

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Mark Taddiken at 8:30 a.m. on February 27, 2008 in Room 423-S of the Capitol.

All members were present except:
Steve Morris- excused

Committee staff present:
Raney Gilliland, Kansas Legislative Research Department
Emalene Correll, Kansas Legislative Research Department
Jason Thompson, Revisor of Statutes
Matt Todd, Revisor of Statutes
Judy Seitz, Committee Assistant

Conferees appearing before the Committee:
Donn Teske, President, Kansas Farmers Union
Diana Endicott, Good Natured Family Farm Alliance
Mary Prewitt, State Director, Humane Society U.S.
David Lawrence, Kansas City Food Circle
Devrin Forte, Manager, Topeka Natural Food Co-op
Mary fund, Knasas Rural Center
Elisabeth Suter
Nancy O'Connor, Director of Education and Outreach, Community Mercantile
Robert Shatto, Dairy Farmer
Norm Oeding, Spring Creek Ranch and Little Red Hen Bakery
Craig volland, Kansas Chapter Sierra Club
Lynn Van Buren, President of Board, Topeka Natural Food Co-op
John Donley, Assistant General Counsel, Kansas Livestock Assocation (KLA)

Others attending:
See attached list.

Chairman Taddiken noted the Committee had received copies of a memo from Dr. Fred Cholick, Dean of the College of Agriculture and Director, K-State Research and Extension, stating K-State's response to the Committee's question regarding the relationship between K-State Research and Extension and the Land Institute in Salina (Attachment 1).

The hearing continued on **SB 595—Agricultural products; labeling requirements**. The proponents for **SB 595** spoke yesterday.

Donn Teske, President, Kansas Farmers Union, spoke in opposition to **SB 595 (Attachment 2)**. He said the Farmers Union believes the bill is arrogant, morally wrong and the facts do not follow the proposed need for this law.

Diana Endicott, Rainbow Organic Farms/Good Natured Family Farm Alliance, testified in opposition to **SB 595 (Attachment 3)**. She said there is considerable consumer demand for milk from cows not treated with rBGH and rBST and asks the state not ban the truthful labeling of milk products.

Mary Prewitt, State Director, Humane Society of the United States, offered testimony opposing **SB 595 (Attachment 4)**. She said this bill reaches far beyond hormone-free labels. She also said that such an overly broad prohibition infringes upon the free rights of producers who want to inform the public about their agricultural practices.

David Lawrence, read testimony from Lee Quaintance, Soaring Eagle Farm, in opposition to **SB 595 (Attachment 5)**. Mr. Quaintance's testimony stated that consumers have a right to know what's in their food and how it's produced and as a farmer he has the right and duty to tell them.

Devrin Forte, Manager, Topeka Natural Food Co-op, spoke in opposition to **SB 595 (Attachment 6)**. He said

CONTINUATION SHEET

MINUTES OF THE Senate Agriculture at 8:30 a.m. on February 27, 2008 in Room 423-S of the Capitol.

Mary Fund, Kansas Rural Center,(KRC), offered testimony in opposition to **SB 595** (Attachment 7). Many of the concerns expressed by other conferees was also expressed by Ms. Fund. She also said that the KRC is concerned about the bill's impact on other terms used by small to modest sized farm operations as they develop local or regional markets for vegetables and fruit and small poultry, pork and beef operations.

Mary Fund also spoke for Edward Reznicek, General Manager, Kansas Organic Producers, and expressed opposition to **SB 595** (Attachment 8). Mr. Reznicek's testimony said the Kansas Organic Producers are interested in having an open, informed, and diverse market place which overrides any concern they may have about competing for market share.

Elisabeth Suter presented testimony in opposition to **SB 595** (Attachment 9). She said this bill violates her rights and standards as a citizen and consumer; and harms her ability to feed and take care of her family and friends for the best of their health.

Nancy O'Connor, Director of Education and Outreach for Community Mercantile Co-op, Lawrence, testified in opposition to **SB 595** (Attachment 10). She said this bill is very clearly about consumers right to know what is in the foods they choose to purchase. She also said this bill seeks to limit information that consumers have a right to know.

Robert Shatto, Dairy Farmer, spoke in opposition to **SB 595** (Attachment 11). He said he would like any legislation that is considered to state that all new packaging would need to be in compliance with any new law that is passed and any existing packaging would be grandfathered.

Norm Oeding, Spring Creek Ranch and Little Red Hen Bakery, appeared in opposition to **SB 595** (Attachment 12). He said that every consumer has a right to know what is in or absent from their food.

Craig Volland, Sierra Club, spoke against **SB 595** (Attachment 13). He said this bill threatens the livelihood of small farmer's in Kansas who sell their products directly to consumers who have every right to know how their food is produced.

Lynn Van Buren, President of the Board, Topeka Natural Food Co-op, testified in opposition to **SB 595** (Attachment 14). He said it is important to their customers to know how the farmers raise the food they sell.

John Donley, Assistant General Counsel, Kansas Livestock Association (KLA), spoke in opposition to **SB 595** (Attachment 15). He said the language is too broad and could affect the source-verified and natural beef programs which use affidavits to prove the manner by which those cattle were raised.

Constantine Cotsoradis, Deputy Secretary, Kansas Department of Agriculture (KDA), presented written testimony in opposition to **SB 595** (Attachment 16). Mr. Cotsoradis also handed copies of a memo from George Blush, KDA, which clarifies the terms used regarding hormones discussed used in testimony presented on **SB 595** (Attachment 17).

Mr. Blush answered questions from the Committee.

Written testimony in opposition to **SB 595** was submitted by;

Marjorie Van Buren (Attachment 18)

Jerry Slominksi, International Dairy Foods Association (IDFA) (Attachment 19)

John Bays, President, Dillons and Brendon Cull, Director, Government Relations and Regulatory Affairs, The Kroger Company, (Attachment 20)

Janey Coble (Attachment 21)

Conferees stood for questions

The meeting was adjourned.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 2-27-08

NAME	REPRESENTING
LYNN VAN BUREN	TOPEKA FOOD COOP
Don MAGORCZAK	KANSAS RURAL CENTER
Marjorie Van Buren	self
Lindsay Douglas	Hein Law Firm
Tom BRUNO	KPA
Mary Krewitt	HSUS
JOHN C. BOTTENBERG	KRAFT Food Food
Leslie Kaufman	Ks Co-op Council
Nancy O'Conner	Community Mercantile Coop
Janie Welch	Community Mercantile Co-op
CV Cotsoctis	KDA
George Blush	KDA
Mike Bodenhausen	KDA.
Robert Shatto	Shatto Milk
Mary Fund	Kansas Rural Center Kansas Organic Producers
BRAD HARRELSON	KFB
Craig Volland	Sierra Club
John Donley	KS Lush Assn
DAVE LAWRENCE	ACME Garden / KC FOOD CIRCLE

