

# HOUSE BILL REPORT

## HB 2167

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**As Reported by House Committee On:**  
Environmental Health, Select

**Title:** An act relating to food labeling requirements.

**Brief Description:** Mandating additional food labeling requirements.

**Sponsors:** Representatives Chase, Campbell, Hunt, Hudgins, Morrell, Goodman, Springer, Hasegawa and Conway.

**Brief History:**

**Committee Activity:**

Select Committee on Environmental Health: 2/21/07, 2/27/07 [DPS].

### Brief Summary of Substitute Bill

- Requires a label for certain perishable food products that have been irradiated or packed in modified atmosphere packaging with carbon monoxide.

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## HOUSE SELECT COMMITTEE ON ENVIRONMENTAL HEALTH

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Campbell, Chair; Hudgins, Vice Chair; Newhouse, Ranking Minority Member; Chase, Hailey, Hunt, Morrell and Wood.

**Minority Report:** Do not pass. Signed by 1 member: Representative Sump, Assistant Ranking Minority Member.

**Staff:** Brad Avy (786-7289).

### Background:

The U.S. Food and Drug Administration (FDA) is responsible for food labeling for all foods produced within the United States, except meat and poultry that are regulated by the U.S. Department of Agriculture (USDA). Either the USDA or the FDA, depending upon what types of food are involved, regulates imported foods. At the state level, the Washington State Department of Agriculture (WSDA) has primary labeling authority.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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### **Summary of Substitute Bill:**

The Legislature finds that Washington consumers:

- have a right to accurate, accessible information that will assist them in making educated food purchases;
- have an interest in knowing the benefits and potential risks to their health from the products they consume; and
- value knowing when and where food has been packaged and when technologies such as irradiation and modified atmosphere packaging have been applied to the foods that are offered for retail sale.

No person may sell at retail any perishable food product that has been irradiated without having the package in which it is sold include a label clearly discernible to a consumer at the point of sale disclosing that the product has been treated with radiation.

No person may sell at retail any perishable food product that was packed in modified atmosphere packaging with carbon monoxide without having the package in which it is sold include a label clearly discernible to a consumer at the point of sale disclosing carbon monoxide was used.

"Perishable food product" means meats, poultry, or fish intended for human consumption that are packaged other than at the time and point of retail sale, which have a high risk of spoilage within a period of thirty days and are determined by the director of the Washington State Department of Agriculture (WSDA) by rule to be perishable.

For purposes of the bill, "perishable food product" does not include dairy products, fruits, or vegetables.

Civil penalties may be imposed for up to \$1,000 per violation per day. Imposition of the civil penalty is subject to a hearing under the Administrative Procedure Act.

The director of the WSDA must, in consultation with the secretary of the Department of Health, establish by rule uniform standards for the perishable food product labeling required under the bill.

### **Substitute Bill Compared to Original Bill:**

The substitute bill requires labeling only for irradiated food products and products packed in modified atmosphere packaging with carbon monoxide. Labeling requirements for genetically modified foods, as well as for the packing date and the location of the company that packed the product, are removed. The substitute bill defines perishable food product as meats, poultry, or fish intended for human consumption, and does not include dairy products, fruits, or vegetables.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) People should be able to seek clear and complete information on food labels in order to make personal choices about the food they purchase. Consumers should have the right to know if food is altered and where it is produced. Food labeling would give workers the tools to answer questions for consumers so they make smart and educated choices. Point of origin labels add critical information about where meat originated, where it was packed, and whether the product has been genetically modified, irradiated, or treated with carbon monoxide. This bill is designed well, because it does not address multi-ingredient products which would be complicated. Exempting restaurants or ready-to-use products might be a consideration. The definition of genetically engineered is not really disputed, and only a small number of products would be affected. Irradiation labels are only required for first purchasers, so consumers do not know if foods are irradiated.

(Opposed) Good disclosure for the food we eat is important, and food safety is a priority. These labeling requirements would have a big impact on growers and their ability to comply with provisions. Produce that is sold individually would have to be labeled individually, which would be logistically difficult and costly. There might be problems with labeling in a distribution center that sends products across state lines. Federal law preempts state law in terms of meat for marketing, labeling, and packaging. Federal law also preempts country of origin labeling. Additional legislation on irradiated foods might require two labels, which would be complicated and difficult in terms of compliance. Genetically engineered food is difficult to define. Recall notification rules and bio-terrorism procedures already provide a framework for food safety. Enforcement of this bill would fall on the retailer, which would be difficult and costly.

**Persons Testifying:** (In support) Representative Chase, prime sponsor; Damiana Merryweather and Ron Banka, United Food and Commercial Workers State Council; Tim Phelan and Analtha Moroffko, United Food and Commercial Workers 81; and Trudy Bialic, Puget Customers Cooperative Natural Market.

(Opposed) Dave Ducharme, Yakima Valley Growers - Shippers Association; Toni McKinley, Northwest Grocery Association; Jim Halstrom, Washington State Horticulture Association; Gerry Isaac, Real Foods; T.K. Bentler, Northwest Food Processors Association; Carrie Tellefson, Washington Food Industry Association; Jan Gee, Washington Food Industry; Patrick Connor, Washington Farm Bureau; and Jim Jesernig, Washington Beef.

**Persons Signed In To Testify But Not Testifying:** None.