

MINUTES OF THE SENATE AGRICULTURE

The meeting was called to order by Chairman Mark Taddiken at 8:30 a.m. on February 26, 2008 in Room 423-S of the Capitol.

All members were present except:

Terry Bruce- excused
Steve Morris- excused

Committee staff present:

Emalene Correll, Kansas Legislative Research Department
Jason Thompson, Office of Revisor of Statutes
Matt Todd, Office of Revisor of Statutes
Judy Seitz, Committee Assistant

Conferees appearing before the Committee:

Dr. Micheal Brouck, Associate Professor/Extension Specialist, Dairy, Kansas State University
Carrol Campbell, Co-Chair, American Farmers for the Advancement and Conservation of Technology (AFACT) and Producer
Bob Seiler, Dairy Farmer, Seiler Dairy, Valley Center
Curtis Steenbock, Dairy Producer, Longford
Lynda Foster, Dairy Farmer, Fort Scott
Dana Peterson, Producer Policy Specialist, Kansas Association of Wheat Growers (KAWG)
Matt Deters, Dairy Farmer, Baileyville
Mark Hardison, Dairy Consultant
Duane Simpson, Chief Operating Officer, Kansas Grain and Feed Association (KGFA) and Kansas Agribusiness Retailers Association (KARA)

Others attending:

See attached list.

Hearings on **SB 595–Agriculture products; labeling requirements** were opened.

Dr. Micheal Brouck, Associate Professor/Extension Specialist, Dairy, Kansas State University, gave neutral testimony on **SB 595 (Attachment 1)**. He said that food labeling is important to consumers in making informed choices about the products they purchase. He also said that regulations concerning the nutrition facts panel and health claims are based on scientific testing. Dr. Brouck stated that studies have shown that consumers can utilize food label information in making informed purchase decisions.

Hearings on **SB 595** were deferred to discuss **SB 502–Farm equipment, warranty repair work, transportation expenses** which was heard on February 12.

Senator Lee moved that **SB 502** be moved out favorably. There was no second.

Carrol Campbell, Co-Chair, American Farmers for the Advancement and Conservation of Technology (AFACT) and Producer testified in favor of **SB 595 (Attachment 2)**. He stated that food retailers are using inaccurate and misleading labeling in an attempt to capture additional market share. AFACT does not advocate the loss of consumer choice or the consumers' right to know the contents of products. They want consumers to have a choice and that the choice is safe, high quality, wholesome, nutritious and delicious.

Chairman Taddiken requested that questions be held until all conferees have spoken.

Bob Seiler, Dairy Farmer, Seiler Dairy, Valley Center, spoke in support of **SB 595 (Attachment 3)**. Mr. Seiler said that milk from cows that are not treated with rBST is the same as milk from cows treated with rBST and no test can detect it; but companies continue to exploit the consumers feelings when labeling the milk as being better because the cows producing that milk have not been treated with a scientifically proven hormone. In his testimony he included the Kansas Dairy Association labeling issues information and fact sheets on milk. He also had cartons of milk for the Committee to compare labeling.

CONTINUATION SHEET

MINUTES OF THE Senate Agriculture at 8:30 a.m. on February 26, 2008 in Room 423-S of the Capitol.

Curtis Steenbock, Dairy Producer, Longford presented testimony in favor of **SB 595** (Attachment 4). He said that one of the great benefit of rBST is that it is identical to the cows natural BST. He also said that his co-op will no longer ship his milk to a fluid plant because he refuses to sign an affidavit stating that he does not use rBST. A copy of the affidavit and agreement he was requested to sign was attached to his testimony.

Lynda Foster, Dairy Farmer, Fort Scott, spoke in favor of **SB 595** (Attachment 5). She said she has been using rBST on their dairy herd since the Food and Drug Administration (FDA) said it was safe and legal. She also said that consumers need to know that BST is a hormone that is naturally produced in cows. Ms. Foster stated that there is no know test that can differentiate milk from cows that have been given rBST and those that have not.

Dana Peterson, Producer Policy Specialist, Kansas Association of Wheat Growers (KAWG), appeared in support of the concept of **SB 595** (Attachment 6). She said that in recent years there have been many types of products that have tested labeling requirements as biotechnology is used in the production of our food. The KAWG requests language be added to the bill to protect the labeling of the emerging market for Kansas wheat and whole grains.

Matt Deters, Dairy Farmer, Baileyville, spoke in support of **SB 595** (Attachment 7). He said that he had to quit using rBST in order to stay in the dairy business. Mr. Deters said that rBST is a helpful tool in keeping cows in production longer and helped with feed efficiency.

Mark Hardison, Dairy Consultant, offered comments in favor of **SB 595** (Attachment 8). He said the technologies that are available should be able to be used in the industry without putting undue restrictions of law in labeling on any specific technology.

Duane Simpson, Chief Operating Officer, Kansas Grain and Feed Association (KGFA), and Kansas Agribusiness Retailers Association (KARA), testified in support of **SB 595** (Attachment 9). His association believes that consumers should be allowed to choose what they want to consume. Mr. Simpson stated that it is time for the government to start doing its job and protecting consumers. He also said the public would best be served by referring this matter to an interim legislative committee for further study.

Brad Harrelson, State Policy Director, Governmental Relations, Kansas Farm Bureau, provided written testimony in favor of **SB 595** (Attachment 10).

Conferees took questions from the Committee.

The hearing on **SB 595** will be continued tomorrow for opponents.

The meeting was adjourned.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 2-26-08

NAME	REPRESENTING
Dean Becker	Midwest Ag Service LLC
Mark Harlow	Countryside Feed - KDA
DAVID RETHMAN	MIDWEST AG SERVICE, LLC
Elisabeth Suter	myself
Bill Cutler	self.
Tom Thompson	Sierra Club
LYNN VAN BURFIO	TOPPA FOOD COOP
Mary Kuntz	Humane Soc. of the U.S.
Dana Peterson	Ks Assoc. of Wheat Growers
SEAN MILLER	CAPITAL STRATEGIES
Austin Hayden	Hein Law Firm
Mary Fund	Ks. Rural Center + Ks. Organic Producers
Frank Pritz	KANSAS Dairy Assn.
Christy Ruff	KDC KDA
Diana E. Quatt	Good Watered Family Farm Alliance
George Blush	Ks. Dept. of Agric.
Anteo Stouckak	KDA
Gary Foster	Dairy Farmer
Lynda Foster	Kansas Dairy Assoc.
Jessie Kaufman	Ks Co-op Council
Gabrielle Huchelby	sen Dennis Pyle

