

LINDA LINGLE
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Chairperson, Board of Agriculture

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State of Hawaii
DEPARTMENT OF AGRICULTURE
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**TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON HEALTH
AND
THE HOUSE COMMITTEE ON HUMAN SERVICES AND HOUSING
WEDNESDAY, FEBRUARY 6, 2008
8:00 A.M.**

**HOUSE BILL NO. 3332
RELATING TO PRE-PACKAGED MEAT**

Chairpersons Green and Shimabukuro and Members of the Committees:

Thank you for this opportunity to provide testimony on House Bill No. 3332 relating to pre-packaged meat with gas or other technology to enhance its color only. The Department of Agriculture is in support of the intent of this measure and offers comments.

While it may be generally accepted that treating meat with safe levels of carbon monoxide is not harmful, there are other concerns surrounding the treatment of meat in this manner. The red meat color resulting from the gas treatment may deceive the consumer into thinking that the meat is fresher than it is. It is possible for the meat to appear fresh but to have high bacterial levels indicative of spoilage even though the meat is within the labeled 'use, sell or freeze by' date listed on the package.

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HAWAII TEAMSTERS AND ALLIED WORKERS, LOCAL 996

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Representative John Mizuno, Vice-Chair
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Representative Maile Shimabukuro, Chair
Representative Karl Rhoads, Vice-Chair
Committee on Human Services and Housing

Glenn Ida
Hawaii Teamsters Local 996
295-1280

Date: Feb. 6, 2008, 8am, room 329

Re: HB3332, Relating to Pre-packaged Meat.

The Hawaii Teamsters Local 996 negotiates and enforces over 50 contracts serving 6000 members in various industries in Hawaii and Guam. We represent the meat cutters, Fish cutters and wrappers at Don Quiote (formerly Daiei, Hi.) and Times Market, which is still in a Labor dispute with Local 996.

Since the Times Market Strike I've been investigating the alternative strategies that the Market may use to overcome the replacement of onsite meat processing to pre-packaged meat or Case Ready Meat. Which lead me to Meat and Poultry, an Industry newsletter, which lead me to Cargill. They process and distribute Sterling Silver beef products among other name brands.

Cargill is the second largest privately owned company in the United States. They reportedly made \$88.3 billion, last year. Products include Crop and Livestock, Food, Health and Pharmaceutical, Industrial and Financial Risk Management, Electricity and Gas. Cargill employs 158,000 workers, at 1100 locations, in 66 countries.

Being the biggest does not make you immune to problems. Because of their volume their problems fit the scale of their operation. In October of 2007, they recalled 844,812 pounds of frozen ground beef patties.

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In the following month of Nov. 2007, they recalled 1,084,384 pounds of ground beef. In both cases, E. coli 0157:H7 contamination was suspected.

The latest recall involves Westland Meat Co., which distributes meat from Hallmark, a chino based slaughterhouse accused of distributing beef from at risk cattle or Downed cattle (Livestock that cannot stand on their own). Sen. Akaka has been trying to pass S394, the Downed Animal and Food Protection Act. It is meant to keep Downed cattle out of the food chain. It has passed the Senate but cannot pass out of the Conference Committee.

HB3332 will amend the definition of adulterated meat, to include, when treated with gas or another technology for color enhancement only. It is not a process for sanitation. Meat Inspectors will have the authority to make a decision that might prevent an outbreak of tainted meat from getting to the consumer. With proper labeling the consumer will be aware of the contents of the product being purchased.

The Hawaii Teamsters Local 996, Supports HB3332.

Thank you for allowing me to testify.

**NATIONAL MEAT ASSOCIATION**

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The National Meat Association (NMA) respectfully submits these comments on H B 3332 to amend section 159-3 of the Hawaii Revised Statutes dealing with prepackaged meat.

NMA represents companies, both large and small, who produce meat products under federal inspection conducted by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS), pursuant to the Federal Meat Inspection Act, 21 USC § 601, *et. seq.* We are proud to have members in Hawaii.

It would appear that the current Hawaii statute parallels the FMIA in terms of what constitutes adulteration. However, the change under consideration does not appear in the FMIA. H B 3332 would amend the statute to provide that meat is adulterated, and illegal, if the meat product "is treated with gas or other technology to enhance its color only."

As an initial matter, we are uncertain as to the exact scope of the proposed amendment. Virtually all "case ready" or pre-packaged meat products are treated with a variety of gasses to *maintain* color during distribution. As we understand the process, none of these gases, whether it is oxygen, nitrogen or carbon monoxide, is used "solely" to *enhance* color.

In addition, we respectfully direct your attention to § 408 of the FMIA (21 USC § 678). This section provides that "Marking, labeling, packaging, or ingredient requirements in addition to, or different than, those made under the [FMIA] may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any establishment under inspection"

FSIS permits the use of gasses in the packaging of case ready product. The proposed bill would prohibit such use (by deeming products using this form of packaging adulterated). Accordingly, the Hawaii proposal adopts a packaging requirement which is different than the federal requirements. On this basis, we respectfully submit that the proposed amendment contained in H B 3332 as regards any product manufactured under inspection (and bearing the federal mark or inspection) would be preempted under § 408 of the FMIA and cannot be enforced.

We would welcome the opportunity to discuss this matter in more detail if you desire.

Respectfully,

Kenneth Mastracchio, Associate Director
National Meat Association

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