

Approved March 14, 1988  
Date

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Allen at  
Chairperson

10:09 a.m./~~pm~~ on March 2, 1988 in room 423-S of the Capitol.

All members were present ~~except~~

Committee staff present: Raney Gilliland, Legislative Research Department  
Jill Wolters, Revisor of Statutes Department

Conferees appearing before the committee: Representative Jack Beauchamp  
Jim Cooley, Legislative Committee of Kansas  
Organic Producers  
Ron Schneider, Kansas Rural Center  
Steve Wilson, Community Mercantile, Lawrence, KS.  
Francis Kastner, Kansas Food Dealers Association  
John Blythe, Kansas Farm Bureau  
Dr. Lynn Bates, LSB Products, a biochemist,  
Manhattan, Kansas  
Mike Beam, Kansas Livestock Association  
Wilbur Leonard, Committee of Kansas Farm  
Organizations  
Eldon Fastrup, Kansas State Board of Agriculture

Senator Allen called the committee to order and called attention to HB 2448; he then called on the following to testify.

Representative Beauchamp gave copies of his testimony to the committee (attachment 1).

Jim Cooley stated he had testified last year but that he wanted to re-emphasize that organic food provides extra income for farmers who chose to produce organic food. Mr. Cooley requested passage of the organic bill. He stated he had not seen amendments that he had heard were going to be presented but if they are in keeping with the intent of the bill he had no objection.

Ron Schneider provided copies of his testimony for the committee (attachment 2). He stated he had worked with the Kansas Livestock Association on amendments and expressed support for the amendments and encouraged the committee to support them also.

In answer to a question concerning roadside stands selling organic foods, Mr. Schneider stated they would be required to be registered to sell organic foods.

Steve Wilson gave the committee copies of his testimony (attachment 3). In answer to committee questions Mr. Wilson answered that during summer he purchases organic foods from growers that he knows personally; part of the year he purchases organically grown food from California, a certification state, and some foods from Europe. He stated that his customers trust his foods that he sells to be organic. Mr. Wilson answered that he felt the passage of HB 2448 would provide the authority and rules for governing issues about organic food sales.

Francis Kastner gave copies of her testimony to the committee (attachment 4). In answer to the question, Ms. Kastner answered that food dealers are not selling organic foods because Kansas has no definition of organic food so without a legal definition one cannot sell organic foods.

John Blythe gave the committee copies of his testimony (attachment 5).

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,  
room 423-S, Statehouse, at 10:09 a.m. ~~pm~~ on March 2, 1988

Mr. Blythe stated opposition to HB 2448 unless the amendments that will be proposed are adopted.

Mike Beam gave copies of his testimony with proposed amendments concerning truth in advertising (attachment 6). Mr. Beam encouraged the committee to accept the proposed amendments.

Dr. Lynn Bates expressed support for an organic food type bill. Dr. Bates stated that as a biochemist and as a scientist he is a consultant to the organic food industry as well as the traditional food industry. Dr. Bates expressed concern about the language in the bill where some of the fertilizers listed for use with organic farming are synthetically compounded. He also stated that he would be unable to analyze and tell, in some cases, if a food had been fertilized with a synthetically made fertilizer or a naturally made fertilizer. Dr. Bates stated that he felt the bill in its present language would open the door for something that we have been trying to prevent in tort reform, and that the bill could not be enforced. Dr. Bates stated he liked the concept of the bill.

Wilbur Leonard gave copies of his testimony to the committee (attachment 7). In answer to the committee question, Mr. Leonard agreed that as written the bill is indefensible but that amendments could be made to change that.

Eldon Fastrup gave copies of his testimony and a balloon draft of HB 2448 with suggested amendments to the committee (attachment 8).

In answer to the question, Mr. Fastrup stated that a \$15 registration fee concerning the selling of organic foods would be just enough to cover the cost of administration.

The Chairman declared the hearing closed for HB 2448; he then adjourned the committee at 11:01 a.m.

GUEST LIST

COMMITTEE: Senate Agriculture

DATE: March 2, 1988

NAME	ADDRESS	ORGANIZATION
Dave Basel	RR.1 Williamsburg KS	Williamsburg High
Law Speckie	Rt #1 Williamsburg, KS	W'burg H.S.
Ronald Schneider	LAWRENCE,	KS - RURAL CENTER
Glynis S. Baten	1814 <sup>Manhattan, KS.</sup> <del>Savanna,</del>	Consulting Lab ALTECA LTD
Becky Harst	Topeka KS	KS Bd of Ag
Eileen R. Fessler	Topeka, KS	" "
Glen Wilson	OZAWA, KANSAS	Community Meeting
FRANCES KASTNER	Topeka	KS Food Dealer
Leonard Champness	Marion	Marion High School
Mark Meisinger	Rt. 1 Marion, KS 66861	Marion High School
Wilbur Leonard	Topeka	Comm Ks Farm Org.
John Blythe	Manhattan	K. F. B.
Kenneth M. Wilke	Topeka	KSBA
Ma Irim Brare	Valley Falls	KSBA
Joe Lieber	Topeka	KS. Corp Council
Jim Pyles	Topeka	KDHE
Steve Payne	Topeka	KDH & E
Ann Boughton	Topeka	KSBA
Dale Lambley	Topeka	KSBA
MIKE BEAM	TOPEKA	KS. LSTK. ASSN.
Harold E. Tobler	Ottawa Rt # 3 Box 107	Farmer
James D. Cooley	Lawrence, Ks.	Ken. Organic Production
Wm H. Pyles	Topeka	KS Bd of Ag