Testimony given on Tuesday, February 26, 2008
Before the Senate Agriculture Committee Concerning SB595

Dr. Micheal J. Brouk
Associate Professor/Extension Specialist, Dairy
Kansas State University

Regulation of food labeling in the U.S. dates back to 1906 when the federal food and drug act and the federal meat inspection act authorized the federal government to regulate the safety and quality of food. In 1924, the Supreme Court ruled that the Food and Drugs Act condemns every statement, design or device which may mislead, misdirect or deceive even if technically true. Over the years, FDA has issued many changes to food labeling standards. Major changes in the 1990's included the reporting of nutritional information on almost all foods. The acts sought to provide consumers with more scientifically valid information concerning the food they consume. Then FDA Commissioner, David Kessler, M.D. stated, "The new food label is an unusual opportunity to help millions of Americans make more informed, healthier food choices."

He was speaking about the "Nutrition Facts Panel" which is found on most of the food products purchased today. The information contained on this panel is based on facts supported by scientific research and testing. For example, it defines a serving size and servings per container. This is based on standard units of measure and suggested serving sizes. These can be measured by standard laboratory testing. It also contains information concerning the nutrition of a single serving. Items like calories, total fat, saturated fat, unsaturated fat, trans fat, cholesterol, sodium, carbohydrates, dietary fiber, sugar, protein and vitamins. These items have been established as nutritionally significant by scientific study. In addition, we have official, standardized laboratory analyses to verify the levels reported on the label. These analyses have been developed by scientific research that has resulted in accurate and repeatable laboratory procedures.

A study reported in the Journal of Nutrition Education, indicated that when using data contained on the nutrition facts panel, 78% of the consumers accurately compared to products and 58% accurately evaluated the nutrient level claims. Food labels are utilized by consumers as a method to evaluate and make purchasing decisions.

Food labels containing terms used to describe a food's nutrient content must meet government definitions so that they mean the same for any product. For example, "light", "fat-free", "low-calorie", etc. are useful terms that have established standards that are verifiable through standardized laboratory testing.

Food labels carrying health claims must meet additional requirements. Scientific agreement must exist to establish the relationship between substance/disease and the proposed health claim. Scientific agreement is based on the consensus of multiple research studies that have defined the existence of a relationship. An example would be the "low sodium" and hypertension. Scientific studies were utilized to establish the relationship between lower sodium intake and hypertension. Based on scientific facts, food labels today may mention the

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relationship between lower sodium intake and hypertension. This enables consumers wanting to reduce sodium intake to easily identify products that contain less sodium.

Food labeling is important to consumers trying to make informed choices about the products they purchase. Regulations concerning the nutrition facts panel and health claims are based on scientific testing and facts gleaned from scientific studies. These studies have been scrutinized by the scientific community to ensure that proper scientific methods and practices were utilized in collecting and analyzing the data. Sound science has been the basis for the development of food labeling regulations. Studies have shown that consumers can utilize food label information in making informed purchase decisions.

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Testimony presented Tues. Feb 26, 2008 to Kansas Senate Ag Committee with reference to SB595

Chairman Taddiken and members of Ag Committee,

Thank you for the opportunity to share information with you that I hope will be helpful to you as you consider SB595. I come before you as a Kansas producer and also as the co-chair of AFACT.

The American Farmers for the Advancement and Conservation of Technology is a national organization of agricultural producers who have as their mission to safeguard the image of modern agricultural products in the market place. We support producer's choice of modern production practices to provide safe, wholesome and nutritious foods. In addition, we believe that in order for agriculture to be truly sustainable we must utilize technologies in the production of food with minimal environmental impact and maximum consumer value.

My family operates a 250-cow dairy near Winfield where we are in our 73rd year of commercial dairy production. On my office wall I have a framed permit that my grandfather, Clyde, received from the city of Winfield in 1935, allowing him to sell and deliver milk in Winfield. For forty-nine years we had a direct relationship with the consumer which gives us a unique perspective on the importance of maintaining consumer trust in marketing a product.

As you are aware, food retailers are using inaccurate and misleading labeling in an attempt to capture additional market share. We believe such labeling as hormone free, rbST free, antibiotic free, or pesticide free are confusing to the consumer. These labels lead consumers to believe that the non-labeled products contain these substances. The

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Attachment 2

facts are that all milk contains hormones as a part of the cow's natural biology. All milk is rigorously tested for antibiotics. We know the product that is produced on our farm is safe, wholesome, and nutritious. Having worked really hard to produce milk, I am offended when in the dairy case, it is portrayed as less than safe and inferior in quality, when the truth is, it is the same, safe, wholesome, nutritious product.

This is a consumer issue. We do not advocate the loss of consumer choice or the consumers' right to know the contents of products. In fact, we want consumers to have a choice. We just want them to know that whatever choice they make whether it is whole milk, low fat, or organic, it is the right choice. All milk is safe, high quality, wholesome, nutritious, and delicious.

We want consumers to be able to buy higher priced organic products if that is what they choose, even though there is no compositional difference. However, misleading labels can cause the consumers on a tight budget to believe the product they can afford is inferior and less nutritious. These fear tactics could easily result in consumers choosing some other less nutritious product such as soft drinks.

Again, this is a consumer issue. This is about the consumers' right to know. Secretary Polanski and his department are charged with the responsibility of insuring that Kansas consumers are provided with accurate labeling on food products. The bill before you will provide the Secretary with direction on how he should proceed. I ask for your support.

A handwritten signature in cursive script, appearing to read "Carrol W. Campbell".

Carrol W. Campbell

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Consumer Milk Prices

Farm Bureau Market Basket
Survey

Farm Bureau Market Basket Survey Half Gallon Containers – Whole Milk

7-4

<u>Quarter</u>	<u>2Q07</u>	<u>3Q07</u>	<u>4Q07</u>
Regular	\$ 2.22	\$ 2.40	\$ 2.38
rbST Free	\$ 3.01	\$ 3.01	\$ 3.06
Organic	\$ 3.65	\$ 3.43	\$ 3.47

Seiler Dairy
Bob and Marcella Seiler
Valley Center, Ks

Testimony for Kansas Senate Agriculture Committee
Senate Bill 595
February 25, 2008

Good Morning Chairman Taddiken and members of the Senate Ag Committee

I am Bob Seiler. My family and I milk 120 cows in Sedgwick County. False or misleading labels have become an increasing way for processors and retailers to help their products stand out from their competitors in the marketplace. I would like to discuss the issues we are facing in the dairy industry as it relates to milk and good, safe, and scientific technologies that we use in our business.

