

SENATE COMMITTEE ON
AGRICULTURE AND NATURAL RESOURCES

April 30, 2003
8:00 AM

Hearing Room HR B
Tapes 70 - 72

MEMBERS PRESENT: **Sen. Frank Shields, Chair**
 Sen. Roger Beyer, Vice-Chair
 Sen. Tony Corcoran
 Sen. Bill Fisher

STAFF PRESENT: **Judith Callens, Committee Administrator**
 Megan Jensen, Committee Assistant

MEASURE/ISSUES HEARD: **SB 576 Work Session**
 HB 2258 Public Hearing and Work Session
 HB 2957A Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 70, A		
005	Chair Shields	Calls the meeting to order at 8:10 a.m. Opens work session on SB 576.
<u>SB 576 – WORK SESSION</u>		
010	Judith Callens	Committee Administrator. Provides overview of SB 576.
015	Sen. Beyer	MOTION: Moves SB 576 to the floor with a DO PASS recommendation.
020		VOTE: 3-0
	Chair Shields	EXCUSED: 1 - Sen. Fisher Hearing no objection, declares the motion CARRIED. SEN. BEYER will lead discussion on the floor. Closes work session on SB 576
<u>HB 2258 -- PUBLIC HEARING</u>		
030	Judith Callens	Committee Administrator. Provides overview of HB 2258.
040	Rod Harder	Oregon Trappers Association, Oregon United Houndsmen Association. States support for HB 2258.
047	Al Elkins	Oregon Hunters Association. States support for HB 2258.
050	Larry Cooper	Oregon Department of Fish and Wildlife (ODFW). Provides testimony in support of HB 2258 (EXHIBIT A).
077	Chair Shields	Asks if there are any problems in HB 2258.
080	Cooper	Replies that there are no apparent problems with HB 2258.
083	Katie Fast	Oregon Cattlemen Association. States support for HB 2258.
092	Greg Addington	Oregon Farm Bureau. States support for HB 2258.
099	Robert Botta	National Foundation for Wildlife. Provides testimony in support of HB 2258 (EXHIBIT B). Explains that the Access and Habitat Board increases hunter opportunities by creating access to hunting lands and should be supported with surcharges on hunting licenses. Asks the committee to direct the Access and Habitat Board to make funding available to do a detailed study to identify those public lands to which general public access is denied.

130	Sen. Beyer	Comments that budget issues should be discussed with ODFW and Ways and Means.
138	Cooper	Explains that ODFW will work with Botta to address budget concerns.
150	Chair Shields	Closes public hearing and opens work session on HB 2258.
<u>HB 2258 – WORK SESSION</u>		
160	Sen. Beyer	Notes a potential personal conflict with the bill.
165	Sen. Beyer	MOTION: Moves HB 2258 to the floor with a DO PASS recommendation.
170		VOTE: 3-0
	Chair Shields	EXCUSED: 1 - Sen. Fisher
		Hearing no objection, declares the motion CARRIED.
		SEN. BEYER will lead discussion on the floor.
		Closes work session on HB 2258 and opens public hearing on HB 2957A.
<u>HB 2957A – PUBLIC HEARING</u>		
185	Judith Callens	Provides overview of HB 2957A and -A2 (EXHIBIT C), -A3 (EXHIBIT D) and -A4 (EXHIBIT E) amendments.
230	Joe Gilliam	Oregon Grocery Association (OGA). Provides testimony in support of HB 2957A (EXHIBIT F). Explains that HB 2957A: <ul style="list-style-type: none"> • Protects consumers by supporting labeling requirements approved by the Food and Drug Administration (FDA) or the United States Department of Agriculture (USDA) and prohibiting local labeling laws that bypass their approval process • Protects Oregon businesses and their employees by prohibiting local labeling requirements that may make their products unmarketable to other jurisdictions or states • Protects consumer choice by prohibiting local labeling requirements that might otherwise make it financially impossible to offer national food products • Does not prohibit the Oregon Department of Agriculture (ODA) from imposing Oregon-only labeling standards when the federal government has not addressed a given issue • Does not prevent statewide initiatives that circumvent the FDA and USDA standards
335	Robert Miller	Trailblazer Food Products. Provides testimony in support of HB 2957A (EXHIBIT G). Believes that food processor businesses will be unable to compete in the global marketplace if statewide or locals labeling laws are passed.
391	Sen. Corcoran	Asks if any products used by Trailblazer Foods are genetically modified.
397	Miller	Explains that any product containing corn syrup cannot be considered free of genetically modified organisms (GMO), which means that anything Trailblazer Foods makes with corn syrup cannot be certified GMO-free.
407	Gilliam	Explains that a federal mandate to label GMO food would be acceptable.
TAPE 71, A		
010	Rep. Floyd Prozanski	District 8 State Representative. Provides testimony in opposition HB 2957A. Explains that HB 2957A would limit information that