FEB 21 2008



February 13, 2008

Dean of the College of Agriculture
Director of K-State Research and
Extension

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Manhattan, KS 66506-4008
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TO: Senator Mark Taddiken

FM: Fred A. Cholick *F.A. Cholick*

RE: Response Regarding Relationship Between K-State Research and Extension and
the Land Institute in Salina

Per your request, I have surveyed the departments and units within the College of Agriculture regarding any past, present or future involvement with the Land Institute in Salina. First let me say that we have had limited relationships with them on and off for over the last few years. Two of our faculty members in the past have served on their advisory board. Presently, we have a project in conjunction with them primarily in support of a graduate student in Plant Pathology who is evaluating wheat cultivars, tillage, and the development of tanspot, a fungal leaf spotting disease of wheat. In addition, the wheat genetic resource unit has provided them genetic stocks, particularly with an emphasis on their development in search for the genetic sources for perennial wheat.

In addition, I have learned from a contact in engineering that there is a proposal that is currently being submitted to the Climate and Energy Project of the Land Institute for Energy Efficiency Education programs that is intended to begin July of this year. I have limited knowledge of this given it is outside of the College of Agriculture, but have been told that it involves updating fact sheets, updating websites and cooperating on energy efficiency education training across the state. This activity is being conducted out of Engineering Extension.

As always, I appreciate the opportunity to visit with you and the Senate Ag Committee and if you have any additional questions, please do not hesitate to contact me.

Cc: Dr. Sue Peterson

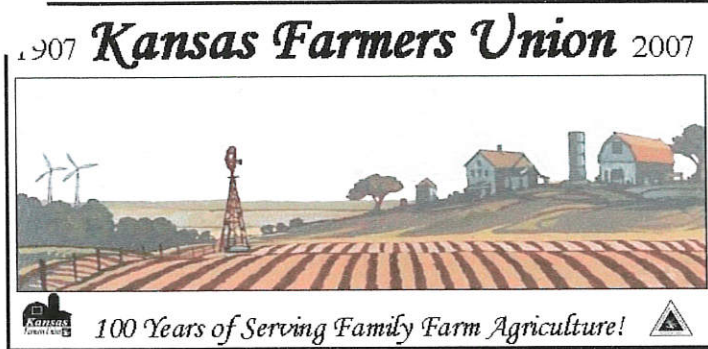
*Senate Agriculture Committee
2-27-08*

Attachment 1

Kansas State University
Agricultural Experiment
Station and Cooperative
Extension Service

K-State Research and
Extension is an equal
opportunity provider and
employer.

*"Knowledge
for Life"*



Donn Teske
President, Kansas Farmers Union
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McPherson, Ks. 67460
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Testimony on SB 595
To Senate Ag Committee on 2-26-2008
Donn Teske, President

Thank you Senator Taddiken for this opportunity to visit with the Senate Ag Committee today in regards to SB 595 and the impact that such a law would have on agriculture. I represent Kansas Farmers Union and am adamantly opposed to SB 595 because we believe that it is arrogant, it is morally wrong, and especially because the facts do not follow the proposed need for this law.

Arrogant because everyone knows that the main target of this proposed law is Monsanto's rBGH (Recombinant Bovine Growth Hormone) and labels stating that the product is from cows not injected with rBGH, yet the specific product is not mentioned. And with the vague wording of this bill many other types of product promotions is very likely threatened, and I suspect included could be the label "Organic" of which I am an organic producer.

Morally wrong because Kansas has always been a proud state that respects entrepreneurship yet this bill would ban by law what many niche producer / marketers are utilizing by going to the extra effort to produce a product that the consumer is willing to pay more for. Isn't that just free enterprise? I haven't seen any labeling that says that artificial rBGH is bad for you, and I suspect judging from Monsanto's early responses when BST was first brought onto the market that anyone actually saying that on a label would be challenged immediately. Why in the world couldn't a producer say that they do, or do not, treat their animals with certain products or in certain ways? What about free speech?

And the facts about the need for this proposed law. For a product that has been commercially available since 1994 and is supposed to increase milk production significantly why aren't dairy producers embracing it more? The USDA reported in Oct of 2007 that just 15.2% of America's dairies were using bst and this amounted to 17.2% of the nation's cows being injected (see attached sheet). Why are we wasting this much time here in Kansas, and Utah, and Ohio, and Pennsylvania, and Indiana, etc. for such a minority of producers when the vast majority of producers have chosen NOT to use this product. Monsanto failed last summer to stop non-rBGH labeling on the Federal level so it appears that now a rash of states are being blitzed.

I am an organic producer who formally dairied conventionally for most of my adult life. Although I am not dairying now I am selling most of my crops for a premium because people are willing to pay me more for my organic production. And I work hard for this premium. It is much more management intensive and labor intensive producing my products to organic specifications than it ever was conventionally, and I was in K-States Farm Management program. How dare

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Attachment 2

someone else tell me that I can't label my products highlighting the effort put into producing them.

It's just flat wrong!

I am not telling dairy producers they can't inject their cows with rBGH if that is their choice, but they have no right to tell me how to market my products as long as the label is truthful.

In conclusion, again, SB 595 is an insult to any common-sense person whether consumer or producer. To think that a law is proposed that takes away the consumers right to know how the products they purchase are produced and which would prevent free-enterprise and entrepreneurship utilizing niche marketing is an embarrassment and goes against the very roots and work ethic that Kansas is so proud of..

I fear that the loose wording of SB 595 would threaten much more than rBGH milk labeling and could outlaw other unique labeling utilized by free enterprise such as "pasture poultry", or "grass-fed beef".

Thank you for this time.

I stand for questions.