15 years ago we began to use a new technology called recombinant bovine somatotropin (rbst) to help our cows be more efficient and produce more milk while using less natural resources. About 10 years ago I became aware of movement on the east coast to not allow the use of rbst on cows that the milk was being sold to some companies such as Ben and Jerry's ice cream. I thought that was just there problem back east on the coast and we had more sense in Kansas and understood good science. In October 2006 that all changed for the dairyman of south central Kansas. The cooperative that purchases our milk decided to pay a premium for milk that was produced without rbst. This was very disappointing to me and I decided to go ahead and use rbst because the science was very well proven. Since that time it has cost us about 20,000 dollars to our farm in sixteen months for milk that was exactly same as milk as that being sold for a premium.

Milk from cows that are not treated with rbst is the same as milk from cows treated with rbst and no test can detect it but companies continue to exploit the consumers feelings and try to label it as being better because the cows producing that milk have not been treated with a good scientifically proven hormone. Igf-1 is the protein that bst influences the production of. This seems to be one of the concerns of the opponents of rbst use, even though we produce in our own saliva enough Igf-1 daily to equate to 24 gallons of milk. What sense does that make.

We milk about 9 million cows in the United States. About a third have been treated with rbst before this wave of misleading labels. These cows that are treated will give about 1 gallon more milk per cow per day. This efficiency saves several natural resources including almost 20 billion gallons of water per year which is enough to supply over 75,000 homes. We will need almost 1250 square miles of land to produce enough feedstuffs to feed the extra cows that it will take to produce the same amount of milk without this technology. By using rbst in the USA we also save 16.5 million gallons of gasoline and diesel fuel which is enough for over 25,000 homes. Greenhouse gas emissions are lowered by 90,000 tons and more than 10 million tons of manure will not

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be produced. All these benefits for the environment and we would still be able to produce enough milk to feed the world and keep it affordable for all families.

I realize that you have all received abundant amounts of email from opponents of this bill. I believe this is the same way they convinced the large retailers that consumers wanted rbst free milk. They went click click with their mouse and convinced Krogers, Walmart, and Dean Foods that they all wanted milk that was not from cows that were treated with hormones. I didn't realize how good an activist system was in place until I heard how many negative emails were sent to you all. I am sure no consumers emailed otherwise because there are very minute minority that is active on this issue that doesn't believe the science behind it. The rest of us trust the dairyman to provide us with a safe and healthy product. That is job one on every dairy farm.

I believe that there is a place for certified organic programs though and this bill could maybe be better if amended to allow these programs. I do believe this bill needs to take in all ag products because I believe we will all face this dilemma that the dairy industry is facing with this scientifically proven technology. Sometime soon the activists will ignore the science behind antibiotics used in the cattle industry to keep cattle healthy much like they are when us humans get sick or they will ignore other hormones used in the cattle industry that are scientifically proven and go click click on there computer and convince Walmart and Krogers to not sell meat from these animals. What a tragedy that will be. We in Agriculture need to ban together now in order to save our safe science and also continue to protect the environment.

I have included several handouts with the facts about antibiotics and hormones on them for you. This is just the start of educating America on efficient and safe food production with use of new biotechnologies. In order to be self sufficient in food production and truly sustainable in agriculture we need these safe production tools and the consumers need them to have an abundant quality food supply. This new way of looking at labels is just part of the education.

Thank you for your time and please help lead our state to be a healthy ag environment. You are the leaders that I look to that can keep ag sustainable in Kansas and America.

KANSAS DAIRY ASSOCIATION LABELING ISSUES

The Dairy Industry is faced with a new dilemma. Processors and retailers are asking for rBST free milk. What we need to remember is that BST is a hormone that is also naturally produced by the cow. If the cow has been given rBST, it does not change the amount of BST in the milk. No test has been developed that can differentiate milk from cows that have been given rBST and those that have not been given rBST. The FDA approved rBST in 1993 and nothing has changed their approval. It is safe and it is legal and it does not affect the composition of a glass of milk. rBST is also species specific so its biological actions will not affect humans.

The processors and retailers state there is consumer demand for this product. Focus groups and surveys indicate this is not true. Most consumers know very little about this issue. We believe only a very small, vocal, group are asking for this product.

Dairy farmers and consumers alike are losers on this issue.

- Consumers are being forced to pay more for milk. Lower income people may think milk that is not rBST free is not safe for their families causing them to either stop drinking milk or spend more money for the milk they do purchase.
- The American Farm Bureau Federation's "Marketbasket Survey" for the fourth quarter of 2007 stated that a ½ gallon of rBST free milk cost \$3.06 and a ½ gallon of regular milk cost 22% less at \$2.38.
- This rise in price to the consumer of \$0.68 a half gallon is only being returned to the dairy farmer, at the most, at a rate of \$0.02 a half gallon.
- Consumers are being manipulated into paying more for milk that is the same nutritionally, without this money being returned to the Dairy farmer for the loss of technology that would help him produce more milk.
- If Dairy farmers give up this technology, it makes them less efficient. More feed, water, labor and cows will be needed to produce the same amount of milk. In the United States, it will take another 500,000 cows to produce the same amount of milk.
- More cattle will add to the carbon footprint of the dairy industry. One cow is about the same as one car.

This proven, safe, technology helps agriculture be more efficient. Agriculture needs technology to produce the food the world needs.

Other labels on milk that are misleading are those that state the product is "antibiotic free" or "pesticide free". All milk is forbidden to be sold unless it is antibiotic and pesticide free. The consumer must be confused.

We would like to see a labeling regulation developed to prevent these confusing claims that cannot be supported by sound science or scientific testing. Labels that say "antibiotic free" and "pesticide free" are misleading because no milk is allowed to be sold that would contain either of these. The rBST free label is supported by affidavits signed by the dairyman. No test can prove that the milk really is rBST free.

Consumers and the Dairy industry need clarification in labeling. We believe this will need to be done by regulation.

If you have any questions, please contact the Kansas Dairy Association.

