

HOUSE BILL REPORT

ESB 5260

As Passed House

April 6, 1993

Title: An act relating to salmon labeling for human consumption.

Brief Description: Requiring salmon food fish to be labeled by its source and common name.

Sponsors: Senators Spanel, Owen, Oke, Haugen, Hargrove and Snyder.

Brief History:

Reported by House Committee on:

Fisheries & Wildlife, March 25, 1993, DPA;

Passed House - Amended, April 6, 1993, 98-0.

HOUSE COMMITTEE ON FISHERIES & WILDLIFE

Majority Report: Do pass as amended. Signed by 8 members: Representatives King, Chair; Orr, Vice Chair; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Staff: Keitlyn Watson (786-7310).

Background: Consumers in Washington State are protected under both state and federal law from mislabeled foods sold within the state. Under state law, false or misleading labels are generally defined as misbranding. Some food items, such as halibut and poultry, have provisions that specifically describe certain acts that constitute misbranding.

The Department of Agriculture is the state agency primarily responsible for implementation of provisions prohibiting misbranding. The department may issue an embargo of the food product involved, or may seek an injunction through the attorney general restraining a person from violating misbranding provisions. Criminal penalties may also be sought against a violator. After conviction and upon a subsequent violation, a violator may also be subject to a maximum of 30 days in jail.

Summary of Bill: Any person who sells fresh or frozen salmon, except for commercial fishers engaged in sales of

fish to a fish buyer, must identify the salmon by its common name as described in the bill as well as whether the salmon is farm raised or commercially caught. The identification requirements do not apply to minced, pulverized, batter-coated, or breaded salmon. The Department of Agriculture is directed to adopt rules to establish a standard of identity for salmon and to enforce the provisions of the act.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: (On engrossed bill) The bill protects consumers by requiring that they be correctly informed of what kind of salmon they are buying. Fish farmers and commercial fishermen agree on this bill. Consumers do demonstrate preferences for either farm raised or commercially caught salmon. Most grocers will not have problems with the provisions of the bill. It is important to keep the requirement for a Washington-grown label.

Testimony Against: (On engrossed bill. Concerns are substantially addressed by the amendment.) The concept of identifying salmon by common name and as either farm raised or commercially caught is good, but the bill as written, and particularly the requirement to identify whether the salmon is caught or grown in Washington, poses hardship to retailers. The fresh and frozen salmon market operates between states and internationally, and labeling by state of origin will not always work. Distributors and processors buy fish from multiple sources, and sources are not predictable. The bill should not apply to packaged products. If the aquaculture industry wants to label salmon as farm raised, the retailers can work cooperatively with the industry to accomplish this. It is unclear where the burden of proof rests, and who will pay the costs of enforcement and increased paperwork. Fish may be wasted if paperwork is lost, since to sell without documentation could result in a misdemeanor charge. The misdemeanor charge is excessive. Also the common names specified in the bill may not be the ones most recognized by customers: Chinook as opposed to King for example. There is no name in the bill for the species Pacific salmon.

Witnesses: Senator Harriet Spanel, prime sponsor (pro, and has suggested amendments); Cyreis Schmitt, Department of Fisheries (neutral, with comments: Use of Atlantic salmon label might lead to confusion; steelhead are not included in bill.); Dan Swecker, Washington Fish Growers Association (pro); Randy Ray, Pacific Seafood Processors Association (pro with suggestion to exempt highly processed and prepared

salmon); John Prater, Pacific Fish Company (con); Linda Hull, Mark Jensen and Bob Eckler, Safeway, Inc. (con); and Jeff Cox, Washington Retail Association (concerns).