

HAWAII BEEKEEPERS' ASSOCIATION

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STATE TESTIMONY

AN AMENDMENT TO, AND TESTIMONY IN STRONG SUPPORT OF, SB2584 SD2, AS AMENDED

BEFORE THE HOUSE CPC COMMITTEE; MARCH 24, 2008, ROOM 325, AT 2:00 PM

Aloha Chairperson Herkes and Members of the Committee!

Reference is made to the attached Florida Proposed Rule for a **Revised Codex Standard of Identity** for honey. This document is the result of twenty years' work by the National Honey Board and the honey trade associations. This Codex is scientifically and legally sound and is the only rational standard of identify (SOI) that should be adopted by states by statute or by rule, or both.

Therefore, we herewith ask that the existing SB 2584, SD2 (SSCR2796) be amended as follows:

A. To include, in Section 3, by reference, the Revised Codex SOI for honey as the state's SOI for this commodity, a new Subsection 1, to whitt:

"1. By adopting, by reference herein, and by rules to be developed by the State Department of Agriculture, the Revised Standard 12-1981, Rev.1 (1987), and Rev.2 (2001) (subject to the requested deviations identified in the letter to the Docket Management Branch, dated March 3, 2006), as the Standard of Identity for Honey within the State of Hawai'i."

2. By changing the number of Subsection 1 to Subsection 2

"3. By amending the definition of "agricultural commodity to read: ""Agricultural commodity" means . . ." as is in existing subsection 2, but deleting the words "raw unprocessed" before the word "honey"."

B. To include, in Section 5, by reference, the Revised Codex SOI for honey as the state's SOI for this commodity, a new Subsection 1, to whitt:

"1. By adopting, by reference herein, and by rules to be developed by the State Department of Agriculture, the Revised Standard 12-1981, Rev.1 (1987), and Rev.2 (2001) (subject to the requested deviations identified in the letter to the Docket Management Branch, dated March 3, 2006), as the Standard of Identity for Honey within the State of Hawai'i."

2. By changing the number of Subsection 1 to Subsection 2

"3. By amending the definition of "agricultural commodity to read: ""Agricultural commodity" means . . ." as is in existing subsection 2, but deleting the words "raw unprocessed" before the word "honey" ."

C. To include, in Section 6, by reference, the Revised Codex SOI for honey as the state's SOI for this commodity by adding an new subsection 1, to whitt:

"1. By adopting, by reference herein, and by rules to be developed by the State Department of Agriculture, the Revised Standard 12-1981, Rev.1 (1987), and Rev.2 (2001) (subject to the requested deviations identified in the letter to the Docket Management Branch, dated March 3, 2006), as the Standard of Identity for Honey within the State of Hawai'i."

2. By changing the number of Subsection 1 to Subsection 2.

3. By changing the number of Subsection 2 to Subsection 3.

D. To include an additional Section 7 that will require that **rules will be adopted by the State Department of Agriculture** that will recognize the Revised Codex Standard of Identity for honey as the SOI in force within the state of Hawai'i; and

E. To include an additional Section 8 that will **give citizens the right to bring civil suits in courts** to enforce adherence to the state's SOI for honey, and

F. To renumber Sections 7 and 8 as Sections 9 and 10, respectively.

MMK

ADDITIONAL SOURCES OF INFORMATION: please refer to existing statutes and current actions undertaken in the State of Florida (Florida Statutes 586 [Honey Certification and Honey Bee Protection] and Florida Statutes 504.012 [COOL law] and Honeybees: www.flsenate.gov/index).

NOTES OF INTEREST: In 2001, the Revised Codex Standard for Honey was adopted by the 24Th Session of the Codex Alimentarius Commission as the international standard of honey, and the United States participated fully in the proceedings; however, the Codex passed by the Commission in 2001 did not apply to the U.S. because there was no identity for honey in U.S. law. In 2006 the five honey trade associations petitioned the FDA to adopt the Revised Codex (with certain deviations, so as to make it compliant with already existing laws pertaining to hygiene, etc. as you will note in the introduction to the attached copy of Codex. Note also that the FDA refused to act because of "other agency priorities."

The "Revised Codex Standard of Identity for Honey" is what the Codex Commission passed in 2001. It is said to be "revised" only because a requirement by Codex is they review all international laws under their purview every eight years. The above referenced document that was submitted to the FDA, and subsequently denied in August 2006, is properly referred to as "The Revised Codex Standard of Identity for Honey (with certain deviations.)" The reference to the deviations must be acknowledged since the "Codex" as passed by the Commission cannot be used in the US without some specific deviations as will become clear upon reading the first six pages of the attached Codex. It is the Revised Codex Standard of Identity for Honey (with certain deviations) that we request be adopted by the state. Our industry believes that as states adopt the Codex as their state's standard for honey, the FDA will have no choice but to adopt the Codex as the national standard.

Our industry understands that, even though passage of SB2584, as amended, will provide statutes and rules defining honey, this does not mean that the State will have the resources to initiate enforcement actions against someone dealing in adulterated honey or fake honey. The honey industry in Hawai'i, and elsewhere, because it will have Codex SOI as a rule, can use it to pursue legal remedies. We, as beekeepers here in Hawai'i, will be able to allege in civil court that a particular product does not meet the established SOI for honey and these allegations can be readily proven by commercially available analytic tests for adulteration. Therefore, to guarantee a citizen's right to sue in civil court to enforce violations of the Codex SOI we have requested that such a clause be added to this Bill as Section 8.