Bob Seiler 316-644-2238
Carrol Campbell 620-229-3141

Tom Bruno 785-633-2127



ALL MILK – ALL HEALTHY

The Center for Disease Control (CDC) lists improvements in food safety as one of the 10 most important medical and public safety improvements of the last century.

Milk is delicious and nutritious – it is good for you and your family

- Delicious high quality milk comes from dairy producers who continuously provide proven management and technology to healthy well fed dairy cows.
- A serving of skim or low-fat milk has fewer calories than juice or soda-pop while providing more calcium and protein. It also provides 9 essential vitamins and minerals.
- Milk plays a role in reducing risk of colon cancer, dental disease, hypertension, obesity and osteoporosis.
- The healthy fatty acid, conjugated linolenic acid or CLA, which is found naturally in milk, plays a role in preventing many serious cancers including breast cancer.
- Three servings of dairy products each day can promote healthy weight loss in a reduced calorie diet.

Milk moves safely from the dairy farm to your refrigerator

- All U.S. dairy products meet strict safety requirements, set by the Food and Drug Administration (FDA) and U.S. Department of Agriculture (USDA) - making them some of the safest foods available.
- Milk is tested repeatedly before it reaches the dairy case to ensure it meets or exceeds FDA and USDA requirements for safety, purity and quality. These tests begin right on the farm and continue throughout the processing of milk and other dairy products.
- Whatever type of milk or other dairy products you choose, they will be safe for you and your family.

All milk is safe and healthy

- Whole? Low-fat? Organic? Antibiotic-free? Hormone-free? Pesticide-free? With so many claims on milk labels today, it can be difficult to decide which milk is the right milk – relax, all milk and dairy products are equally safe to consume with similar nutrient content.
- Organic? The fact is there is no difference.
- Antibiotic-free? Antibiotics are never added to milk and all milk is tested to ensure that no antibiotics are present in milk.
- Hormone-free? All milk contains hormones as part of a cow's natural biology. There is no hormone free milk.
- Pesticide-free? Pesticides are never added to milk!

*References: – Hammond, B. G., The food safety assessment of bovine somatotropin (bST), in *Food Safety of Proteins In Agricultural Biotechnology*, Hammond, B. G., Ed., CRC Press, New York, NY, 2008, pp. 167-208.*

- <http://www.cdc.gov/nchs/about/otheract/hp2000/foodsafety/foodsafety.htm>
- <http://www.cfsan.fda.gov/~ear/prime.html>
- <http://www.cgfi.org/>
- <http://www.nationaldairyCouncil.org/NationalDairyCouncil/>



THE FACTS ABOUT rbST, MILK SUPPLY AND THE ENVIRONMENT

Dairy Farmers use of rbST has allowed them to provide safe, high quality dairy products to consumers while minimizing effects on the environment.

Milk sits in a very special place with U.S. consumers

- Milk is considered by many to be "nature's most perfect food", it is used to describe prosperity in our country – "the land of milk and honey" and it exemplifies how its citizens often provide the "milk of human kindness."
- But consumers beware! The average price of a gallon of milk is near record highs. Strong demand and limited ability to increase production are expected to increase prices even more and high feed costs are making it difficult to produce more milk.
- One way to ease the shortage and lower the prices is to take greater advantage of a proven biological technology that improves milk production in dairy cows – a protein hormone called recombinant bovine somatotropin (rbST).
- Bad-faith efforts by biotechnology opponents to portray rbST as unsafe, and to discourage its use, keep society from taking full advantage of a safe and useful product. The opponents' limited success is keeping milk prices unnecessarily high.
- When rbST is injected into cows, they become more efficient at converting feed to milk. It helps the average cow, which produces about eight gallons of milk each day, to make nearly a gallon more. More feed, water, barn space and grazing land are devoted to milk production, rather than other aspects of bovine metabolism – the result is seven cows' worth of milk from six.

When rbST is applied widely the environmental effects are profound

- Fifty years ago, the dairy industry produced nearly a third less milk with over twice as many cows. Today, new technologies like rbST, allow producers to provide high quality milk with less environmental impact.
- For every million cows treated with rbST each year, 6.6 billion gallons of water (enough to supply 26,000 homes) are conserved. With the nation often enduring droughts and cities experiencing water shortages, this is a significant benefit.
- The amount of animal feed consumed each year by those million rbST-supplemented cows is reduced by more than three billion pounds. And the amount of land required to raise the cattle and grow their food is reduced by more than 417 square miles.
- At the same time, more than 5.5 million gallons of gasoline and diesel fuel (enough to power 8,800 homes) are saved, greenhouse gas emissions are lowered by 30,000 metric tons and manure production is decreased by about 3.6 million tons, reducing the chances of runoff getting into waterways and groundwater.

Adapted from http://www.nytimes.com/2007/06/29/opinion/29miller.html?_r=1&pagewanted=print&oref=slogin
References: <http://www.nationaldairycouncil.org/NationalDairyCouncil/> ;
<http://usinfo.state.gov/journals/ites/0903/ijee/etherton.htm> ;
http://www.freshplaza.com/news_detail.asp?id=6647



THE FACTS ABOUT RECOMBINANT BOVINE SOMATOTROPIN (rbST)

What is Recombinant Bovine Somatotropin (rbST)?

- Bovine Somatotropin, also known as bST, is a protein molecule produced naturally by the cow. It is essential for a cow to produce milk.
- Cows with higher levels of bST are able to produce more milk because bST assists the cow in coordinating nutrient use for conversion of feed into milk
- The same technology used to develop insulin for diabetes was utilized to develop a manufactured bST called Recombinant Bovine Somatotropin (or rbST) so cows could be supplemented to improve milk production.
- Manufactured rbST is the most researched animal product ever approved by the Food and Drug Administration (FDA).
- Since rbST was introduced in the early 1990s, hundreds of millions of units have been sold in the U.S alone for use on millions of cows by tens of thousands of dairy farmers.

What does rbST do for consumers?

- rbST reduces the price of milk!! It makes milk production more efficient and, when food production is more efficient, food is more abundant and less costly.
- rbST is one of many agricultural production tools and technologies which enhance the quality, abundance and affordability of food – just like artificial insemination (AI) or hybrid seed corn.
- rbST helps to conserve natural resources and reduce environmental impact.

Is rbST safe for consumers?