STATE OF KANSAS

JACK E. BEAUCHAMP  
REPRESENTATIVE, FOURTEENTH DISTRICT  
FRANKLIN COUNTY  
ROUTE 3, BOX 61  
OTTAWA, KANSAS 66067  
(913) 242-3540  
STATE CAPITOL, ROOM 174-W  
(913) 296-7676



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER: AGRICULTURE AND SMALL BUSINESS  
INSURANCE  
LOCAL GOVERNMENT

March 2, 1988

SENATE AGRICULTURE COMMITTEE

HB 2448 - Organic Food Products Labeling and Advertising

Senator Allen, Members of the Committee:

I would offer some comments about HB 2448. I still have concerns about an organic bill being passed this Session.

Kansas has always been known for its exemplary programs throughout agriculture. The field of organic produced products for consumer purchase and use has a great potential; however, there is more to it than meets the eye. A true organic farming produced product should have certain safeguards to guarantee to the consumer that what they purchase is what they expect it to be. Also, the truly intent organic producer does not want to misrepresent his product.

The producer and the consumer, in this instance, are both entitled to the integrity of truth in purchasing and truth in producing with a built-in guarantee of quality. If proper guidelines are established, Kansas could become the Midwest center for organic foods.

I am attaching a copy of my last year's testimony, also a copy of an article from High Plains Journal, drawing attention to the Texas program. In it you will note reference is made to Washington also having an organic law.

Raney Gilliland has contacted the Texas Department of Agriculture and has, enroute, a summary of the Texas law. Perhaps we should also look at Washington's law, then consider something for Kansas that would be the best of all sources.

Once again, may I suggest that we proceed with caution and not be in a hurry to just kick something out that could be bad legislation that could come back to haunt us.

Respectfully Submitted,

  
Representative Jack Beauchamp

attachment 1  
3-1-88

JACK E. BEAUCHAMP  
 REPRESENTATIVE, FOURTEENTH DISTRICT  
 FRANKLIN COUNTY  
 ROUTE 3, BOX 61  
 OTTAWA, KANSAS 66067  
 (913) 242-3540  
 STATE CAPITOL, ROOM 174-W  
 (913) 296-7676



TOPEKA

HOUSE OF  
 REPRESENTATIVES

## COMMITTEE ASSIGNMENTS

MEMBER: AGRICULTURE AND SMALL BUSINESS  
 INSURANCE  
 LOCAL GOVERNMENT

March 30, 1987

Mr. Chairman and Members of the Senate Agriculture Committee:

Thank you for this opportunity to appear before you and offer testimony on HB 2448. My interest in this bill is the result of my observations of the organic farming activity in past years.

It seems if this market is to attain prestige and honesty to the consumer, that the consumer is entitled to, then it should be the best there is if produced in Kansas. Not as good as what other states produce but better than any other state.

The "organic produced" claims have been badly misrepresented and the consumer has been taken advantage of long enough. Most all other consumer products, that I know of, are inspected and guaranteed by analysis and weight to the consumer, therefore, a retail check-off to pay for the inspections of the products to guarantee product purity, analysis and weight should be in order. Also, inspections of production techniques, practices and records to guarantee the organic production facet. FDA has for years been moving closer to -0- tolerance of residues of pesticides in consumer products. It would only be appropriate that organic produced products should start with a guarantee of -0- residue. Veterinary products used for livestock illness treatment should be guaranteed no residue in meat, milk and eggs before use in addition to 90-day withdrawal before slaughter.

The word "organic", according to Webster, as it relates to agriculture production says, "relating to, produced with, or based on the use of fertilizer of plant or animal origin without employment of chemically formulated fertilizers or pesticides."

The bill addresses the use of a multitude of organic raw agricultural commodities including soap, as production aids. Soap used should be guaranteed organic derivative compounds.

As a suggestion, these products should be one label under the Kansas trademark, "From the Land of Kansas", with the name of the producer, location, guaranteed analysis, weight and product. The bill now addresses the use of natural fertilizers earthen, natural, rock extraction, and so forth. For the record, the primary components of fertilizer, "that agriculture has done so great a job of providing food in such surplus quantities of", the natural origin of the fertilizers are the mother earth. Nitrogen is drawn from the air and in combination with natural gas, makes nitrogen fertilizer with a clay stabilizing agent. Urea is synthetically produced but is based on its namesake urea. Phosphate is mined from the ground, as is potash (or potassium). Potash was first discovered by early alchemists as a residue in wood ashes. Certain responses to growing things resulted when wood ashes were dumped on the garden.

Once again, I would like to underscore the importance of honesty to the consumer.

Representative Jack Beauchamp

## Hightower says TDA will certify organic farms

AUSTIN, Texas (UPI)—Texas will join Washington this spring as the only two states that officially certify farms that produce organic products, Commissioner of Agriculture Jim Hightower announced.