Florida Department of Agriculture and Consumer Services
CHARLES II. BRONSON, Commissioner
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Please Respond to:
Division of Food Safety
3125 Conner Blvd, C-18
Tallahassee, FL 32399-1650
Phone No.: 850/ 488-0295

MEMORANDUM

TO: Terry L. Rhodes, Assistant Commissioner

THROUGH: Joanne Brown, Deputy Commissioner

THROUGH: Richard D. Tritschler, General Counsel *RDT*

FROM: Marion Aller, Director, Division of Food Safety *MAller*

DATE: March 11, 2008

RE: Proposed Rule 5K-4.027 Standard of Identity – Honey

Attached is the new rule language to define and adopt a standard of identity for honey. This language has been developed with input from Division staff, Office of General Counsel, and Deputy Commissioner Joanne Brown to address concerns regarding what products may be legally sold as "honey".

Your review and approval is requested to proceed with the rule adoption process. If you have any questions or desire additional information please let me know.

cc: Dr. Joanne Brown



Florida Agriculture and Forest Products
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NOTICE OF PROPOSED RULE DEVELOPMENT

NAME OF AGENCY

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

RULE TITLE: Standard of Identity - Honey RULE NO: 5K-4.027

PURPOSE AND EFFECT: The purpose of this rule development is to establish a standard of identity for honey that is produced, packed, repacked, distributed and sold in Florida or from Florida. Development of this rule is meant to have the effect on controlling the pervasive, illegal practice of blending or diluting pure honey with low-cost syrups (i.e., sugar, cane, corn, etc.) thereby committing an economic fraud on both the permanent and transient residents of Florida. Preliminary guidelines have been drafted through a cooperative effort between the Department of Agriculture and Consumer Services and the Florida State Beekeepers Association to implement a needed standard of identity for honey. This rule will have an effect on those establishments permitted by the Department of Agriculture and Consumer Services who produce local honey or sell honey from Interstate Commerce.

SUBJECT AREA TO BE ADDRESSED: This rule development will address the creation of a standard of identity for honey, comprehensive prohibitions against the deliberate addition of any food ingredient or food additives other than honey, will set maximum moisture content for honey, set parameters for sugar constituents in honey and establish honey labeling guidelines.

SPECIFIC AUTHORITY: 500.09, 570.07(23), 586.10 FS.

LAW IMPLEMENTED: 500.02, 500.03, 500.04, 500.09, 500.10, 500.11, 570.07, 570.50 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul M. Raynes, Senior Management Analyst II, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650; telephone: (850) 245-5539.

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS:

5K-4.027 Standard of Identity - Honey.

(1) This standard applies to all honey produced by honey bees from nectar and covers all styles of honey presentation that are processed and ultimately intended for direct consumption and to all honey packed, processed or intended for sale in bulk containers as honey, that may be repacked for retail sale or for sale or use as an ingredient in other foods.

(2) "Honey" means the natural food product resulting from the harvest of nectar by honeybees and the natural activities of the honeybees in processing nectar. It consists essentially of different sugars, predominantly fructose and glucose as well as other substances such as organic acids, enzymes and solid particles derived from honey collection. The color of honey can vary from nearly colorless to

dark brown. The consistency can be fluid, viscous or partially to completely crystallized. The flavor and aroma vary, but are derived from the plant's origin.

(3) Honey sold as such shall not have added to it any food additives, as defined in section 500.03(1)(m) F.S., nor shall any other additions be made other than honey. It shall not have begun to ferment or effervesce and no pollen or constituent unique to honey may be removed except where unavoidable in the removal of foreign matter. Chemical or biochemical treatments shall not be used to influence honey crystallization.

(a) Moisture Content - No water may be added to honey in the course of extraction or packing for sale or resale as honey. Honey shall not have a moisture content exceeding 23%.

(b) Sugar Content

1. The ratio of fructose to glucose shall be greater than 0.9.
2. Sucrose content shall not exceed 15%.
3. Maltose content shall not exceed 10%.
4. Oligosaccharides indicative of invert syrup indicate the presence of an adulterant.
5. The absolute value of Carbon Stable Isotope Ratio Analysis (CSIRA) must be more negative than -20.0.
6. CSIRA Internal Standard Procedure with a protein value minus honey value more negative than -1.0 indicates the presence of an adulterant.

(4) Labeling - Name of the Food

(a) Products conforming to this Standard shall be designated 'honey'. Foods containing honey and any flavoring, spice or food additive or if honey is processed in such a way that a modification to honey occurs that materially changes the flavor, color, viscosity or other material characteristics of pure honey, then such foods shall be distinguished in the food name from honey by declaration of the food additive or modification.

(b) Honey may be designated according to floral or plant source if it comes predominately from that particular source and has the organoleptic, physicochemical and microscopic properties corresponding with that origin.

(c) Where honey has been designated according to floral or plant source [as stated in (b)], then the common name or the botanical name of the floral source shall be in close proximity to the word "honey".

(d) The subsidiary designations listed in (4)(c) may not be used unless the honey conforms to the appropriate description contained therein. The styles in (4)(f)2&3 shall be declared.

(e) Honey may be designated according to the method of removal from the comb.

1. Extracted Honey is honey obtained by centrifuging decapped broodless combs.
2. Pressed Honey is honey obtained by pressing broodless combs.
3. Drained Honey is honey obtained by draining decapped broodless combs.

(f) Honey may be designated according to the following styles:

1. Honey which is honey in liquid or crystalline state or a mixture of the two;
2. Comb Honey which is honey stored by bees in the cells of freshly built broodless combs and which is sold in sealed whole combs or sections of such combs;
3. Cut comb in honey, honey with comb or chunk honey which is honey containing one or more pieces of comb honey.

Specific Authority: 500.09, 570.07(23), 586.10 FS; Law Implemented: 500.02, 500.03, 500.04, 500.09, 500.10, 500.11, 570.07, 570.50 FS; History - New 3-11-2008.

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