser that the product was produced in Florida. Any fresh fruit or vegetable, package of bee pollen, or package of honey, including any package containing foreign honey blended with domestic honey, produced in any country other than the United States and offered for retail sale in Florida shall be marked individually in a conspicuous place as legibly, indelibly, and permanently as the nature of the fruit or vegetable, package of bee pollen, or package of honey will permit, in such manner as to indicate to an ultimate purchaser the country of origin. Markings shall be done prior to delivery into Florida.

(2) All retail vendors engaged in the business of selling products labeled or identified as to origin shall be prohibited from willfully and knowingly removing such labels or identifying marks.

### **500.11. Food deemed misbranded**

(1) A food is deemed to be misbranded:

....

(1) If it is a fresh fruit or vegetable or a package of honey or bee pollen not labeled in accordance with the provisions of s. 504.012 or not otherwise labeled in such a manner as to indicate to an ultimate purchaser the country of origin.



## Arkansas

### 20-61-101 Foreign fish.

(a) No fresh, cold storage, or frozen fish produced outside this state or in any foreign country and imported in the United States shall be sold or offered for sale in this state by any food establishment unless:

(1) The package or container containing the food bears a statement in writing naming thereon the country of origin, the date of packaging, and the common name of all fish contained therein; and

(2) The fish has been packaged and processed under sanitary conditions equal to the standards required by the laws and regulations of this state for fish processing plants.

(b)(1) Outlets serving cooked, fresh, cold storage, or frozen fish at retail which display on the menu or in some conspicuous public place in the outlet the identity of the country of origin and the common name of all fish as reflected on the menu or sold in the outlet shall be deemed as having satisfied the requirements of subdivision (a)(1) of this section.

(2) All suppliers of any fresh, cold storage, or frozen fish shall furnish to the distributor or retailer to which the products are sold in this state an affidavit that all products are properly labeled, as required in this section, with respect to the country of origin of and the contents of any foreign imported fish. This affidavit shall include a certificate that the supplier has caused each of the products to be properly labeled in conformance with the requirements of this section.

(3) In addition, all suppliers of any fresh, cold storage, or frozen fish shall furnish to any distributor or retailer to which the product is sold in this state proof that the fish has been packaged and processed under sanitary conditions equal to the sanitary conditions required of fish processing plants in this state. The proof may be upon certification by the Arkansas Department of Health, or certification by the United States Food and Drug Administration, or other appropriate federal agency that the processing plant in which the fish was packaged or processed meets sanitary conditions within at least the minimum requirements of the laws and regulations of this state for fish processing plants, or proof may be upon the certification of the supplier that the fish packaged or processed outside this state, or in a foreign country, was packaged or processed in a fish processing plant that meets at least the minimum requirements of the laws and regulations of this state for sanitary conditions for fish processing plants.

(c) Any supplier of fresh, cold storage, or frozen fish or any distributor or retailer who sells any fish in this state in violation of the provisions of this section shall each be individually and severally subject to the criminal penalties as provided in subsection (d) of this section.

(d)(1) Violations of the provisions of this section shall be punishable for a first offense by a fine of not less than twenty-five dollars (\$25.00) nor more

than one hundred dollars (\$100) or by imprisonment in the county jail for a period not exceeding thirty (30) days.

(2) Subsequent violations of this section shall be punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or by imprisonment in the county jail for not more than ninety (90) days, or by both fine and imprisonment.

(3) Each separate violation of the provisions of this section shall constitute a separate offense and shall be punishable accordingly.

## **Maine**

### **530. Country of origin required**

1. Label required. Fresh produce imported from a foreign country must be labeled in accordance with this section in order to protect the health, safety and welfare of Maine citizens from the dangers of pesticides used or applied in a manner or at a rate disallowed in the United States.

A. Fresh produce sold or offered for retail sale in this State that was grown or raised in a foreign country designated by the Commissioner of Agriculture, Food and Rural Resources by rule under subsection 2 must be identified by labeling with the country of origin as provided in paragraphs B to D.

B. Except as provided in paragraph D, each item of fresh produce offered for retail sale as an individual unit must be individually labeled in accordance with subsection 3.

C. Except as provided in paragraph D, fresh produce packaged in consumer units must be labeled in accordance with subsection 3. For purposes of this section, banana and grape clusters are a consumer unit.

D. Fresh produce that is not labeled in accordance with paragraph B or C may be sold at retail if the labeling information required by subsection 3 appears on a bin label or placard contiguous to the produce being displayed for retail sale or on the original shipping container if it contains the produce offered for sale.

2. Rules. The commissioner shall, by rule promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, > (FN1) require country of origin labeling for the retail sale of fresh produce that is grown or raised in foreign countries that allow application of pesticides to produce that are banned for use in the United States, or that are not banned but are applied at rates or in a manner not allowed in the United States under federal law, if the produce imported from the foreign country into the United States is sold for human consumption in this State and the residues of the pesticides have unknown effects on human health or have known adverse effects on human

health. For purposes of this section, a foreign country is a jurisdiction that is not subject to pesticide regulation by the United States.

A. The findings supporting a rule shall include, but not be limited to, the following findings.

(1) A foreign country allows application of a pesticide that is banned for use with respect to produce for human consumption in the United States under federal law or allows application of a pesticide not banned at rates or in a manner not allowed in the United States under federal law.

(2) Fresh produce from the foreign country may contain residues of the pesticide that is banned for use with respect to produce for human consumption in the United States or may contain higher levels of residues of pesticides which are not banned than produce from the United States.

(3) The residues under subparagraph (2) have unknown effects on human health or known adverse effects on human health.

B. The commissioner shall review the rules at least annually in order to update the list of countries identified to be as inclusive as possible.

3. Label statement. The country of origin label shall:

A. Clearly state the country in which the fresh produce was raised or grown;

B. Be conspicuously and prominently placed so as to be easily seen by the consumer; and

C. Be as legible, indelible and permanent as the nature and display of the product allow without causing adulteration to the product.

4. Educational program. Subject to available funding, the department shall institute an educational program designed to inform the general public about this section. This program must include, but not be limited to, dissemination of information about the countries and produce affected and the pesticides, residues and known and potential adverse health effects of those pesticides. This dissemination must be made by at least the following:

A. Brochures to be made available to consumers through retail outlets; and

B. Media coverage, such as public service announcements, press releases and press conferences.

5. Enforcement. If inspection personnel of the department find that fresh produce is not properly labeled as required by this section, the commissioner shall issue a stop order for the product until it is labeled in accordance with