"Of the nine states with laws defining organic food, only Washington actually certifies farms," he said. "Everywhere else, the organic-food industry certifies itself."

Hightower said the 18-member Texas Organics Task Force has recommended a 25-page set of standards that producers must follow to earn certification from the Texas Department of Agriculture.

The standards were published Feb. 26 in the *Texas Register* for public comment and are expected to become official one month later.

Hightower said TDA will begin inspecting organic farms this spring to make sure they comply with the new state standards.

"For instance, a farm must have been off synthetic pesticides for at least three years and off artificial fertilizers for at least two years before its products can be sold as 'Certified Organic,'" he said.

Hightower said TDA officials

will inspect each farm's premises and records each year and conduct tests to determine chemical residues. Products carrying the TDA organic labels in grocery stores also will be checked.

Those farms in compliance will receive a one-year certificate from the state and their products will be allowed to carry TDA's "Certified Organic" label.

Hightower said the lack of certification has held back organic farming in Texas.

"Without certification, anybody who wants to can slap an organic label on food, but that food might not be organic," he said. "With effective state certification, consumers and retailers can have confidence in the product."

Hightower said the new program should help Texas farmers capitalize on the growing in-state market for organic food. He said 90% of the organic food now consumed in Texas comes from California.

### Supplies will be tight

Free corn supplies in 1987-88 will be even tighter than last year if loan placements approximate 3.8 billion of the 1987 crop, says the U.S. Department of Agriculture.

**THE KANSAS RURAL CENTER, INC.**

304 Pratt Street

WHITING, KANSAS 66552

Phone: (918) 878-8481

Testimony in Support of H.B. 2448

Chairman Allen, and members of the Committee. I am Ronald Schneider speaking on behalf of the Kansas Rural Center. We support House Bill 2448, and urge this committee to recommend this bill for approval to the entire Senate.

As you know, we have testified before on this proposed legislation. It is our opinion that this is an economic development and marketing bill which will assist farmers, producers and processors of organic products. Currently, there are no standards which must be applied before a product can be labelled or advertised as "organic" in our state. Thus, organic farmers and producers are at a tremendous disadvantage when marketing this specialty product from Kansas. This bill establishes necessary standards for organic food products.

In supporting this bill, we do not have the illusion that organic farming is the choice for the majority of farmers in the state of Kansas. We are certain, however, that the organic food market offers a niche to a number of farmers and producers in this state. Statistics confirm that this is an expanding market. Nationwide, organic products are in demand by consumers; Bloomingdales of New York City has confirmed this fact. The many concerns about food safety and quality provide an excellent opportunity for this rapidly expanding market. There are at

*attachment 2*

*3-2-88*



least 10 other states with organic legislation and 4 others contemplating similar bills.

Most recently, the "Blue Print Study on the Future of Kansas Agriculture," and other reports funded by this legislator have stated that organic farming and production is a significant area for economic development. This is an opportunity that this bill addresses and promotes for the state of Kansas.

The proposed amendments address the concerns raised by some organizations. With the assistance of these organizations we have drafted legislation which protects all legitimate interests. Also, the Kansas Board of Agriculture has participated in the proposed amendments. The Board of Agriculture shall keep an annual registration of all Kansas growers identifying their products as "organic". This will provide a quick reference point, with little government participation or expense.

In summary, this bill offers a tremendous economic and marketing tool for a select number of farmers and processors in the state of Kansas. It is good legislation with essentially no cost to the government. We believe that H.B. 2448 promotes Kansas agricultural products in a unique market niche. We urge you to approve of this bill and pass it into law.

The Community Mercantile has been in business for fourteen years. We have seen our yearly sales grow from \$100,000 in 1974 to an expected \$750,000 this year.

Unlike most grocery retailers we see ourselves as a sort-of watch dog over public health. We think it is a grocers responsibility to be aware of any health hazards associated with the products that they retail.

Since its beginning the Community Mercantile has emphasized products that are organically grown. We have gone to great lengths to obtain these products; including helping to start a cooperative warehouse in Fayetteville, Arkansas. This warehouse wholesales over 300 different organically grown products to natural food stores in Kansas, Oklahoma, Missouri, Arkansas, Louisiana and Texas.

In the last ten years organic products have become an important topic in the health food industry, current trade magazines now have many new articles about the upcoming revolution. Restaurants are now asking for organic produce. Some of our customers will settle for nothing less. The demand is there and growing and we feel Kansas needs to look at the advantages not only in the quality of the products but also in the advantages to the environment with cleaner water, less topsoil erosion and by reducing our dependence on foreign oil through petroleum based fertilizers, pesticides and herbicides. Customers who want the best products for their families with a concern for the environment. are motivated to buy these products and actively search them out. We have found that educating people about the values of organically grown foods, has been a successful marketing strategy; and we would welcome strong organic certification bill in Kansas.