- Yes, absolutely! Proteins such as rbST are made up of amino acids – the same amino acids found naturally in eggs, fruits, vegetables and other foods.
- bST's activity is species limited. It is active in cows but has absolutely no effect in humans. This was demonstrated in the 1950's when bST was used in a failed attempt to treat childhood dwarfism. There was no effect on health at all.
- rbST cannot be distinguished from the cow's own bST. All milk contains the same minute amounts of bST, including organic products or those labeled as rbST free. When milk is consumed, bST and rbST are digested just like any other food protein.
- All U.S. dairy products meet strict safety requirements, set by the FDA and U.S. Department of Agriculture (USDA) - making them some of the safest foods available.
- Milk safety has been confirmed by numerous highly credible worldwide scientific organizations (see partial list on back.)

What are the benefits of rbST to the environment?

- rbST leaves a smaller carbon footprint on the environment.
- rbST has beneficial effects on utilization of resources and on the environment because the same quantity of milk can be produced with fewer cows.
- Fewer cows per gallon of milk, means less use of water, feed, land and fuel and less production of manure and greenhouse gases per gallon of milk produced.

How do dairy producers benefit from rbST?

- The technology is size neutral, therefore equally effective in both small and large dairy herds that utilize good management practices. Cows remain healthy and productive.
- Today, dairy farmers are paying much higher feed costs and rbST helps producers reduce the impact of these higher feed prices on their farm operations.
- Milk production efficiency (the ratio of milk produced to feed consumed) and, especially, profits are increased as cows produce more milk.
- An example - the University of Illinois conducted a study to evaluate the impact of removing rbST from the University's ~220 cow dairy herd. Using typical milk prices and feed, labor and rbST costs, they concluded the economic loss of stopping rbST would be dramatic - ranging from \$20,000 to \$60,000 less INCOME annually.



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- Today, dairy farmers are paying much higher feed costs and rbST helps producers reduce the impact of these higher feed prices on their farm operations.
- Milk production efficiency (the ratio of milk produced to feed consumed) and, especially, profits are increased as cows produce more milk.
- An example - the University of Illinois conducted a study to evaluate the impact of removing rbST from the University's ~220 cow dairy herd. Using typical milk prices and feed, labor and rbST costs, they concluded the economic loss of stopping rbST would be dramatic - ranging from \$20,000 to \$60,000 less INCOME annually.

References:

- 1) Environmental Protection Agency, *An Environmental Study of Bovine Somatotropin Use in the U.S.*, Prepared by: ICF Incorporated. Atmospheric Pollution Prevention Division, Office of Air and Radiation, U.S; 1996.
- 2) Hammond, BG, The food safety assessment of bovine somatotropin (bST), in *Food Safety of Proteins In Agricultural Biotechnology*, Hammond, BG, Ed., CRC Press, New York, NY, 2008; 7:167.
- 3) Hutjens MF, Clark JH, Wallace RL, Drackley JK, Endress JG, Fischer DB, Loor JJ, McCoy GC, Miller DJ, Merchen NR, and Shanks RD, rbST - Facts and Fiction, in *2008 Illinois Dairy Report*, University of Illinois, 2008;56.
- 4) Juskevich JC and Guyer CG: Bovine growth hormone: Human food safety evaluation. *Science* 1990;249:875.
- 5) Thomas JW, Erdman RA, Gallon DM, Lamb RC, et al: Responses by lactating cows in commercial dairy herds to recombinant bovine somatotropin. *J Dairy Sci* 1991;74:945.
- 6) Young FG: Experimental stimulation (galactopoiesis) of lactation. *Br Med Bull* 1947;5:155.

Partial list of the 50 plus worldwide scientific organizations which have confirmed milk safety in milk from rbST supplemented cows:

- American Academy of Pediatrics
- American Cancer Society
- American Council on Science & Health
- American Dietetics Association (ADA)
- American Medical Association (AMA)
- Canadian Pediatric Society
- Children's Nutrition Research Center, Baylor College of Medicine
- Council on Agricultural Science & Technology
- European Union's Committee for Veterinary Medicinal Products (CVMP)
- U.S. Food & Drug Administration (FDA)
- Food & Agriculture Organization of the United Nations (FAO)
- Food & Nutrition Science Alliance
- Food Marketing Institute
- Grocery Manufacturers of America (GMA)
- Health Canada (Royal College of Physicians & Surgeons)
- Institute of Food Technologists (IFT)
- International Dairy Foods Association (IDFA)
- Joint FAO & WHO (World Health Organization) Expert Committee on Food Additives (JECFA)
- National-American Wholesale Grocers' Association
- National Dairy Council
- National Institutes of Health (NIH)
- The American Academy of Family Physicians Foundation
- U.S. Congress Office of Technology Assessment (OTA)
- U.S. Dairy Export Council
- U.S. Surgeon General's Office
- World Health Organization (WHO)

I am a dairy producer from Longford in north central Kansas. I own and operate a small family farm with my wife and two children. We take pride in the product we produce and would like to think our product would be able to be used anywhere in the dairy industry. However because of scare tactics by a few consumers, processors have tried to curb the use of rBST and force dairymen to give up a very important piece of technology.

Shortly after rBST was approved by FDA I began using the product. Having been one of the most tested products FDA has ever released I decided to use the technology on my farm. It has been and continues to be a very profitable tool on my farm. My farm is relatively small and I do not have room to substantially increase cow numbers. In these changing times when you are economically forced to get bigger or get out rBST has allowed me to get more milk out of fewer cows. This has helped to allow me to stay competitive in the dairy industry. Those extra pounds of milk make a huge impact in my bottom line. In any business the last few pounds, bushels, tons or items are the most profitable and add profit after all the other overhead has been covered.

One of the great benefits of rBST is that it is identical to the cows natural BST. This means that milk from treated cows is identical to non-treated cows. There is no test to detect it at any level. Let me assure you that as advanced as science is today if it was not identical someone would have figured out how to test for it by now. And if it is not safe and was proved to be threatening to our food supply FDA would pull it off the market in a heartbeat.

My coop, DFA will no longer ship my milk to a fluid plant because I have refused to sign an affidavit stating that I do not use rBST. These affidavits are a typical one way contract not in favor of any producers. Because of this my milk is being transported to a cheese plant and I am being penalized as my hauling bill has increased by \$.60/cwt or about 40%. If I sign the affidavit it says I may or may not receive a premium which can vary month to month and may be suspended or eliminated at any time. It also says there will be no tests conducted for the presence of rBST in my milk. That is because there is no test. Any premiums mentioned so far would not cover the cost of me giving up rBST although my margin has been significantly reduced. DFA has asked me and all their other producers to sign a piece of paper that says we are not using something that cannot be tested for. Doesn't this make you wonder what could happen?

