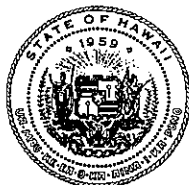


TESTIMONY
HB 1611, HD2
LATE



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
LATE TESTIMONY

Senate Committee on Water, Land, Agriculture, and Hawaiian Affairs

HB 1611, HD 2, RELATING TO LABELING OF MEAT AND FISH PRODUCTS

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

**March 23, 2009
4:15pm**

1 **Department's Position:** The Department appreciates the intent of the bill but has concerns regarding
2 its application to the department, and we therefore respectfully oppose this bill.

3 **Fiscal Implications:** As yet unquantified funds to support the proposed amendments.

4 **Purpose and Justification:** In part, this bill amends HRS Chapter 328 by introducing new language
5 that labeling be required for fish products that have been gas-treated to enhance the product's color.

6 This testimony only addresses the proposed changes to HRS Chapter 328, a health statute. We defer to
7 the Department of Agriculture regarding the proposed changes to HRS Chapter 159 regarding meat
8 labeling.

9 We appreciate that consumers may think that the carbon monoxide treated food is younger than
10 it is and that consumers may want to know if it has been treated.

11 The proposed change to HRS chapter 328 is unnecessary, because HRS section 328-10 and
12 Chapter 11-19, Hawaii Administrative (HAR) already address the issue of proper labeling of products
13 treated with chemical preservatives, including gases.

14 HAR section 11-29-8 includes by reference is 21 CFR, Part 101; which addresses proper labeling
15 of food products. Specifically 21 CFR Section 101.22(j) states:

1 “A food to which a chemical preservative(s) is added shall, except when exempt pursuant to
2 101.100 bear a label declaration stating both the common or usual name of the ingredient(s) and
3 a separate description of its function, e.g., ‘preservative’, ‘to retard spoilage’, ‘a mold inhibitor’,
4 ‘to help protect flavor’ or ‘to promote color retention’.”

5 Therefore, at a minimum, if a fish product has been gas-treated to promote color retention, the
6 label must include the name of the product, what it has been treated with and the reason for using this
7 type of preservative.

8 Fish products sold in packages by themselves (Ahi filets, Tombo cubes, Frozen Tilapia filets -
9 No other ingredients) that were treated with carbon monoxide for color retention must be properly
10 labeled like other processed foods in package form. The treatment must be declared in the ingredient
11 statement of the label - "Ahi preserved with carbon monoxide to promote color retention".

12 When sold in unpackaged form (poke sold in trays in markets or fish filets in display cases)
13 carbon monoxide-treated fish must be accompanied by a counter card or sign disclosing the treatment.
14 For example, signage for ahi poke would read - "Ahi preserved with carbon monoxide to promote color
15 retention".

16 The Department checks for proper labeling requirements through routine food safety inspections
17 and will remind firms to comply, or take stronger action as appropriate. We also check to see that
18 products are not offered for sale beyond their expiration date. During a food safety inspection, should a
19 firm be discovered using an improper expiration date, an investigation of the firm’s policies and
20 procedures regarding food handling practices will be initiated. However, we doubt that a labeling
21 requirement will stop this type of misconduct.

22 Labeling has other limits. Any food product that has an expiration date (use, sell or freeze by
23 date) can have high bacterial levels and still be within the expiration date if the food product has been
24 mishandled (e.g., food held at improper temperature for too long). The concept that a food product can

1 appear "fresh" and still have the potential to cause foodborne illness is not unique to CO-treated fish or
2 meats; as the major outbreak associated with consuming fresh spinach has shown. Locally caught fresh
3 fish have the potential to cause ciguatera intoxication and there no way the fisherman or the consumer
4 can determine which fish will cause illness based on appearance.

5 Education of commercial firms and consumers on proper food handling and preservation, in
6 relation to time and temperature, remain important.

7 We thank you for the opportunity to testify.

LATE TESTIMONY



LATE TESTIMONY

March 23, 2009

The Honorable Clayton Hee
Chair, Water, Land, Agriculture and Hawaiian Affairs
Hawaii State Capitol, Room 229
Honolulu, HI 96813

RE: HB 1611 (Say) – OPPOSE

Dear Chair Hee and Members of the Committee:

On behalf of the Grocery Manufacturers Association (GMA), I am writing to express our opposition to House Bill 1611, which would require labeling of meat and fish that has been gas-treated.

GMA represents the world's leading food, beverage and consumer products companies. The Association promotes sound public policy, champions initiatives that increase productivity and growth and helps to protect the safety and security of the food supply through scientific excellence. The GMA board of directors is comprised of fifty-two chief executive officers from the Association's member companies. The \$2.1 trillion food, beverage and consumer packaged goods industry employs 14 million workers, and contributes over \$1 trillion in added value to the nation's economy. In Hawaii, GMA member companies employ 438 people at 10 facilities.

GMA promotes a uniform federal approach to the regulation of food labeling, and urges states to support the appropriate federal regulatory agencies to avoid a patchwork of varying state food labeling standards that would make compliance virtually impossible for our manufacturers.

Because gas treatment of meat and fish has been determined to be safe, there is no need for Hawaii to require a label that may mislead consumers by suggesting a warning. FDA has accepted several Generally Recognized As Safe (GRAS) notifications on the use of carbon monoxide in modified atmospheric packaging when used for maintaining wholesomeness, provide flexibility in distribution and reduce shrinkage of the meat.

For these reasons, the Grocery Manufacturers Association must respectfully oppose HB 1611.

Sincerely,

Caroline Silveira
Director, State Affairs
Grocery Manufacturers Association

GROCERY MANUFACTURERS ASSOCIATION

1350 I Street, NW :: Suite 300 :: Washington, DC 20005 :: ph 202-639-5900 :: fx 202-639-5932 :: www.gmaonline.org



LATE TESTIMONY

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HAWAII TEAMSTERS AND ALLIED WORKERS, LOCAL 996
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Sen. Clayton Hee, Chair
Sen. Jill Tokuda, Vice-Chair
Committee on Water, Land, Agriculture, and Hawaiian Affairs.

LATE TESTIMONY

Glenn Ida
Representative
Monday, Mar. 23, 2009, at 4:15 PM
Conference Room 229

The Hawaii Teamsters Local 996 strongly supports HB 1611, HD2, Relating to Labeling of Meat and Fish Products.

Currently packages of meat that have gas technology applied to them are not required to list it on the label and most disturbing it is placed in same area of the meat case with meat products that have been traditionally processed as fresh cut or within the store premises.

Gas technology only enhances the color of the meat product allowing the expiration date to be moved by up to 5 days depending on the cut of meat. Gas technology does nothing to maintain the sanitation of the product. By placing the packages of the gas and fresh cut in the same place may be deceiving the consumers in thinking that the gassed meat is fresher because of the appearance and expiration date, which will be the only basis of the consumers' decision to purchase that Meat Product. Compare that to purchasing fresh fruit which can be directly handled, inspection of all sides and/or sniffed for freshness.

HB 1611, HD2, will require that gassed meat products to be appropriately labeled to advise the consumer what has been added to the meat in processing just like the requirements of labeling fish products containing Carbon Monoxide Gas.

The Hawaii Teamsters Local 996 strongly supports HB 1611, HD2, Relating to the Labeling of Meat and Fish Products.

Thank you for allowing me to testify on this important matter.

TESTIMONY
HB 1611, HD2
LATE
(END)