Lawrence's Natural Food Store / 7th & Maine

HOURS: MON-FRI 9:30-7:00

SAT 9:30-6:00

SUN NOON-6:00

*from Steve Wilson  
Lawrence, Kansas*

*attachment 3*

*3-2-88*

1015  
copy



# Kansas Food Dealers' Association, Inc.

2809 WEST 47th STREET SHAWNEE MISSION, KANSAS 66205

PHONE: (913) 384-3838

March 2, 1988

## SENATE AGRICULTURE COMM.

### OFFICERS

**PRESIDENT**  
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### DIRECTOR OF GOVERNMENTAL AFFAIRS

FRANCES KASTNER

## HB 2448 Organic foods

**EXECUTIVE DIRECTOR**  
JIM SHEEHAN  
Shawnee Mission

The members of the Kansas Food Dealers Association have some concerns about HB 2448 and how it is going to affect their current method of operation and marketing.

Some stores currently have a "health food section" and stock numerous items for dietary purposes, and are so labelled. In our opinion that section of the supermarket would not be affected by HB 2448. If I am incorrect in this assumption, I hope someone will tell me that today, and we will definitely OPPOSE HB 2448.

Since our members are progressive and competitive in their marketing, I can foresee that in the future they might include a portion of their shelf space to organic foods. In that instance, they would be required to keep a record of the name and address of persons they purchased the food from for a period of two years, if we read lines 0089 thru 0092 correctly.

The paper trail then goes back to subsection (b) on lines 0083 thru 0088 and mandates that processors or manufacturers supplying organically grown food shall also be involved in the record keeping for two years.

Our question at this point is: how can grocers selling products represented as "organically grown" defend themselves in a lawsuit in which plaintiff says a product purchased from the grocer had NOT been grown organically. It is virtually impossible to verify that chemicals have NOT BEEN USED as there are no receipts, since you only get a receipt when a purchase was made.

We see Section 6 as the recourse open to those who care to file suit, but we are more concerned with being able to VERIFY that grocers sold the "organically grown food", in good faith, without the expense of law suits. We feel a state agency should be involved in verifying that "growers" use the prescribed method, and that some sort of penalty is included in HB 2448. Even if our members never handle this type of product, we believe the consumer should have this protection.

attachment 4

3-2-88



# PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON AGRICULTURE

RE: H.B. 2448 - Labeling and Advertising Organic Food Products

March 2, 1988  
Topeka, Kansas

Presented by:  
John K. Blythe, Assistant Director  
Public Affairs Division  
Kansas Farm Bureau

Mr. Chairman and Members of the Committee:

My name is John Blythe. I am the Assistant Director of Public Affairs for Kansas Farm Bureau. We appreciate the opportunity to address your committee today on H.B. 2448 regarding the definition, labeling and advertising of organic food products.

Kansas Farm Bureau has had a constant interest in complete and accurate labeling of agricultural products. I briefly checked our old policy books and found a policy in 1974 asking for complete and accurate labeling of food products. Some form of labeling resolution has been in our policy book almost each year since 1974.

Our members at the Annual Meeting of the Kansas Farm Bureau on December 1, 1987 reaffirmed our concern and adopted the following policy regarding labeling of food products:

*attachment 5*  
*3-2-88*

## Labeling

We oppose the use of names and natural farm products on substitutes for such natural foods.

Advertising containing undocumented claims that organically-grown food is more nutritious or healthier than traditionally-grown food should be prohibited.

We support legislation to require full and complete labeling of food products to identify type and percentage of oils and other ingredients.

Farm Bureau did not testify in support or opposition of H.B. 2448 last year. But it came to our attention in the Senate Agriculture Committee hearing last year of some misleading and what we would call erroneous advertisements under the guise of "natural beef."

I am sure that it is in the best interest of total agriculture to eliminate the possibility of misleading and erroneous advertisement of agricultural products, and especially it is in the best interest of those farmers and ranchers who are producing "organic raw agricultural commodities" to have accurate advertisement of their product safeguarded.

In reading the bill we are confused as to some of the provisions and language of the bill found in lines 45 and 46 referring to mineral-bearing rock substances. Also, starting with line 53 through line 60 referring to growth stimulants, pesticides, growth regulations and antibiotics administered within a certain time frame. Then on line 70 through line 72 allowing any level of pesticide, fungicide or herbicide, we think, should be prohibited if the product is to be advertised and marketed as an organic food commodity.

Mr. Chairman, I believe, an amendment has been, or will be offered to clarify the promotion and advertising of food labeled as natural, organic or organically grown. We would support such an amendment. Without the amendment we would oppose H.B. 2448.

Farmers and ranchers of Kansas and across the nation produce an abundance of wholesome and nutritious foods. We believe that it is in the best interest of all farmers and ranchers in Kansas whether the food is grown organically or otherwise to safeguard the labeling and advertisement of all foods.

Thank you Mr. Chairman and Members of the Committee. We will attempt to respond to questions.



2044 Fillmore • Topeka, Kansas 66604 • Telephone: 913/232-9358  
Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

March 2, 1988

TO: Senate Agriculture Committee  
Senator Jim Allen, Chairman

FROM: Mike Beam, Executive Secretary, Cow-Calf/Stocker Division

RE: HB 2448 - ORGANIC FOOD PRODUCTS

Mr. Chairman and committee members, I'm Mike Beam with the Kansas Livestock Association. Our members are in the food producing business and have an interest in this legislation. We support the concept of the bill and would like to offer an amendment that would address a concern of KLA.

