

TESTIMONY
SB 1265
LATE

LINDA LINGLE
Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
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Chairperson, Board of Agriculture

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Deputy to the Chairperson

LIVE TESTIMONY

TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON
WATER, LAND, AGRICULTURE AND HAWAIIAN AFFAIRS
FRIDAY, FEBRUARY 13, 2009
3:30 P.M.
ROOM 229

SENATE BILL NO. 1265
RELATING TO RELATING TO MEAT AND FISH PRODUCTS

Chairperson Hee and Members of the Committee:

Thank you for this opportunity to provide testimony on Senate Bill 1265 relating to the treatment of pre-packaged meat with gas or other technology to enhance its color only. The Department of Agriculture supports the intent and offers comments. We defer to the Department of Health as to their ability and authority to enforce this bill if passed into law.

The Food and Drug Administration has determined that use of safe levels of carbon monoxide in treating meat is not harmful to human health. However, the department notes that it is possible for the meat to appear fresh to the consumer because of the gas treatment but still 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.

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
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LATE TESTIMONY
CHYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
File:

Senate Committee on Water, Land, Agriculture and Hawaiian Affairs
SB 1265, RELATING TO LABELING OF MEAT AND FISH PRODUCTS

Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health
February 13, 2009
3:30pm

1 **Department's Position:** The Department appreciates the intent of the bill, but has concerns regarding
2 this proposal; and therefore offers comments.

3 **Fiscal Implications:** None

4 **Purpose and Justification:** This bill amends HRS Chapter 328 by introducing new language that
5 labeling be required for fish products that have been gas-treated to enhance the product's color. This
6 testimony only addresses the proposed changes to HRS Chapter 328, a health statute. We defer to the
7 Department of Agriculture regarding the proposed changes to HRS 159.

8 The Department finds this section of the bill unnecessary as HRS section 328-10 and Chapter 11-
9 19, Hawaii Administrative (HAR) already address the issue of proper labeling of products treated with
10 chemical preservatives.

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

13 "A food to which a chemical preservative(s) is added shall, except when exempt pursuant to
14 101.100 bear a label declaration stating both the common or usual name of the ingredient(s) and

1 a separate description of its function, e.g., 'preservative', 'to retard spoilage', 'a mold inhibitor',
2 'to help protect flavor' or 'to promote color retention'."

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

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

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

14 The Department checks for proper labeling requirements through routine food safety inspections.
15 We also check to see that products are not offered for sale beyond their expiration date. During a food
16 safety inspection, should a firm be discovered using an improper expiration date, an investigation of the
17 firm's policies and procedures regarding food handling practices will be initiated. However, we doubt
18 that a labeling requirement will stop this type of misconduct.

19 We thank you for the opportunity to testify.



LATE TESTIMONY

Date: Friday, February 13, 2009

Time 3:30 PM

Place: CR 229

To: Committee on Water, Land, Agriculture, and Hawaiian Affairs

Senator Clayton Hee, Chair

Senator Jill N. Tokuda, Vice Chair

From: Hawaii Food Industry Association

Dick Botti, President and Lauren Zirbel, Government Relations

Re: SB 1265 Relating to Labeling of Meat and Fish Products

HFIA objects to this measure. These labeling requirements are not universal across the United States; thus, meat and fish products which are imported must be labeled once they arrive at the grocery store. This would require a significant investment in labor to accomplish. Grocers are already overwhelmed and burdened by a multitude of government labeling requirements. This particular bill will cost time and money that the food industry does not have to give during this economic recession.

We object to page 6 lines 8-12. Carbon monoxide is often used in modified atmosphere packaging (MAP) to maintain food quality by altering the atmospheric conditions within the package; replacing air with inert gasses and then heat sealing products. This low-oxygen packaging system extends the shelf-life of meat and other perishable foods by up to 15 days, but also keeps meat looking fresh even when it isn't. Labeling MAP packaged foods is unnecessary because these products are regarded as safe by the FDA and MAP packaged foods have a clearly labeled expiration date posted on all fresh meat and fish products. These products are not a danger to the consumer yet by forcing mandatory labeling of MAP products the State is insulating to the consumer that there is a danger. This is an unnecessary and costly measure.

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(END)