We are living in times of great technological advances. I can think of no other technology that has been taken away because of scare tactics based on a few people. When you take technology away from any industry the consumer will ultimately pay the bill as production costs increase. Let's get down to sound science, whether we are talking about milk or any other food product. We have organic products on our shelves that go through an extensive certification process. Consumers that want that extra security of knowing how their food was produced already have that luxury. We should not get caught up giving in to groups demanding something that has no way of being traced.

Curtis Steenbock
Longford, KS

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AFFIDAVIT AND AGREEMENT

I, _____, hereby state and affirm that I am a bona fide milk producer and a member of Dairy Farmers of America, Inc. (DFA), Member # _____ I am responsible for the milk production marketed under this DFA membership.

I make this statement of my own free will, absent of any threat, promise or inducement, whether real or implied:

1. rbST has not been used to treat any milk cows in my milk production unit within the previous 30 days.
2. I will refrain from using rbST treatment on any milk cows in my herd and under my management and control.
3. I will use due diligence in purchasing additional milk cows in a good faith attempt to assure they have not been treated with rbST within the 30 days previous to my purchase thereof.
4. DFA does not conduct any test(s) for the presence or absence of rbST in my milk production so, therefore, I agree that I will give 30 days prior written notice to DFA should I change or alter any management practices or statement made herein.
5. If requested, I agree to permit inspection of my production facilities and evaluation and testing of my milk cows by a DFA-authorized party in order to confirm the accuracy of this Affidavit and Agreement or non-rbST use
6. I understand that one or more parties will be relying upon the representations that I am making in this Affidavit and Agreement. I hereby authorize DFA to disclose the fact that I have executed this Affidavit and Agreement to DFA customers to whom my milk is marketed.
7. I understand that DFA may pay me a premium because the milk from my herd is not treated with rbST but also acknowledge that the level of that premium is subject to change from month to month and that it may be suspended or eliminated. I understand and agree that my obligations and representations in the Affidavit and Agreement apply regardless of the amount or existence of any premiums.
8. I hereby acknowledge that from time to time DFA may be required to disclose the fact that I have executed this Affidavit and Agreement to government or regulatory entities as required by law.
9. I acknowledge that the parties relying on this Affidavit and Agreement may incur monetary damages for which I may be liable in the event that any of the representations in this Affidavit and Agreement are not true or correct, or if I fail to fulfill any of the obligations contained in this Affidavit and Agreement.

I hereby swear and attest that the above is my true and valid statement.

Dated this ____ day of _____, _____

Signature – Authorized Representative

Member Name (please print)

Address: _____

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Testimony Prepared by:
Lynda Foster
Foster Dairy
2/26/2008

Good morning Chairman Senator Taddiken and other members of the Agricultural Committee. My name is Lynda Foster and I'm a dairy farmer from Southeast Kansas near Fort Scott. I farm with my husband, Gary, and son, David, and his family. Gary and I have been milking cows since our graduation from Kansas State University in December of 1977, over 30 years now. We are currently milking 100 head of Holstein cows. I'm here this morning to tell you I'm concerned about the changes that are occurring in the agricultural industry. It seems we're being caught up in a catch 22 position. America wants farmers to provide the world with a safe and secure food supply. In order to continue doing so, we must be able to make a living and provide for our families. To do this we must have the tools necessary to survive in these times of ever-increasing costs and to do so in an economic manner. However, in the last few years we have started to be bombarded by activists groups, environmental groups, concerned citizens groups, and others. All of whom have their own agenda's.

One of the latest issues to come to the forefront is the proper labeling of agricultural products. I am active in several different agricultural organizations such as my dairy coop, my county and state farm bureau and the Kansas Dairy Association of which I'm a board member. In the last few months this issue of misleading labels has been discussed over and over. Other states have been discussing this issue as well and some have presented their legislatures with bills on the same topic as this one. We are all concerned with the consumer's "right to know". I want the consumer to know the truth, however, and not be misled into thinking one product is better than another. Labels such as antibiotic-free, pesticide-free, and/or hormone-free are some such labels. It's illegal to have antibiotics or pesticides in the milk and many tests are conducted to make sure this doesn't happen. As for hormone-free, all milk contains naturally occurring hormones. Vitamin D is a steroidal hormone and most people aren't aware of this.

The real issue here is the fact that recently many processors have decided to go rBST free. We need the consumer to know that BST is a hormone that is

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naturally produced in the cow. If the cow has been given rBST, it doesn't change the amount of BST in the milk. FDA approved the use of rBST in 1993 and nothing has changed its approval. It is safe and it is legal. The composition of milk is not changed. The processors and retailers state that there is consumer demand for this product and yet focus groups and surveys would indicate otherwise. My own dairy coop sent letters out to their producers last fall requesting that an affidavit be signed stating that they weren't using rBST. There is no known test that can differentiate milk from cows that have been given rBST and those that have not. As a dairy farmer, if I give up this proven and legal technology use, it makes me less efficient. I would have to milk more cows to make up the difference. This would mean more feed and with today's escalating feed costs, we're talking a lot of money.

I want you to know though, that it's not just a rBST issue that's at stake here. It's all technology practices that might be questioned down the road. In other words, what's next? As for the consumer, why should they have to pay more for a product that says it's one thing, when nutritionally, it's all the same. Milk is Milk!

We would like for you to seriously consider this labeling resolution to help prevent confusing claims that cannot be supported by sound science or scientific testing. Consumers and the Agricultural industry need clarification in labeling. We believe this needs to be done by regulation. I would be happy to answer any questions or concerns that you might have. Thank You!



Leaders in the adoption of profitable innovations for wheat

**Testimony Supporting SB 595
Presented to Senate Committee on Agriculture
Tuesday, February 26, 2008
by Dana Peterson, Kansas Association of Wheat Growers**

Chairman Taddiken and members of the committee, on behalf of the Kansas Association of Wheat Growers (KAWG), I respectfully support the concept behind SB 595 to redefine the labeling requirements for agricultural products. The bill reinforces the responsibility of food companies to not mislead consumers in the marketing of food and agricultural products.