Attached is language for our "truth in advertising" amendment. Our policy specifically calls for truth in advertising and labeling which accurately and truthfully represents the product and does not condemn the rest of the meat supply that is produced under approved practices.

In the past, we have experienced negative ads by branded beef marketers and retailers. I have attached two examples. We don't mind seeing entrepreneurs market beef branded as "natural" or "organic." In fact, we heartily endorse branded programs which intend to fill a niche in the beef market. Today's consumers demand variety in their foods and beverages.

If the availability of "organic" meat results in more total demand for our product, then it is positive to our industry.

*attachment 6*  
*3-2-88*

I have mentioned that meat labeled as organic or natural has positive attributes. I must add, however, if these products are promoted in a negative or misleading manner, it can give consumers an unwarranted concern for the safety of our food products. In this instance, it would cause a negative impact to the meat industry. That is why we respectfully urge you to adopt this amendment and clearly state it is illegal to use false, misleading or erroneous statements in the advertising or promotion of organic or natural foods.

Thank you for considering our views. I would be happy to respond to any questions or comments.



PROPOSED LANGUAGE FOR AN AMENDMENT

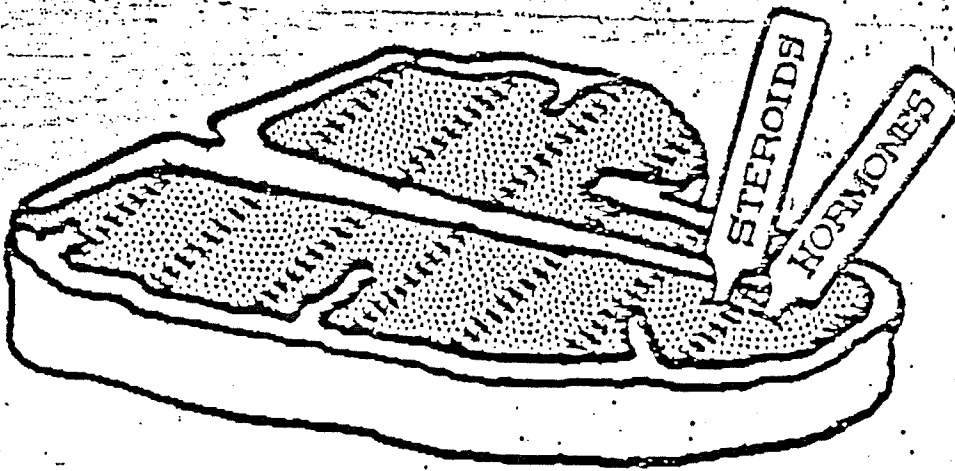
TO THE

ORGANIC FOOD BILL (HB 2448)

In the advertising or promotion of foods labeled as natural; organic; organically grown or biologically grown; or by a similar term; false, misleading or erroneous statements shall not be made as to the nutrient content or safety of other foods produced by conventional and legally approved methods.

5: 44 Gilbreath  
VCA - DENVER

# Your steak may have a drug problem.



Introducing Coleman 100% Natural Beef sold exclusively at T.R. Greve —  
The only beef sold today that guarantees:

## Coleman Natural Beef.

- No growth hormones ever.
- No antibiotics in feed ever.
- No artificial ingredients ever.
- No preservatives ever.
- No sterolds ever.
- No food additives ever.
- No fluorides or chlorines ever.

Cut to order at the T.R. Greve  
retail produce market

If you're not eating Coleman Natural  
Beef, chances are your steak has a drug  
problem. Because most of today's cattle  
are given a steady diet of sterolds,  
hormones, antibiotics — drugs and

chemicals. So instead of filling your  
order at the butcher counter, you may  
be filling a prescription.

Coleman cattle don't do drugs  
Cattle on the Coleman Ranch have  
never tested positive for drugs. Because  
Coleman Natural Beef is raised naturally,  
away from the every day temptations  
and distractions of big-city rlfraif.  
Coleman cattle graze on 325,000 acres  
of unfertilized, secluded mountain  
pastures, eat grains with no chemical  
residues and drink from snow-melt  
streams. They listen to the Cowsills,  
but there are no weekend passes.

Coleman Beef, a natural for your  
4th of July barbecue  
Coleman cattle are selectively bred for  
leaner, healthier beef that's naturally

lower in fat, calories and cholesterol.  
The end result is a genetically superior  
beef that naturally tastes better. It's just  
what the doctor ordered for 4th of July  
barbecues!