		consumers have a right to know.
052	Sen. Corcoran	Inquires how a national product could be marketed on a local level if there were different labeling rules among local jurisdictions.
068	Rep. Prozanski	Believes the bill is very broad and limits the state from instituting any requirements more informative than federal requirements. Suggest the removal of subsection 2.
081	Sen. Corcoran	Clarifies that Rep. Prozanski suggests keeping subsection 1 and deleting subsection 2.
085	Rep. Prozanski	Explains that the state should not be prohibited from having labeling requirement that are stricter and provide more information than federal labeling laws.
090	Rick North	Washington County. Provides testimony in opposition to HB 2957A (EXHIBIT H). Discusses the use of recombinant bovine growth hormone (rBGH) in cows. Believes food labeling is meant to inform and protect the consumer and if federal labeling standards are not adequate, the state should have the right to enforce their own labeling standards. Talks about research on genetically modified foods.
225	Chair Shields	Asks about his comment that no cities have implemented food labeling laws and no cities are considering it. Wonders if there are groups that are considering initiatives at a local level.
230	North	Responds that he has never heard of any group attempting to initiate food labeling laws at the local level. Discusses state action on passing food labeling laws across the nation
272	Chair Shields	Asks if cancer-causing contaminants are required to be listed food products in California.
283	North	Affirms.
285	Chair Shields	Asks about labeling milk with rBGH.
292	North	Responds that he is unsure how many states label milk with rBGH.
304	Sen. Beyer	Asks why the issue concerns him if there are no localities planning to institute food labeling laws.
315	North	Explains his concern with HB 2957A is that states cannot go further than the federal government with stringent food labeling laws. Believes there is a lack of clarity on whether states can make decisions in areas where the FDA is deficient..
394	Kate Miller	Multnomah County. Provides testimony in opposition to HB 2957A (EXHIBIT I). Believes that federal food labeling should inform and protect consumers but often falls short of that goal. Provides an example of changing the label for “irradiated” food products to “pasteurized” food products..
TAPE 70, B		
005	Miller	Continues testimony in opposition to HB 2957A.
056	Dirk Davis	Unified Western Grocers. Provides testimony in support of HB 2957A. Discussion problems relating to the distribution of food products with different labeling requirements.
092	Chair Shields	Asks about rBGH-free milk producers in Oregon.
102	Davis	States rBGH-free milk brands are carried by many grocery stores.
128	Chair Shields	Asks if state rBGH-free milk labeling requirements are different from federal laws.
130	Davis	Explains that rBGH-free milk can be distributed in Oregon but there may be problems exporting the milk outside of Oregon.
133	Steve Loendorf	Reser Fine Foods. Provides testimony in support of HB 2957A.

		Discusses labeling regulations for Reser food products and the financial issues surround food labeling.
235	Sen. Beyer	Asks if there is anything to prohibit a company from putting additional information on their food labels by choice.
244	Loendorf	Responds that there are a several items that cannot be put on a food label and elaborates.
249	Chair Shields	Asks if “irradiated” can still be used rather than “pasteurized” on food labels.
261	Sen. Beyer	Asks if GMO labeling is required on food product labels.
265	Loendorf	Says that the producer can choose to put “GMO-free” on food products.
280	Callens	Clarifies the effective dates contained in the –A2 and –A3 amendments.
310	Laurie Heilman	First Alternative Cooperative. Provides testimony in opposition to HB 2957A. States that consumers of First Alternative Cooperative desire information about food products, including food production methods, effects on the environment, and GMO foods.
TAPE 71, B		
005	Heilman	Continues testimony in opposition to HB 2957A. Talks about the history of attempting to require better labeling practices at the state and federal level.
045	Chair Shields	Asks if GMO labeling is required in other countries.
046	Heilman	Affirms.
050	Chair Shields	Inquires why other countries were able to fight successfully for GMO required labeling.
052	Heilman	Believes consumer preferences and government sympathy to consumers played a large role.
055	Sen. Beyer	Asks for more clarification about how the bill affects First Alternative Cooperative.
060	Heilman	Responds that First Alternative Cooperative does not have access to the information that consumers want on GMO foods.
064	Sen. Beyer	States that First Alternative Cooperative can choose to sell only those products for which GMO information can be obtained.
073	Chair Shields	Asks if there are companies that are so big they can survive without special marketing to the small number of people who want GMO-free foods.
086	Heilman	Affirms and provides an example of Kraft foods being able to market GMO-free foods for other countries.
105	Sen. Beyer	Asks if there are alternative choices for GMO-free food products.
110	Heilman	Responds that there are some alternatives if consumers are aware of what they are consuming, but that consumers have to go out of their way to get information about food products.
135	Mel Bankoff	Emerald Valley Kitchen. Provides testimony in opposition to HB 2957A (EXHIBIT J). Expresses concern that HB 2957 threatens state freedom to exercise both initiative and legislative processes in regard to food labeling.
235	Bankoff	Continues testimony in opposition to HB 2957A.
275	Gary Conkling	Oregon Winegrowers Association. Provides testimony on HB 2957A (EXHIBIT K). States he has a neutral stance on HB 2957A but expresses concern for labeling requirements on wine and requests the –A4 amendment be passed.
320	Ken Yates	Northwest Food Processors Association. Provides testimony in