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Veterinary
Services

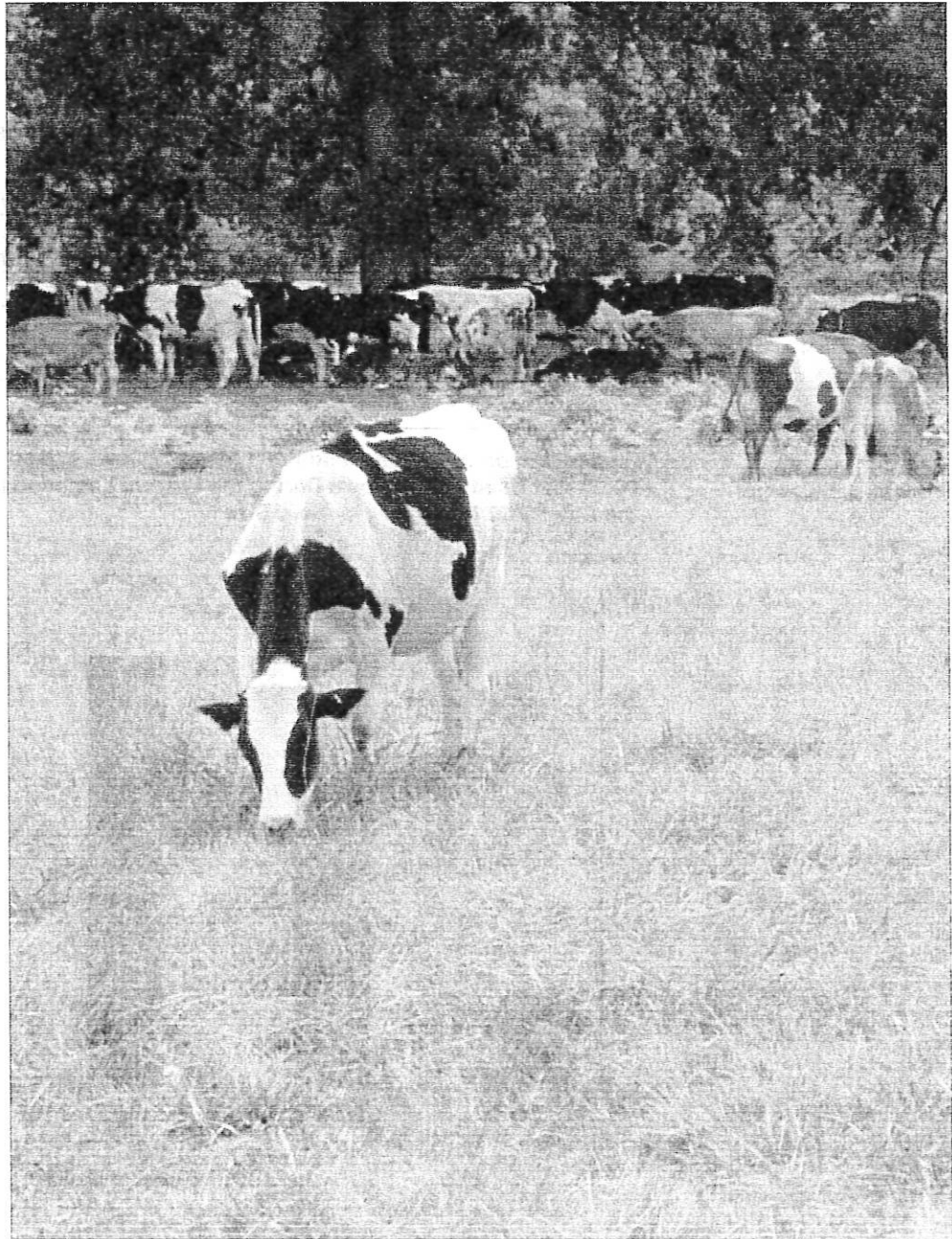
National
Animal Health
Monitoring
System

October 2007



Dairy 2007

Part I: Reference of Dairy Cattle Health and Management Practices in the United States, 2007



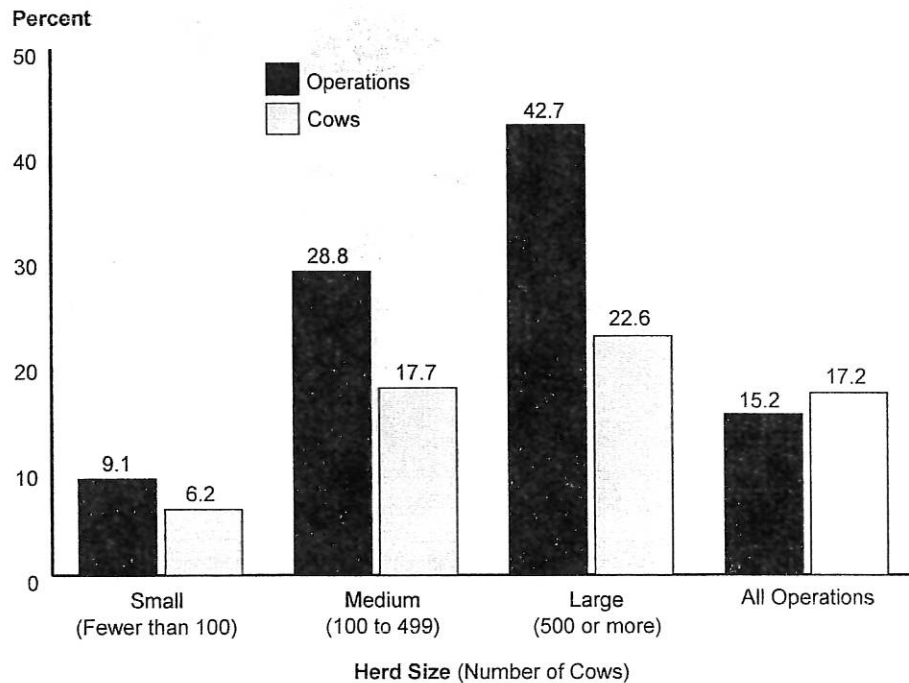
10. Bovine somatotropin (bST)

A total of 15.2 percent of operations used bST on 17.2 percent of cows. As herd size increased so did the percentage of operations that used bST, ranging from 9.1 percent of small operations to 42.7 percent of large operations.

a. Percentage of operations (and percentage of cows milked on January 1, 2007) that used bST in cows during the current lactation (at the time of the Dairy 2007 interview), by herd size:

Percent								
Herd Size (Number of Cows)								
Measure	Small (Fewer than 100)		Medium (100-499)		Large (500 or More)		All Operations	
	Pct.	Std. Error	Pct.	Std. Error	Pct.	Std. Error	Pct.	Std. Error
Operations	9.1	(0.9)	28.8	(2.0)	42.7	(2.5)	15.2	(0.8)
Cows	6.2	(0.7)	17.7	(1.4)	22.6	(1.5)	17.2	(0.8)

Percentage of Operations (and Percentage of Cows Milked on January 1, 2007) that Used bST in Cows During the Current Lactation (at the Time of the Dairy 2007 Interview), by Herd Size



2-4

Testimony on milk labeling SB 595
before Kansas Senators on the Agriculture Committee

By

Diana Endicott

Rainbow Organic Farms/ Good Natured Family Farm Alliance

Tuesday, February 26th, 2008

Dear Senate Agriculture Committee members, thank you for the opportunity to present testimony on milk labeling of (rBGH) recombinant bovine growth hormone also known as recombinant bovine somatotropin (rBST), a genetically engineered hormone, manufactured by Monsanto, that induces cows to produce more milk.