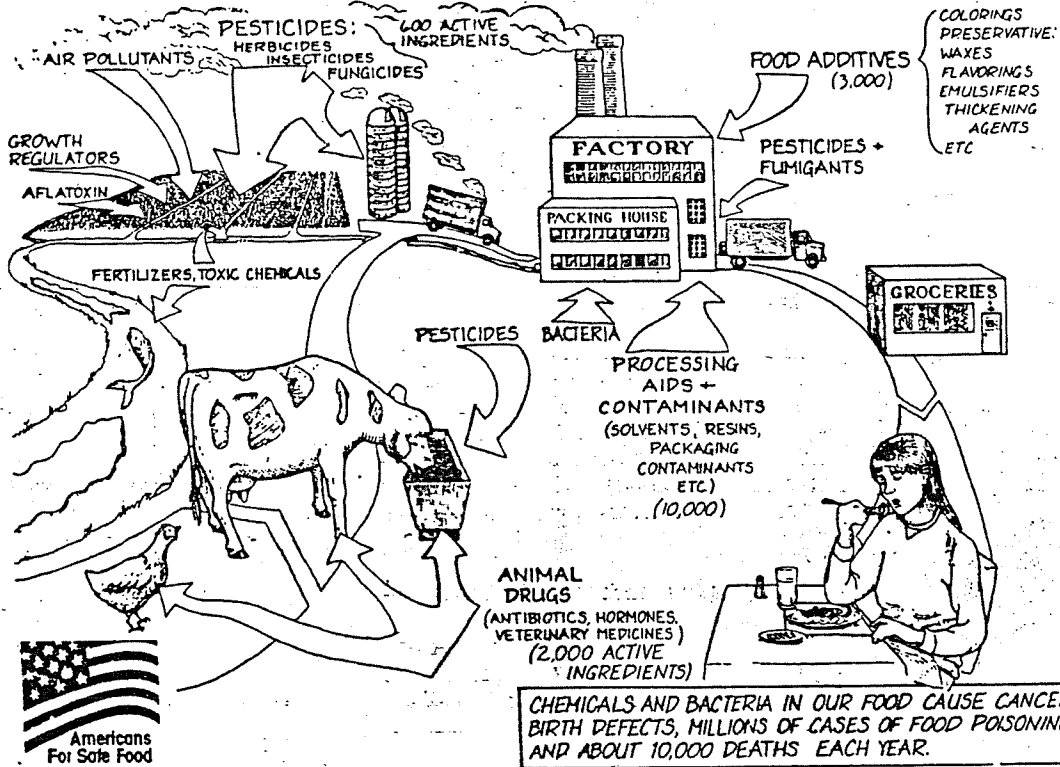
T.R.EATS restaurant serves Coleman  
Natural Beef grilled to order  
Coleman Beef is featured throughout  
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will taste better naturally, with Coleman  
Beef. After your meal, walk right over  
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up your favorite meat — cut to order.

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# GUESS WHAT'S COMING TO DINNER...



CHEMICALS AND BACTERIA IN OUR FOOD CAUSE CANCER, BIRTH DEFECTS, MILLIONS OF CASES OF FOOD POISONING, AND ABOUT 10,000 DEATHS EACH YEAR.

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## Natural Beef.

Why raise cattle the old fashioned way? So you can have a natural choice. Coleman Natural Beef is raised without any chemicals, stimulants or feed additives. Their cattle graze on unfertilized mountain pastures, are fed corn with no chemical residues, drink from snow-melt streams and breathe the crystal clear air of the Rockies. That's why we call Coleman Natural Beef "100% Rocky Mountain Pure". It's beef with a natural flavor you haven't tasted in a long time: tender, juicy and delicious. And government certified natural.

MEAT, SEAFOOD AND CHEESE SPECIALS			
	REG.	NOW	
Halibut steaks	LB 4.98	LB 4.59	Fresh ground beef —
Swiss cheese — Imported from Switzerland	LB 5.28	LB 4.78	Coleman's Natural Beef
Fresh chicken breasts	LB 1.59	LB 1.19	Rib Eye Boneless —
Fresh chicken legs & thighs	LB .98	LB .69	U.S. Choice roast or steak
			Minute Steaks
			REG. NOW
			LB 1.98 LB 1.79
			LB 4.98 LB 4.49
			LB 3.39 LB 2.98



# LARCHER'S

2929 E. CENTRAL 682-5575

Committee of . . .

# Kansas Farm Organizations

Wilbur G. Leonard  
Legislative Agent  
109 West 9th Street  
Suite 304  
Topeka, Kansas 66612  
(913) 234-9016

STATEMENT WITH RESPECT TO HOUSE BILL NO. 2448

BEFORE THE SENATE COMMITTEE ON AGRICULTURE

March 2, 1988

Mr. Chairman and Members of the Committee:

I am Wilbur Leonard, appearing on behalf of the Committee of Kansas Farm Organizations. Thank you for this opportunity to further discuss with the Committee the provisions of House Bill No. 2448.

Last April 1st, before this Committee, we objected to the fact that no restrictions were placed on advertising claims that non-organic foods were deficient in their nutrient content and the consumption of them would be dangerous to one's health. Since that time we have participated in several discussions with proponents of the bill in an effort to effect a compromise concerning this issue. We believe we have achieved that end.

We reiterate that we believe the citizens of Kansas who seek to produce, sell and consume natural food products should have the right to do so without interference or harassment in their endeavors. We also believe that the same right should be guaranteed to the vast majority of agricultural producers who follow conventional and approved methods in the production of foodstuffs.

We appreciate the indulgence of the Committee in permitting us to present our views on this measure.