Our open market system allows for the promotion of our products through many ways to encourage consumers to utilize a product. Our U.S. Food and Drug Administration sets out guidelines to standardize the information on food products across the country to encourage companies to utilize sound science. This proposed change in our state statute outlines general methods in which companies may mislead Kansas consumers to include any compositional claims that cannot be confirmed through laboratory analysis or claims that are supported solely by sworn statements affidavits or testimonials.

In recent years there have been many types of products that have tested labeling requirements as we bring biotechnology into producing food. Biotechnology-developed crops such as corn and soybeans have led the way and we in the wheat industry have watched closely as we don't yet utilize biotechnology in wheat production. The organic market has developed as a niche for consumers who want to have another choice to conventional products developed with these added agronomic and technological tools. With these issues, how we accurately label our agricultural products for the best use by consumers locally and around the world?

We recognize that the Kansas Dairy industry has faced challenges in maximizing milk production by utilizing additional technology-developed enzymes for the increased production of milk for consumers. As producers, we understand that they want to limit the labeling of milk without these additional enzymes as better when the compositional analysis of these enzymes is no different than that available in milk with the enzymes developed from technology.

According to Elaine Meloan, Technical Manager for Food Labeling with AIB, International in Manhattan, it is difficult, if not impossible, to classify in the laboratory biotech food inputs such as oil or flour from non-biotech food inputs. For this reason, we would support the intent of this bill.

However, in conversation with Ms. Meloan we discussed whether organic wheat, which does go through a certification process, would be classified as misleading according to this proposed language. Most of the marketing of organic foods are based primarily on sworn statements, affidavits, and testimonials. Marienthal, Kansas, is home of Heartland Mills, an organic flour mill that markets to consumers who choose to use organic foods. We would not want to limit their marketing potential as this is a premium market for many Mennonite farmers or others wanting a premium price for particular production practices.

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KANSAS ASSOCIATION OF WHEAT GROWERS

217 Southwind Place / Manhattan, KS 66503 / 785.539.0255 / Fax 785.539.8946 / www.KansasWheat.org

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Furthermore, with the new MyPyramid and associated food guidelines from USDA we have a variety of emerging products labeled as "whole grains." These products are an open door for many Kansas products such as Kretschmer Wheat Germ, produced in Manhattan, as well as the plethora of bran- and fiber-enhancing products made from Kansas wheat. The Kansas Association of Wheat Growers supports the development of these products for health conscious consumers. I have several examples with me today of products who are incorporating these whole grains labels on their products.

Whole grains products have numerous studies proving their higher nutritional value as well as recommendations from American Heart Association, Whole Grains Council and others. There are nutritional studies that reinforce the claims that these whole grain products are better for consumers. This would indicate that they would not be misleading solely based on statements, affidavits or testimonials, correct? But the representation of these products would be not be substantiated on laboratory analysis of the food products but on the product formulation. We would respectfully request that language be added to the bill to protect the labeling of this emerging market for Kansas wheat and whole grains.

In conclusion, the Kansas Association of Wheat Growers supports the concepts brought forward by the dairy producers in labeling our agricultural products as truthfully as possible, utilizing sound science to back claims by our food companies. Mr. Chairman, I would be happy to stand for questions at the appropriate time.

Dana Peterson
dpeterson@kswheat.com
Mobile: 785-770-7347

Hello, I'm Matt Deters from Baileyville in Nemaha county. I own and operate a ninety cow dairy. My wife and I have been married almost eleven years and have four kids between ten and two. I'm the third generation to own and operate our 160 acre farm.

Our farm is inspected regularly by state and federal inspectors to insure cleanliness and safety of our product. Our farm is also inspected by officials from the Kansas Department of Health and Environment to insure we are doing what we can to protect the environment. All of the farm work and chores are done by myself and my oldest two sons. This allows us to know our cows individually and very well. Every load of milk that leaves our farm is tested for antibiotics and quality. We get paid incentives to keep our milk high quality. Any load of milk that tests positive for antibiotics is not marketable and never gets unloaded to be processed.

One management tool that we used to use was posilac otherwise known as rBST. It was a very helpful tool in keeping cows in production longer and helping with feed efficiency. This product helped me to achieve an extra ten pounds per head per day. My cows held their peak milk longer therefore were able to stay in my herd longer. That ten pounds of milk is worth about two dollars. If you take that times fifty cows a year that were receiving the supplement, that's worth \$36500. That amount of money would really help pay some feed bills that have more than doubled in the last year. My milk processor decided to market all of their milk as rBST free. When this happened, I would have lost my market for my milk had I chose to continue using the product. I had to quit to stay in business. The processors plan to charge another \$.50 per gallon in the grocery stores by doing this and say I will get paid a \$.50 premium per hundred pounds of milk. That being said, of that \$.50 per gallon, I will get a nickel.

Some people say the consumer is demanding this. I think it is quite clear where the processors stand to gain pretty good. The fact is that not only am I not making as much money any more from a FDA approved technology, but you the consumer will be forced into paying more for your milk. We all stand to gain from this bill if it gets passed. First of all there is no need to label milk or food as antibiotic free. All milk and dairy products are tested before they are even processed. Second of all milk and dairy products labeled as BST free is also untrue because all milk whether it be organic, milk label as BST free, or conventional milk, all have BST anyway. The cow produces this hormone naturally so she can make milk. How can you market milk as BST free when there is no test that can prove this? The bottom line is, by allowing these misleading labels, the consumer is loosing confidence in food safety and being forced to spend more money.

I ask you to do the right thing, and pass this legislation. Thank you for your time.

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2008 Kansas Senate Agriculture Committee
Testimony by Mark Hardison
February 26th 2008

Chairman Taddiken and members of the Senate Agriculture Committee, I would like to thank you for this opportunity to speak in favor of SB595. My name is Mark Hardison. I have been a ruminant nutritionist and dairy consultant for the past 30 years. I am a lifelong Kansan and have lived, worked, and owned a farm in the rural Mulvane area for the past 43 years. During the past 30 years my consultant practice has taken me across the states of Kansas, Colorado, and Utah, working with family dairy farms ranging in size from 20 cows to 2000 cows.

I feel that it has been my job to help producers to be as productive as they can be in producing marketable wholesome agriculture food products. Therefore I have to explain, teach and help develop programs that include a profit margin for the producer. To achieve these goals we have to use old and new technologies developed by our land grant universities and other industry related companies. Not all producers have the desire or management capabilities to use some technologies. Technologies include *monensin* sold as Rumensin and *recombinant bovine somatotropin* (rBST) sold as Posilac. All of the technologies I try to use have been tested and approved for use by the FDA.

