

# HOUSE BILL REPORT

## SB 6471

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### As Passed House:

March 5, 2002

**Title:** An act relating to labeling of agricultural products by place of origin.

**Brief Description:** Requiring labeling of the origin of fruits and vegetables grown in the United States or grown in Washington state.

**Sponsors:** By Senators Honeyford, Rasmussen, Johnson, Sheahan, Stevens, Swecker, Shin, Parlette, Deccio, McCaslin, Hochstatter, Gardner, Hewitt, Spanel, Kastama, Regala, Eide, Oke, Hale and Keiser.

### Brief History:

#### Committee Activity:

Agriculture & Ecology: 2/25/02, 2/28/02 [DP].

#### Floor Activity:

Passed House: 3/5/02, 87-9.

### Brief Summary of Bill

- Requires businesses offering fresh fruit or vegetables grown in the United States or grown in Washington for retail sale to display placards indicating that the product was either "Grown in United States" or "Grown in Washington," unless the product is labeled with individual stickers or labels regarding where it was grown.
- Establishes monetary penalties for violations.

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## HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** Do pass. Signed by 13 members: Representatives Linville, Chair; Hunt, Vice Chair; Schoesler, Ranking Minority Member; Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

**Staff:** Kenneth Hirst (786-7105).

### Background:

A rule of the Washington Fryer Commission requires all chickens commonly referred to

as fryers, broilers, or fryer roasters that are offered for sale in this state to be labeled as to the state of origin. This rule took effect in 1957. The rule suggests, but does not require, that the label include an outline of the state of origin and provides as an example a "this FRYER grown in WASHINGTON" label on an outline of the state of Washington. A provision of the state's Uniform Washington Food, Drug, and Cosmetic Act, currently requires all retail sales of fresh or frozen lamb products imported from another country to be labeled as to the country of origin. This requirement also applies to live lambs imported from another country but slaughtered in the United States.

The Food and Drug Administration of the U. S. Public Health Service samples individual lots of domestically produced and imported commodities and food products and analyzes them for pesticide residues to enforce the tolerances set by the U. S. Environmental Protection Agency. Although processed foods are included in the sampling, the emphasis is on unwashed, whole (unpeeled), raw agricultural commodities. Domestic samples are collected close to their point of production and import samples are taken at their point of entry into U. S. commerce.

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**Summary of Bill:**

Businesses offering for retail sale to consumers fresh fruit or vegetables that have been grown in the United States or grown in Washington must place a placard on the bin, shelf, or other location the product is displayed that indicates that the product was either "Grown in United States" or "Grown in Washington." Placards are not required if the product was grown outside of the United States. Placards are also not required if each item in the bin, shelf, or other location contains a sticker or label that indicates where the fruit or vegetable product was grown.

Penalties are provided if a store or other retail location is found to be in violation of this placarding requirement. For the first violation at a location in a calendar year, the Department of Agriculture must issue a warning. For a second violation for the same location in the same calendar year, the Department may issue a civil fine of up to \$250. For the third and subsequent violations for the same location in the same calendar year, the Department may issue a civil fine of up to \$1,000.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

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

**Testimony For:** (1) The bill has two objectives: to promote Washington products; and to allow concerned citizens to know where their fresh food is grown. This bill is the

simplest, most straightforward way to provide the information. (2) Only a small percentage of the food grown outside of the U. S. is inspected for residues. Foreign products are not grown under the same standards that apply to U. S. agriculture. The U. S. may have a zero tolerance level for a chemical on products grown here, but the federal government will grant a tolerance for the chemical for imported products. (3) Other nations such as Japan, Canada, and European countries, already require such labeling. We are already at a competitive disadvantage when compared to our trading partners. (4) The fruit and produce section of a grocery store generates the highest margin of profit in the store and is the most frequented by shoppers. These requirements are not unreasonable. (5) When funding for the state's "Buy Washington" program goes away, so does the program. This one would stay. (6) Most stores will comply; enforcement will be by exception. (7) The food industry required warehouses and packers to put individual stickers on produce without their concurrence. (8) We are one of the last areas to require this kind of identification; we are proud of both our products and the stewardship under which they are grown. The bill will allow us to showcase our products.

(Other Comments) The "Buy Washington" program is scheduled to roll out in April. The department would check for violations of the requirements in the bill when it is in the store doing other inspections. As food comes in from all over the world, it brings with it things other than just residues.

**Testimony Against:** (1) A federal study indicates that such a requirement would create two hours of work/store/day. That would cost Washington retailers \$1.5 million in labor costs. Stores get five to seven deliveries a week, restock often, and carry a very large number of items. (2) A Florida program has been in place since the 1970s and has had little effect in promoting the sale of U. S. grown products in that state. (3) Meat labeling is done when the product is cut and wrapped, so the labeling is not a separate step. (4) This is not a food safety issue; stores have very stringent food safety policies. (5) The "Buy Washington" program should be given a chance to work.

**Testified:** (In favor) Senator Honeyford, prime sponsor; Jim Halstrom, Washington Horticultural Association; Charlie Brown, Washington State Potato Commission; and Hertha Lund, Washington State Farm Bureau.

(Comments): Leslie Emerick, Department of Agriculture.

(Opposed): Doug Hankin, Washington Food Industry.