My name is Diana Endicott. I farm with my husband and in-laws in southeast Kansas in Bourbon County. I am also the founder of Good Natured Family Farms. GNFF is an alliance approaching 100 family farms with ninety percent of the farms located within a 200-mile radius of the Kansas City metropolitan area. These small local family farms partner with small size local processors to produce the GNFF line of products that include all-natural beef, free-range chickens, pastured pork, free-range brown eggs, farm fresh milk, farmhouse cheese, bison, honey, tofu, and locally grown fruits and vegetables.

Background of GNFF Milk:

Good Natured Family Farms alliance first introduced GNFF milk with Newhouse Dairy located in Wellsville, KS. Originally GNFF milk was from Newhouse Dairy's approximately 125 cows. GNFF milk 'special label claims' included: from a local family farm, no rBGH or rBST. no sub-therapeutic antibiotics, cows are out doors and come in for milking twice a day. The milk was bottled in returnable glass bottles. In early 2007, Newhouse dairy discontinued the bottling operation part of his farm business. Example of GNFF glass milk bottle: note disclaimer.

Today, GNFF milk is sourced from Dan Rice Family Farm located in Firth Nebraska, 176 miles from KC. Naturally Iowa located in Clarinda, Iowa processes GNFF milk 30 miles from the dairy. GNFF defines 'Local' as 200 miles from the KC metropolitan area. GNFF milk special label claims include: from a local family farm, no rBST or rBGH, no sub-therapeutic antibiotics, the cows are humanely treated; allowed to move about on their own in the open barns, their tails are not docked, and they come into the milking parlor to be milked, the milk is bottled in a corn based biodegradable bottle. Prior to printing the labels, the label was sent out to the state of KS, MO, NE, IO dairy commissioners for comment.

Example of GNFF biodegradable milk bottle.

GNFF is identifiable and traceable to the farm of origin. The dairy signs an affidavit stating "they do not treat their cows with rBST or rBGH or other growth hormones or sub-therapeutic antibiotics".

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Attachment 3

Both of these dairies are small size family owned and operated dairies. By differentiating their production and processing practices these dairies are able to receive a premium for their milk rather than continue to increase the number of cows and increase milk production. Allowing 'special label claims' provides a vehicle for small and mid-size farms to compete in the growing consolidation and getting bigger production agriculture.

'Absence claim' labels not misleading

Banning such 'absence claims' is an infringement on the free speech rights of farmers and dairies who want to inform the public of their agriculture production practices. Federal policy allows 'absence claims'. For example the USDA FSIS has a Processed Verified non-hormone treated (NHT) program for export of beef to European countries. The USDA FSIS provides for 'absence claims' such as 'No nitrates or nitrites' from companies including Hormel bacon and luncheon meats. Not to forget about 'sugar free' products or milk labeled 100% Lactose Free. Also, 'pesticide free' labels on fruits and vegetables. Does 100% whole wheat bread make consumers think all regular white bread is bad and supermarkets no longer sell regular white bread and only 100% whole wheat bread?

'Special Label Claim' Milk

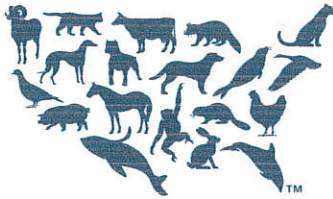
Need for something in-between Certified Organic and Conventional

'Absence claim labels' such as cows not treated with rBST or rBGH, allow consumers more milk choices. Certified organic milk is often out of the price range for most consumers. Also, certified organic milk does not always come from small family farms, or is from local or regional dairies, that some consumers want to support.

Additionally, dairies may not be able to go completely certified organic. For example in southeast Kansas the high rainfall during certain time of the year makes holistic management of mastitis. Also, the availability of certified organic grains and certified organic hay limit the number of certified organic dairies.

Most importantly 'special label claims' provide the means to maintain balance in our food supply. Conventional dairies provide the large low cost milk supply to the majority of consumers. On the other end, certified organic milk provides milk, without all of the additives, to those who can afford it. By allowing 'absence claims' on milk these two extremes are kept in check- the large mega dairies have to become sensitive to an more educated consumer and certified organic dairies have to be more price conscious since there is a 'absence label' milk alternative.

In summary, there is considerable consumer demand for milk from cows not treated with rBGH and rBST and the market is responding to this consumer demand. We ask the state of Kansas not to ban the truthful labeling of dairy (milk) products. To do so would deny consumers their right to know about the foods they consume and would also deny dairy farmers and retailers the right to tell their customers truthful information about foods they sell. The state can require the word context such as "this milk is from cows not treated with rBGH or rBST" and also include the disclaimer "no significant difference has been shown between milk from rBST treated and non-rBST treated cows." A complete ban of 'absence' or 'special' label claims will provide the necessary means, whereby letting the Goliath's of the industry devour the David's of the industry.



THE HUMANE SOCIETY
OF THE UNITED STATES

Testimony on Senate Bill 595
Before the Senate Committee on Agriculture
February 26, 2008
Mary Prewitt, State Director

Chairman Taddiken and Members of the Committee: Senate Bill 595 would prohibit placing compositional or production-related information on consumer product labels. Specifically, the bill would make it “unlawful for any person...to label any agricultural product as having a compositional claim that cannot be confirmed through laboratory analysis,” or “to state a compositional or production-related claim that is supported solely by sworn statements, affidavits or testimonials.”

Senate Bill 595 appears to be aimed at labels that inform consumers that the product they are purchasing came from cows that have not been given genetically engineered hormones to increase their milk production. Since statements such as “rBGH-free” cannot be proven by laboratory analysis, common industry practice for suppliers of such milk is to provide sworn statements or affidavits to establish that hormones were not used. The use of growth hormones to increase milk production is controversial and is banned in Canada, Japan, Australia, New Zealand and the European Union. Consumers are not only concerned about the effects of consumption of such products, they are also concerned about the welfare of the animals on whom these drugs are used. They have a legitimate interest in knowing whether the products they purchase come from animals who have been given these drugs. SB 595 interferes with the consumer’s right to know.

Senate Bill 595’s reach goes far beyond hormone-free labels, however. Any number of other types of label information, such as “locally grown,” “kosher,” or “free range” would fall within its prohibition. Such an overly broad prohibition infringes upon the free speech rights of producers who want to inform the public about their agricultural practices. In Lorillard Tobacco Co. v. Reilly, 533 U.S. 525 (2001), the U.S. Supreme Court set out a test for determining whether regulation of commercial speech violates the First Amendment. In order to meet the test of Lorillard, the regulation must rest upon a substantial government interest and must not be more extensive than is necessary to serve that interest. Kansas law already prohibits false and misleading information on product labels. Senate Bill 595 prohibits producers from supplying truthful information that the consumer has a legitimate interest in knowing. No governmental interest justifies limiting truthful product labeling in such a draconian manner.