*attachment 7*  
*3-2-88*

TESTIMONY  
before the  
SENATE AGRICULTURE COMMITTEE

Jim Allen, Chairman

HOUSE BILL 2448

Presented by:  
Eldon R. Fastrup, Director  
Marketing Division  
Kansas State Board of Agriculture

March 2, 1988

*attachment 8*  
*3-2-88*

Mr. Chairman, Committee members, my name is Eldon Fastrup, Director of the Marketing Division of the Kansas State Board of Agriculture. My purpose this morning is to make comments and present proposed ammendments to H.B. 2448.

Personnel of the Marketing Division, in cooperation with interested producers, Agriculture Departments in other states, and others have been observing and tracking the developing market potential for "organic" type food products for the past several years. Although official U.S.D.A. data is not available, information from industry and consumer sources generally supports the conclusion that such a market exists and has potential for certain growers and producers.

At this time, nine (9) states have laws defining organic foods and a number of others are considering such legislation. In that there are no established federal definitions relating to "organic" foods, the individual state programs do vary in terms of standards, definitions, certification, and enforcement.

However, given the variations, there is a uniform common purpose of each of the state efforts. That being to provide a program which enables growers to produce and consumers to purchase food products defined as organic within identifiable guidelines and standards for the benefit of both parties.

House Bill 2448, with the proposed ammendments contained on the attachment, can serve to provide the basis which will enable Kansas growers to produce and Kansas consumers to purchase organic foods within established guidelines and standards.

Proposed Ammendments:

- |              |  |
|--------------|--|
| Line 0042    | Add "identified"; a grammatic change for uniformity with other sections.   |
| Line 0073    | Strike existing Sec. 3; insert new Sec. 3.   |
| Sub Sec. (a) | Provides that any grower who wishes to identify, label, or advertise organic foods shall register and affirm his |

compliance with the statute. This process will provide a listing and tracking of organic producers and product labeling and advertising. This subsection is not a certification process by the Board.

Sub Sec. (b) Establishes registration time frame and fee.

Sub Sec. (c) Provides that meat, poultry, milk, eggs, and other animal products must continue to comply with U.S.D.A. and F.D.A. regulations adopted by the state. Example: meat cannot be labeled as organic under the U.S.D.A. laws adopted by Kansas. However, certain advertising or "organic" meat would be acceptable.

Sub Sec. (d) Provides restrictions on negative advertising.

Line 126 & 127 Insert New Sec. 8.

The purpose of the sunset is to ensure the industry moves forward to refine the provisions of the statute. Including the development of a "certification" program. Such program of official certification that organic products meet all standards is very important. Certification may be by industry and/or U.S.D.A./F.D.A. may establish organic definitions and certification procedures.

H.B. 2448, with the proposed amendments, may not be perfect. However, it represents a bill:

1. To provide an opportunity for growers to register honestly develop the market potential.
2. Which will not overburden the organic grower with regulations and costs at this developmental phase.
3. Which provides consumer recourse.
4. Which does not involve extensive involvement of Board resources.

5. Which places responsibility on the industry to develop a "certification" process within two years.

Thank you.



HOUSE BILL No. 2448

By Committee on Economic Development

2-23

0018 AN ACT concerning organic food products; relating to the la-  
0019 beling and advertising thereof; providing for enforcement.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. As used in this act:

0022 (a) "Organic raw agricultural commodity" means an agricul-  
0023 tural commodity which has been produced, stored, processed  
0024 and packaged without the use of synthetically compounded  
0025 fertilizers, herbicides, fungicides or pesticides, except as other-  
0026 wise provided by this act, for either: (1) Two years after the  
0027 appearance of flower buds in the case of woody perennial crops  
0028 and three years prior to the harvest of herbaceous perennial  
0029 crops; or (2) three years prior to the harvest in the case of annual  
0030 crops.

0031 (b) "Processing" means the cooking, baking, heating, drying,  
0032 mixing, grinding, churning, separating, extracting, cutting,  
0033 freezing or otherwise manufacturing a food or changing the  
0034 physical characteristics of a food and the packaging, canning or  
0035 otherwise enclosing of such food in a container.

0036 (c) "Synthetically compounded" means those products for-  
0037 mulated by a process which chemically changes a material or  
0038 substance extracted from naturally occurring plant, animal or  
0039 mineral sources, excepting microbiological processes. Microbio-  
0040 logical products shall include, but are not limited to, raw ma-  
0041 nures, composted manures and inoculants.

0042 Sec. 2. To be labeled organic a food shall be:

0043 (a) An organic raw agricultural commodity; microorganisms,  
0044 microbiological products and materials consisting only of, or  
0045 derived or extracted solely from plant, animal or mineral-bearing

identified or

Attest  
3-2-87

0046 rock substances, as well as dormant oils, summer oils, fish  
 0047 emulsions and soap may be used in the production, storage,  
 0048 processing and packaging of organic raw agricultural commodi-  
 0049 ties in order to meet the requirements of this subsection (a); or  
 0050 (b) processed or manufactured from an organic raw agricul-  
 0051 tural commodity which complies with the requirements of sub-  
 0052 section (a); or

