

TESTIMONY
SB 1265



NATIONAL MEAT ASSOCIATION®

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February 12, 2009

Senator Clayton Hee
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The National Meat Association (NMA) respectfully submits these comments on S B 1265 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 who operate their businesses according to this regulatory authority.

It would appear that the current Hawaiian statute parallels the FMIA in terms of what constitutes "misbranded". However, the change under consideration does not appear in the FMIA. S B 1265 would amend the statute to provide that meat is misbranded, and illegal, if the meat product "is treated with gas or other technology to enhance its color, but does not bear a truthful label indicating: (1) The type of gas that was used; and (2) A statement that the gas treatment was used to approximate the appearance of freshness."

As an initial matter, we are uncertain as to the exact scope of the proposed amendment. Virtually all "case ready" 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 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 Hawaiian proposal would prohibit such use (by deeming products using this form of packaging misbranded). Accordingly, the Hawaiian proposal adopts a packaging requirement which is different than the federal requirements. On this basis, we respectfully submit that the proposed amendment contained in S.B 1265 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.

Respectfully,

A handwritten signature in cursive script that reads "Barry L. Carpenter".

Barry Carpenter
CEO/Executive Director
National Meat Association

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 (WTL)

Glenn Ida

Representative

Friday, Feb. 13, 2009, at

Conference Room

The Hawaii Teamsters Local 996 strongly supports the passage of SB 1265, 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.

SB 1265 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 SB 1265, Relating to the Labeling of Meat and Fish Products.

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

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