The Humane Society of the United States respectfully requests the Committee to reject this bill.

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Attachment 4

Impacts of rBGH/rBST on animal health and welfare

- The use of rBGH, or rBST, in cattle is known to contribute to a number of animal health problems, including increased risk of clinical mastitis (a painful disease of the udder), increased risk of clinical lameness, and a shorter lifespan.¹
- An expert panel on rBST, appointed by the Canadian Veterinary Medical Association in 1998 and led by an internationally recognized veterinary epidemiologist, found that the use of rBST increases the risk of clinical mastitis by approximately 25% and the risk of clinical lameness by about 50%.²
- In 1999, a working group within the European Commission's Scientific Committee on Animal Health and Animal Welfare prepared a report that included significant discussion of animal welfare by both physiologists and epidemiologists, concluding that rBST should not be administered to dairy cattle.³
- According to the European Commission's working group, the use of rBST "causes substantially and very significantly poorer welfare because of increased foot disorders, mastitis, reproductive disorders and other production related diseases. These are problems which would not occur if BST were not used and often results in unnecessary pain, suffering and distress."⁴
- Among its findings, the European Commission's working group noted the following with regard to the use of rBST:
 - (1) Clinical mastitis, which is often a painful disease, leads to poor animal welfare, the extent of which depends on the severity of the condition.⁵
 - (2) The incidence of conditions such as bloat, indigestion and diarrhea has been shown to increase in cows treated with rBST.⁶
 - (3) Several studies have documented an increased incidence of foot and leg disorders, associated with long-term use of rBST. According to the working group, "As a consequence of the nature of the different foot and leg disorders there will be pain and other suffering in these animals. Hence welfare will be seriously and adversely affected as a consequence of the BST treatment."⁷
- The European Commission's working group also responded to the mischaracterization that rBST does not impact animal welfare by noting: "It has been stated in certain published papers that BST has no effects on some welfare measures e.g. mastitis, foot disorders, health in general, or welfare in general. However, these are misleading statements because the sample sizes used were too small to justify such conclusions."⁸
- Cambridge University Professor of Animal Welfare Donald Broom, who chaired the European Commission's working group, adds that repeated injections of rBST "may cause swollen and tender injection sites."⁹ He has also noted that higher rates of mastitis "may result in more antibiotic treatment and greater risk of the development of pathogen resistance."¹⁰

Link between use of rBGH/rBST and downers:

- While we are not aware of any studies that demonstrate a direct correlation between the use of rBGH and downer status, the increased lameness and reduction of body condition scores associated with rBGH use may increase the risk that these animals will become downed animals.

¹ Kronfeld DS. 2000. Recombinant bovine somatotropin and animal welfare. *Journal of the American Veterinary Medical Association* 216(11):1719-22.

² Dooahoo I, DesCoteaux L, Dowling P, et al. 1998. Report of the Canadian Veterinary Medical Association expert panel on rBST, executive summary. http://www.hc-sc.gc.ca/dhp-mps/vet/issues-enjeux/rbst-stbr/rep_cvma-rap_acdv_exec-somm_e.html. Accessed February 26, 2008.

³ Kronfeld DS. 2000. Recombinant bovine somatotropin and animal welfare. *Journal of the American Veterinary Medical Association* 216(11):1719-22.

⁴ Broom D, Dantzer R, Willeburg P, et al. 1999. Report of the Scientific Committee on Animal Health and Animal Welfare on Animal Welfare Aspects of the Use of Bovine Somatotrophin.

⁵ Broom D, Dantzer R, Willeburg P, et al. 1999. Report of the Scientific Committee on Animal Health and Animal Welfare on Animal Welfare Aspects of the Use of Bovine Somatotrophin.

⁶ Broom D, Dantzer R, Willeburg P, et al. 1999. Report of the Scientific Committee on Animal Health and Animal Welfare on Animal Welfare Aspects of the Use of Bovine Somatotrophin.

⁷ Broom D, Dantzer R, Willeburg P, et al. 1999. Report of the Scientific Committee on Animal Health and Animal Welfare on Animal Welfare Aspects of the Use of Bovine Somatotrophin.

⁸ Broom D, Dantzer R, Willeburg P, et al. 1999. Report of the Scientific Committee on Animal Health and Animal Welfare on Animal Welfare Aspects of the Use of Bovine Somatotrophin.

⁹ Broom DM. 1993. Assessing the welfare of modified or treated animals. *Livestock Production Science* 36:39-54.

¹⁰ Broom DM. 1993. Assessing the welfare of modified or treated animals. *Livestock Production Science* 36:39-54.

Testimony on SB 595 before the Kansas Senate Agriculture Committee, Feb. 26, 2008 by Lee Quaintance, Soaring Eagle Farm.

I'm Lee Quaintance, from outside of Edgerton, Ks, in Johnson County. I'm a husband, father and organic farmer. I'm here to address state senate bill 595 on behalf of myself, my family, and the Kansas City Food Circle.

I am concerned about the rBGH use in the dairy industry and I feel that, as a consumer, we have the right to not have to purchase or consume milk that comes from cows that have had rBGH.

I'm concerned about how the labeling issue in this bill can affect the marketing of other products and their labels. For example: "Land of Kansas" products, "locally produced," "naturally raised" or produced beef, & "cage-free eggs." I also see the potential affect in the seed-stock livestock industry because a bull with specific genetics cannot be readily tested for that genetic lineage so it cannot be "labeled" as such. As a small niche market producer I want to be able to say that my wheat flour was raised in Kansas and market it as such. Kansas wheat has an excellent reputation for quality and I would like to be able to promote those characteristics.

I am one of many small producers who market through the Kansas City Food Circle, a 501c3 not-for-profit organization in the Kansas City area that connects the local growers and consumers. Through this organization food that is produced is shipped less than a hundred miles to the consumers in the KC metro. The Food Circle tries to increase the awareness of consumers that locally produced food is healthier for the body as well as for the environment.

Not being able to fully divulge or market the products to the consumer will weaken the relationship between the growers and consumers. Many of my customers have food allergies or sensitivities to certain chemicals and need to know if my product does or does not contain specific items. It would hinder my niche markets to not be able to label accordingly.