0053 (c) meat, poultry, milk, eggs and other animal products that  
 0054 (1) have been produced without the use of growth stimulants,  
 0055 nonprotein nitrogen sources, pesticides, growth regulators and  
 0056 without the use of antibiotics, except for the treatment of specific  
 0057 disease or malady, in no event administered (A) within 90 days of  
 0058 slaughter or 30 days of collection of eggs or milk, (B) within 30  
 0059 days of slaughter of any poultry or (C) within 90 days of slaughter  
 0060 of any other animals and (2) the final 60% of body weight of meat  
 0061 animals must be raised on a ration that has 95% organic raw  
 0062 agricultural commodities which comply with subsection (a); milk  
 0063 and dairy animals and laying fowls must be raised on a ration  
 0064 which contains 95% organic raw agricultural commodities which  
 0065 comply with subsection (a) or a feed that complies with subsec-  
 0066 tion (b); and

0067 (d) in every case, a food which is free from artificial flavoring,  
 0068 color additives, chemical preservatives or any other artificial or  
 0069 synthetic ingredient; and

0070 (e) in every case, a food which has no more than 10% of the  
 0071 level of any pesticide, fungicide or herbicide which the United  
 0072 States food and drug administration regards as a safe level.

0073 ~~Sec. 3. No food which is labeled or advertised as organic,~~  
 0074 ~~may be labeled or advertised as certified unless the name of the~~  
 0075 ~~person or organization which provides that certification is stated~~  
 0076 ~~on the label or in the advertisement.~~

0077 Sec. 4. (a) Every grower who sells a food which is derived  
 0078 from a crop which the grower has grown and which is identified  
 0079 as organic shall keep accurate records of the location of the  
 0080 acreage used for growing that crop and the additions made to the  
 0081 soil or applied to that crop. These records shall be retained for  
 0082 two years after the food is sold or delivered by the grower.

→ Sec 3. (a) No food may be identified, labelled, or advertised as organic unless the grower or producer is registered with the Kansas State Board of Agriculture. Said registration shall be renewed annually on or before July 1 of each year. The registration shall include affirmation under oath of full and complete compliance with the terms of this statute. The name of the grower or producer shall be stated on the label and advertising of said organic products.

(b) All grower or producers registering with the Kansas State Board of Agriculture, as set forth in subsection (a), shall remit a fee of \$15.00 per each registration. All fees collected under this act shall be deposited in an appropriate account of the Kansas State Board of Agriculture.

(c) Labeling and advertising of meat, poultry, milk, eggs, and other animal products shall comply with the laws, regulations, and guidelines of the U.S. Department of Agriculture, Federal Food and Drug Administration, and the State of Kansas.

(d) The advertising or promotion of foods identified or labelled as natural, organic, organically grown, or biologically grown or by similar terms negative statements shall not be made as to the nutrient content or safety of other foods produced by conventional and/or legally approved methods.

0083 (b) Every person who processes or manufactures a food  
0084 which is sold or identified as organic shall keep accurate records  
0085 of the ingredients of that food and the names and addresses of  
0086 persons from whom the ingredients were purchased. These  
0087 records shall be retained for two years after the food is sold and  
0088 delivered.

0089 (c) Every person who sells a food subject to subsection (b),  
0090 shall keep accurate records of the names and addresses of per-  
0091 sons from whom that food was purchased. These records shall be  
0092 retained for two years after the food is sold and delivered.

0093 ~~(d) A grower, manufacturer or seller of any food subject to~~  
0094 ~~subsection (b) shall provide the Kansas state board of agriculture,~~  
0095 ~~on demand, with relevant information from the records required~~  
0096 ~~under this section.~~

0097 Sec. 5. The prohibitions contained in this act shall not apply  
0098 to any person engaged in business as a wholesale or retail  
0099 distributor of a food labeled or advertised as organic, except to  
0100 the extent that such person:

0101 (a) Is engaged in the manufacturing, packaging or labeling of  
0102 that food;

0103 (b) the prohibitions contained in this act shall not apply to  
0104 any such wholesale or retail distributor who in good faith makes  
0105 the same representations on a package or label as have been  
0106 made by the manufacturer, distributor or other person providing  
0107 the food to that wholesale or retail distributor;

0108 (c) prescribes or specifies by the specific means prohibited  
0109 by this act, the manner in which that food is manufactured,  
0110 packaged or labeled; or

0111 (d) has knowledge of the violation of any provision of this act  
0112 by any specific batch of that food and continues to sell or  
0113 distribute that specific batch.

0114 Sec. 6. (a) Any person, organization or public or private en-  
0115 tity, may bring an action in district court pursuant to this section,  
0116 and such court, upon hearing and for good cause shown, may  
0117 grant an injunction restraining any person from violating any  
0118 provision of this act, except that such person, organization or  
0119 entity shall not be required to allege facts necessary to show, or

0120 tending to show, lack of adequate remedy at law, or to show, or  
0121 tending to show, irreparable damage or loss, or to show, or  
0122 tending to show, unique or special individual injury or damages.

0123 (b) In addition to the injunctive relief provided in subsection  
0124 (a), the court ~~may~~ shall award to such person, organization or  
0125 entity reasonable attorney fees and damages as determined by  
0126 the court.

0127 Sec. ~~7.8~~ This act shall take effect and be in force from and  
0128 after its publication in the statute book.

Sec. 7. The provisions of this act shall expire on June 30, 1991.