The benefits from the producers using technologies in my opinion should be greater than 3 to 1, without any harmful effects on the animal or products produced. Today with the cost of Posilac the benefit received by the producer could be 4 or 5 to 1. I would ask you, if you could use a technology in your business that would give you a 5 to 1 return would you incorporate it into your business plan?

By approving and passing SB595 you will let technologies be used in the industry without putting undue restrictions of law in labeling on any specific technology.

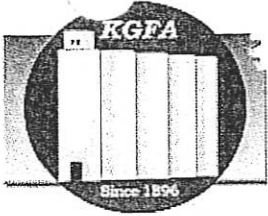
Thank you and I would like to answer any questions that the committee might have.

Mark Hardison
1642 E 119th St.
Mulvane, Ks. 67110
316-777-4894

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Kansas Grain & Feed Association
Kansas Agribusiness Retailers Association

Statement in Support of SB 595
Senate Agriculture Committee
Senator Mark Taddiken, Chairman
February 26, 2008



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www.KansasAg.org

Thank you Mr. Chairman and members of the committee; I am Duane Simpson the Chief Operating Officer of the Kansas Grain and Feed Association and the Kansas Agribusiness Retailers Association. KGFA is a voluntary state association founded in 1896 with a membership encompassing the entire spectrum of the grain receiving, storage, processing and shipping industry in the state of Kansas. KGFA's membership includes approximately 900 Kansas business locations and represents 98 percent of the commercially licensed grain storage in the state. KARA is made up of over 700 business locations across the state. Our members are primarily ag retail facilities but they include agronomy services, chemical, fertilizer, and seed sales and manufacturing companies, and equipment manufacturing, distribution and sales companies. On behalf of our members I am testifying in support of SB 595.

I appreciate the Kansas Dairy Association bringing this bill forward to address a growing problem that we see in all of agriculture. Conventional agriculture that uses modern agricultural practices is at risk of being put out of business due to misleading marketing practices. You can't go into a grocery store anymore without being bombarded with food that is free of hormones, anti-biotics, pesticides, and GMOs. These "all-natural" products are portrayed as more nutritious, safer, and better for the environment and consumers are forced to pay a premium for them.

Our associations have no objection to niche markets being filled for people that want their food grown a certain way. However, the problem comes when large grocery store chains start mandating that all food be produced without the benefit of modern agricultural practices. Grocery stores are responding to the misinformed belief that organic or natural food is more nutritious, safer, and better for the environment.

Most consumers believe food comes from the grocery store. Having never been on a farm, most consumers do not have the slightest idea how food is actually produced outside of what they read on blogs, and see on the labels. The labels push the boundaries of truth and fiction so much that consumers cannot be expected to tell the difference between hype and reality. Government has a legitimate role in the regulation of food labeling and that role is to make sure that consumers are not misled and conned into paying higher prices for food that is indistinguishable from conventionally grown food.

According to the Mayo Clinic, "no conclusive evidence shows that organic food is more nutritious than is conventionally grown food. And the USDA — even though it certifies organic food — doesn't claim that these products are safer or more nutritious." In addition, they note that "you may find that organic fruits and vegetables spoil faster because they aren't treated with waxes or preservatives." Unfortunately, even the Mayo Clinic repeats the claim that organic food is better for the environment. If every farmer only used organic food production, we would have to clear a lot of rain forests to produce enough food for the world to eat. A lot more cows would be needed to produce the milk and beef we like to eat and drink. If the US only produced organic food, the greenhouse gases alone would make many supporters of the Holcomb power plant blush. At least the increased animal waste would be able to be used as organic fertilizer.

In September of 2006, spinach contaminated with E. coli caused 205 confirmed illnesses and 3 deaths. That spinach came from an organic spinach farm that used manure as a fertilizer. Cow manure often contains E. coli and it should come as no surprise that spreading manure on your salad before you eat it subjects you to certain health risks. No one has

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ever died from eating conventionally grown spinach. Yet, if you go to the grocery store, the cost of organic spinach is higher than for conventionally grown spinach. Not only does this inferior product cost more, it is usually labeled in such a manner as to make the consumer believe it is healthier.

Our associations believe that consumers should be allowed to choose what they want to consume. In order to exercise that choice, consumers need all of the facts, not just the ones that allow big companies to charge premiums. Perhaps SB 595 goes too far and will have unintended consequences, but it is time for the government to start doing its job and protecting consumers.

That being said, we have some concerns about SB 595. Organic food is certified based upon the claims of the grower. If that certification must be based on the actual content of the product, then adventitious presence of non-organic material could result in organic farmers suing their neighbors. The current system of certification works, the problem is misleading labeling. This is a topic that needs more time than the Legislative Session provides. Mr. Chairman, although we support the concept of HB 595, we believe that the public would best be served by referring this matter to an interim legislative committee for further study. That committee could look at legislation passed in Ohio that allows production related claims but requires those claims to be accompanied by a disclaimer that lets consumers know the actual nutritional, safety and environmental benefits, or lack of benefits, of the production method.

Thank you for allowing me to testify on this bill, I will stand for questions at the appropriate time.



PUBLIC POLICY STATEMENT

SENATE COMMITTEE on AGRICULTURE

RE: SB 595 – an act concerning agricultural products;
relating to labeling requirements.

**February 26, 2008
Topeka, Kansas**

**Testimony provided by:
Brad Harrelson
State Policy Director
KFB Governmental Relations**

Chairman Taddiken, and members of the Senate Committee on Agriculture, thank you for the opportunity to appear before you today. I am Brad Harrelson, State Policy Director—Governmental Relations for Kansas Farm Bureau. KFB is the state's largest general farm organization.

We appear today in support of SB 595 and believe these provisions will provide additional protection and reliable information for consumers. Too often consumers are confused or misled into believing unsubstantiated, or perceived benefits without the aid of sound science.

Kansas Farm Bureau supports consumer friendly, science-based labeling of agricultural products that provide useful information concerning the ingredients and nutritional value. We further believe advertising or labels containing undocumented claims that certain foods or their input ingredients are more nutritious or healthful than traditionally grown food should be prohibited.

Thank you, and we appreciate the opportunity to provide input as you consider this important measure. Thank you.