As a consumer my family chooses to eat a specific way. We choose not to feed our almost 9 year old son growth hormones, genetically modified foods or foods containing excessive additives or processing. If this bill is passed, the freedom of information will be hindered and it will become more difficult to comfortably purchase the foods we eat. We want to maintain the health and integrity of our family and our farm and support other local producers that we know and trust through the KC Food Circle.

Other food companies have the right to make factual statements on their labels – this is a freedom of speech issue. WE have a right to know what's in our food and how it's produced and as a farmer I have a right and a duty to tell them. Please vote NO on SB 595. This bill is anti-consumer and anti-small business.

Senate Agriculture Committee
2-27-08
Attachment 5

TESTIMONY ON SB 595
SENATE AGRICULTURE COMMITTEE
February 26, 2008

Devrin Forte
Manager, Topeka Natural Food Co-op
503 Washburn
Topeka, Kansas

Mr. Chairman, Members of the Committee :

Thank you for the opportunity to talk to you today.

SB 595 is a bad bill for Kansas and for Kansas grocery shoppers. It is also very bad for natural food stores like the small member-owned co-operative store I manage in Topeka.

We are a "Land of Kansas," store, registered with the Kansas Department of Commerce, and we sell lots of Kansas farmers' products. We also sell dairy products from other states such as Ohio or Wisconsin that carry the non-rBGH label. Our customers want to know how and where their food is produced. Some of our customers look for the non-rBGH label, and if it doesn't say that, they won't buy the dairy product.

Many of our customers also look for "free-range" eggs, organic meat, and vegetables that are either organic or at least raised locally or without pesticides. I don't know what would happen to these labels under this bill.

We feel we are doing a real service to our customers by providing these foods. We are also making a market for many Kansas farmers and other vendors. This bill would really hurt our store, our customers, and our suppliers. Please vote NO on SB 595.

*Senate Agriculture Committee
2-27-08
Attachment 6*

Kansas Rural Center Testimony on SB 595
Senate Agriculture Committee
February 26, 2008

My name is Mary Fund, and I am representing the Kansas Rural Center, a non-profit education and advocacy organization promoting sustainable agriculture and a sustainable food system in Kansas.

SB 595 was written presumably to protect consumers and agricultural producers from misleading claims on labels. However, we believe that the bill will have unintended consequences for both consumers and agricultural producers. If passed, consumers will be denied the information they want in order to make purchasing decisions. The bill will also cost and possibly deny Kansas agricultural producers profitable alternative marketing opportunities.

It is our understanding that the origin of this bill, and others like it that have been introduced in state legislatures around the country, is the producer of bovine growth hormone, or rBGH or rBST, a hormone injected into dairy cows to make them produce more milk. Consumer concerns about the health and safety of this practice both for the milk and dairy products produced and for the health and well being of the cows, have prompted many agricultural producers and processing companies to offer consumers an alternative. Producers and processors responded to market demand and thus the term and the label "rBGH-free" was born.

If this bill is passed in Kansas, processors will be unable to use that label and consumers will be denied a choice in how the milk they drink is produced. The bill will negatively impact several small value-added enterprises that have sprung up to meet the consumer demand driven by concern about the health and safety of milk and other dairy products produced with rBGH produced milk. All 27 countries in the European Union, Canada, Japan, and Australia have banned the use of rBGH due to health concerns, so this is not something a small group of picky Kansas or American consumers have come up with. While SB 595 might appear to protect consumers from claims that cannot be confirmed through laboratory analysis or from claims that are supported only by sworn statements or affidavits, in reality SB 595 appears to help one international company, and hurts small Kansas agricultural producers, and denies Kansas consumers a choice.

In addition, the Kansas Rural Center is concerned about the bill's impact on other terms used by small to modest sized farm operations as they develop local or regional markets for vegetables and fruit and small poultry, pork and beef operations—terms such as "pesticide-free", "pastured", "free-range" or even the term "local". A year ago we participated in a briefing before the House Agriculture Committee that outlined the budding local and regional food marketing opportunities in Kansas. Consumers in Kansas as across the country are showing an increasing interest in and desire for locally produced food including dairy products. This bill would hamper the ability of producers and processors to meet this increasing consumer demand.

The Kansas Rural Center urges the Senate Agriculture Committee to vote NO on SB 595.

*Senate Agriculture Committee
2-27-08*

Attachment 7

Testimony on SB 595
Senate Agriculture Committee
Kansas Legislature
February 26, 2008

Edward Reznicek
Kansas Organic Producers 1890 88th Road Goff, Ks. 66428

Mr. Chairman, members of the committee, thank you for the opportunity to testify on SB 595. My name is Edward Reznicek. I operate a 400 acre certified organic grain and beef cattle farm near Goff, Kansas. I am also the General Manager for Kansas Organic Producers, an organic marketing and bargaining cooperative that represents about 100 members in Kansas and bordering states on sales of organic grains, forages, and some livestock. I am testifying on behalf of Kansas Organic Producers.

Kansas Organic Producers opposes SB 595 for several reasons. First, requiring lab based determinations to establish unique features for product labeling could create conflicts with federal organic certification standards and procedures. There are not lab tests to determine the organic status of organic products. Organic certification is a process based system of verifying organic practices, procedures, product use and record keeping. We do not want or need new labeling requirements that create or imply questions or conflicts with well-established procedures already in place.

Second, requiring lab tests as a basis for making differentiating claims on food or other products is highly restrictive and dramatically reduces the opportunities for farmers and processors to produce and market products that consumers want. SB 595 does not protect consumers and producers so much as it restricts knowledge of how products are produced and where they can be purchased. There are many ways besides lab tests to verify different claims on product characteristics, with organic certification as one illustration.

Third, we think this bill sets a bad precedent for labeling and bringing to market new agricultural products. Product differentiation and targeting certain consumer groups has become a cornerstone in developing new products and creating new markets. SB 595 imposes severe restrictions in these kinds of new production and marketing opportunities.

It is our understanding that bills like SB 595 are being introduced into state legislatures around the country under the organizing efforts of Monsanto, in order to deny dairy farmers and processors the right to claim their milk and dairy products are produced without rBGH. There are impacts of rBGH use in dairy cattle despite the fact that it does not show up on a lab test in milk. rBGH impacts the productive life and health of dairy cattle. Some scientists question the impact on human health. Many of the industrialized countries around the world have banned its use. The point is that there are legitimate reasons why dairy farmers and processors may want to produce and process milk and dairy products without rBGH. The legislative changes proposed in SB 595 will deny consumers, farmers and processors many choices regarding rBGH use and milk marketing.

Some think that rBGH free claims on dairy products will put those products into market competition with organic dairy products. This may happen. However, Kansas Organic Producers' interest in having an open, informed, and diverse market place overrides any concern we may have about competing for market share.