		support of HB 2957A. States HB 2957A ensures uniform food labeling requirements throughout Oregon. Believes consistent, scientifically sound and enforceable laws that maintain an equitable playing field for processors and reliable information for consumers is sound public policy.
370	Sen. Corcoran	Takes issue with the assertion that local governments do not have the financial or technical resources to promulgate rational food labeling rules and talks about how Oregon organic labeling requirements eventually became federal law.
404	Yates	Explains that the intention of his comment was that the state does not have the financial resources in this time of budget shortfalls.
TAPE 72, A		
005	Jean Wilkinson	Oregon Farm Bureau. Provides testimony in support of HB 2957A Comments on the costs associated with food labeling laws. States that the issue should be dealt with on a federal basis instead of a local basis.
050	Sen. Beyer	Asks for clarification from ODA on subsection 2 of section 1 in HB 2957A.
050	Ron McKay	ODA Food Safety Division. States ODA finds subsection 2 acceptable.
061	Sen. Corcoran	Inquires if ODA accepts the language that places a restriction on the state government and ODA labeling abilities.
063	McKay	Responds that the state can put regulations into effect if federal regulations do not exist.
074	Chair Shields	Inquires about other states that are more strict with food labeling regulations.
081	McKay	Responds that he is unaware of other state policies. States that Oregon has had regulations that have gone beyond federal regulations in the past when no federal regulations were in place.
086	Chair Shields	Asks about the legal interpretation of the phrase "if a food is subject to a federal requirement."
091	McKay	Responds he is unsure of the legal intent of the phrase and elaborates.
100	Sen. Corcoran	Inquires if HB 2957A had been in effect at the time the Oregon organic food law was passed, whether the organic food law could not have been passed.
104	McKay	Explains that if the USDA National Organic Program was not in place at the time, Oregon could have adopted its own organic food laws.
110	Maureen Kirk	Oregon State Public Research Interest Group. Provides testimony in opposition to HB 2957A (EXHIBIT M). Believes the state should preserve its authority to supplement federal regulation and protect Oregon consumers.
155	Chair Shields	Closes public hearing on HB 2957A and adjourns meeting at 10:15 a.m.

EXHIBIT SUMMARY

A – HB 2258, written testimony, Larry Cooper, 2 pp.

B – HB 2258, written testimony, Robert Botta, 1 p.

C – HB 2957A, HB 2957-A2 amendments dated 4/21/03, staff, 1 p.

D – HB 2957A, HB 2957-A3 amendments dated 4/25/03, staff, 1 p.

E – HB 2957A, HB 2957-A4 amendments dated 4/29/03, staff, 1 p.

F – HB 2957A, written testimony, Joe Gilliam, 2 pp.
G – HB 2957A, written testimony, Robert Miller, 2 pp.
H – HB 2957A, written testimony, Rick North, 3 pp.
I – HB 2957A, written testimony, Kate Miller, 2 pp.
J – HB 2957A, written testimony, Mel Bankoff, 1 p.
K – HB 2957A, written testimony, Gary Conkling, 2 pp.
L – HB 2957A, written testimony, Ken Yates, 2 pp.
M – HB 2957A, written testimony, Maureen Kirk, 2 pp.
N – HB 2957A, written testimony, Lynn Coody, 2 pp.