SB 595 will in effect hide legitimate information from consumers, more that it will protect consumer interests, and will close off new opportunities for producing and marketing products that are accurately labeled and desired by consumers.

Kansas Organic Producers urges you to oppose SB 595.

Thank you.

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Attachment 8

Testimony on SB 595

by Elisabeth Suter, 2532 SE Cuvier, Topeka, KS 66605, tel. 785 379 9756

February 26, 2008

Sen. Taddiken, Sen. Francisco, Members of the Committee:

I am concerned about SB 595, and want it to be turned down. I have read it as well as other pertaining information and concluded that it violates my rights and standards as a citizen and consumer, and harms my ability to feed and take care of my family and friends for the best of their health. I am also worried about the livelihood of our local producers, and the stores which carry their products. And I care very much about the treatment of the animals which sustain us.

My husband Bill Cutler and I have been members of the Topeka Natural Food Co-op since 1982 when it was just a buying club. We grow a lot of our own food. But we buy a lot of organic products. We reject the use of antibiotics and hormones in animal farming. We want to learn as much as we can about anything we spend our money on. Here is a list of products we regularly consume and think may be affected by SB 595:

Organic products in general, meat and chicken not treated with hormones or antibiotics, lamb from local producers, milk and other products from local dairies which do not use hormones or antibiotics, eggs from local, free range hens, not fed animal byproducts. Sometimes, I get the information by visiting with the producer, most often I relay on what labels tell me.

Last, I think it unwise to inhibit local producers in marketing products that unlike most of our food does not have to be trucked in from far away. I care very much about our state. We need to think of our ability to sustain a healthy, vibrant society, secure our food sources in times of crisis, and support our ability to compete in a national and world market which is shown to increasingly ask for exactly the things this bill would keep us from declaring.

Thank you for your consideration.

Senate Agriculture Committee
2-27-08
Attachment 9

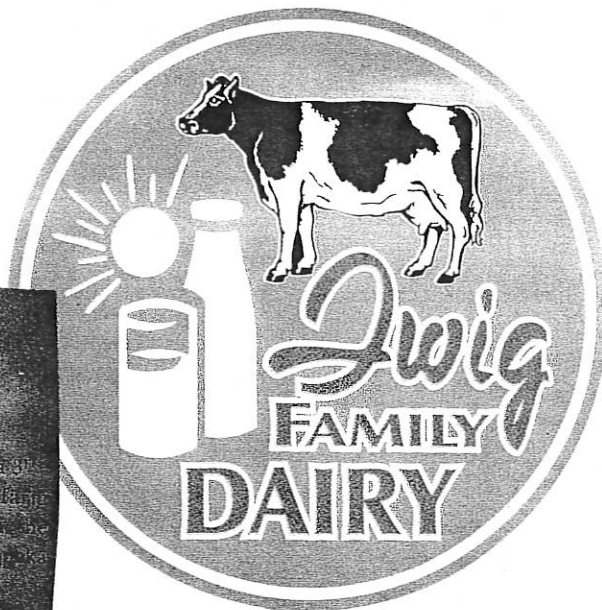
SEVEN STARS ORGANIC YOGURT

where even natural and organic foods are over
 Seven Stars Yogurt is unique. We work hard to
 art which is truly pure, simple and delicious! It is
 right on the farm, in small batches, with great
 attention to detail and cleanliness. Made from the
 of our Jersey and Guernsey cows, the yogurt has a
 layer of cream on the top. We add only acidophilus,
 and other living yogurt cultures. Other "natural"
 ay be using non organic dry milk, stabilizers, corn
 ose sweeteners and artificial flavorings. We hope
 our yogurt's fresh, pure taste!!

SEVEN STARS FARM

Our Farm is on 350 acres of land which is now protected
 monument. For over a decade, we have used Biodynamic
 operations to enhance the vitality of the soil, plants
 and animals. With our herd of Jersey and Guernsey cows, we
 create the ideal Biodynamic farm - a self-sufficient
 farm that builds and sustains soil fertility through crop
 and farm composts. The cows graze from early spring
 until coming in only for milking. We use no chemicals,
 herbicides or pesticides on our farm. When
 to meet demand, we purchase additional milk from
 Biodynamic and organic farms. These farms treat
 and animals as we do, with sound Biodynamic and
 practices and plenty of loving care. Thus, all the milk
 is top quality, making Seven Stars Organic Yogurt
 the best yogurt available!! Seven Stars Farm is a
 Biodynamic farm and meets all organic standards.

Milk As It
 Was Meant
 To Be



Twig
 FAMILY
 DAIRY

Twig Family Dairy is a 3rd
 generation family farm
 operation located in the
 southeast edge of Topeka
 in Tecumseh, Kansas.

Our premium quality milk
 is produced and processed
 on our own farm. It is
 bottled in glass to preserve
 freshness and natural
 flavor. We do not use
 injectable hormones (BST)
 and our products are
 completely free of anti-
 biotics.

We believe you deserve
 the best. Milk as it was
 meant to be. Pure, Natural,
 Fresh and Delicious!

Pure, Natural,
 Fresh, and
 Delicious!



For
 rd
 e!

SHRT CHK VG FED BNLS BRST
 \$ 4.40/lb 24083520602 L2

INSPECTED
 BY
 U.S.
 DEPARTMENT OF
 AGRICULTURE
 P-20251W

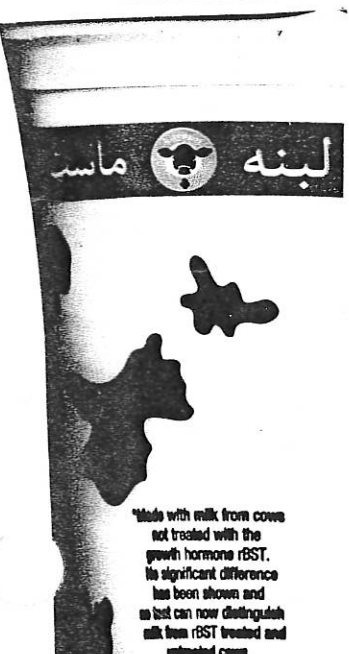
- Vegetable Grain-Fed
- Raised Without Antibiotics
- Not Fed Animal By-Products

KEEP REFRIGERATED

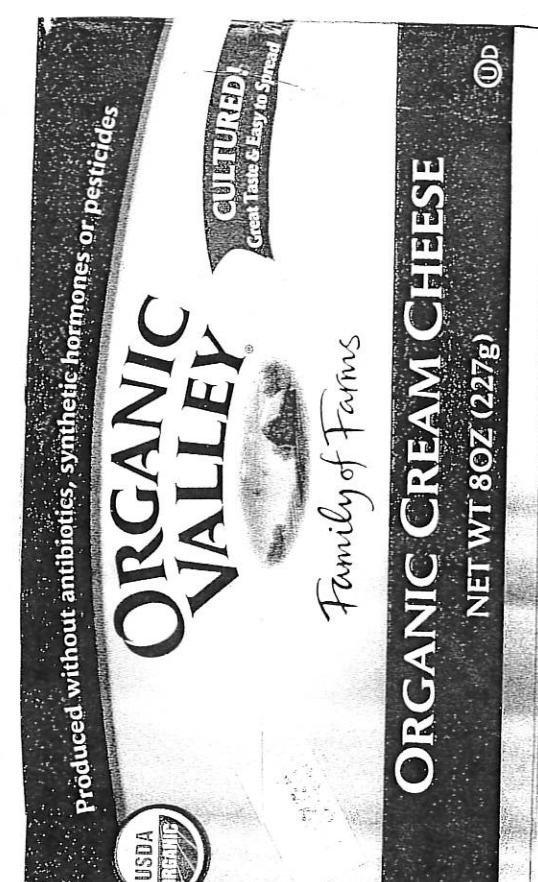
Naturally Leavened Bread
 •
 Wood-fired Brick Oven

Ingredients: Stoneground organic wheat flour,
 organic unbleached wheat flour, whole
 sprouted wheat, organic oats, flax seed,
 organic sunflower seed, natural leaven culture,
 sea salt, and filtered water

Net Wt. 1 lb. 6 oz.
Wheatfields Bakery & Cafe
 904 Vermont • Lawrence, Kansas • 66044
 (785) 841-5553
 wheatfieldsbakery.com



Made with milk from cows
 not treated with the
 growth hormone rBST.
 No significant difference
 has been shown and
 no test can now distinguish
 milk from rBST treated and
 untreated cows.



Senate Agriculture Committee
 2-27-08
 29-2

My name is Nancy O'Connor and I have been a Nutrition Educator for 20 years.

I am the Director of Education and Outreach for Community Mercantile Coop in Lawrence, KS. I am also the director of the non-profit Community Mercantile Education Foundation.

Community Mercantile is a 34 year old community owned grocery store specializing in natural and organic foods, as well as hundreds of locally produced foods. We currently have 3600 owners and annual sales of over \$10 million dollars. We have an Education Department that last year reached over 5,000 individuals through both our on-site and outreach education programs.

I am happy to be back in Topeka today to testify before this committee regarding SB 595. I have to say that although I was disappointed to not be able to testify yesterday, I am grateful for the opportunity to hear what the proponents of this bill had to say and to have time to reflect on what I heard.

The perspective I bring today is as a Nutrition Educator and in that capacity I would also like to represent one of the most important voices left out of the testimonies yesterday, and that is the voice of the consumer.

To me, this bill is not about a farmers right to use rBST. That right is secure. And this bill is not a debate about organic agricultural practices, although some speakers engaged in that debate yesterday, and with some grave inaccuracies. And this bill does not seek to jeopardize the livelihood of family farms. In a minute I'll show you a family farm it seeks to protect.

I believe this bill is very clearly about consumers right to know what is in the foods they choose to purchase. It is about informed choice. This bill seeks to limit information that consumers have a right to know.

The example we've most heard addressed is that of rBST labeling. I'd like to read you an example of such labeling from a bottle of milk we sell at the Merc. This bottle of Iwig Dairy milk from Tecumseh Kansas (25 miles to the Merc) simply states:

"Iwig Family Dairy is a 3rd generation family farm operation located on the southeast edge of Topeka in Tecumseh, Kansas. Our premium quality milk

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Attachment 10*

is produced and processed on our own farm and bottled in glass to preserve freshness and natural flavor. We do not use injectable hormones (BGH) and our product is completely free of antibiotics.”

That’s the language this bill seeks to eliminate. As an example of how important this kind of information is to consumers; in our store we have 55 facings of Iwig milk. A facing is a row, or the real estate of grocery stores. The more facings you have, the more important of a product you must be. So in our store 55 facings of Iwig milk is more then all the other brands of milk we sell combined.

The popularity of Iwig milk in our store is just one example of a growing number of consumers who want to know not just what is in their food, or how much calcium is in their glass of milk. Just as importantly, sometimes more importantly, they want to know how their food was grown or produced and who grew or produced it. They want to decide for themselves who they will trust to grow food for themselves and their families. This type of labeling is their right to know.

Both the Food and Drug Administration (FDA) and the Federal Trade Commission (FTC) have stated “food companies may inform consumers in advertising, as in labeling, that they do not use rBST.” In other words, on a federal level, the type of labeling that SB 595 will prohibit has been deemed acceptable by both the FTC and the FDA, and we’re voting to change that.

I think it’s worth noting here that this debate on labeling isn’t new, especially rBST labeling. It has been carried out for years by Monsanto, the sole producer of rBST.

I respect the hard work and opinions of farmers on both sides of this issue. But really, this isn’t about what producers want. This bill is about what consumers have a right to know. I urge you to protect the rights of your constituents and give them the right to choose for themselves what gallon of milk they buy.

I urge you to vote no on SB 595.

Respectfully submitted,
Nancy O’Connor MSED
February 27, 2008



Community Mercantile

901 Iowa Street · Lawrence · Kansas 66044

785 843 8544 · fax 785 843 7572 · www.TheMerc.coop

February 26, 2008

State of Kansas
Senate Agriculture Committee

Dear Senate Agriculture Committee Members,

Thank you so much for the opportunity to comment on the proposed changes to Kansas agricultural labeling laws. While we recognize that many producers will likely be testifying today, we felt that it was important that you also hear our perspective as a retailer because we constantly operate in the intersection between consumers and producers. The overall health of Americans depends on improving our ability to make good choices in our every day diets. As a retailer, it is apparent that the answer lies in providing as much information to customers as is possible, not less. Therefore, we are strongly opposed to the proposed restrictive labeling regulations in SB 595 because it would make it impossible for Kansans to make educated choices about the foods that they buy for their families.

Community Mercantile is a 34 year old community owned grocery store that specializes in offering a full selection of organic foods and fresh locally produced items as well as having a long-standing commitment to community education about food choices and policy. We currently have more than 3600 owners and annual sales over more than \$10 million. We have doubled our sales in 5 years and this growth is directly attributed to consumers increased awareness and concerns over America s current food production systems. One needs only to look at the growth of the natural and organic products and the growth in demand for farmers markets to see that consumers are expecting a higher level of disclosure about their food than ever before. Our customers, like all U.S. consumers have a right to make informed choices about the foods that they buy for their families and informed choice can only be made if honest labeling practices are upheld.

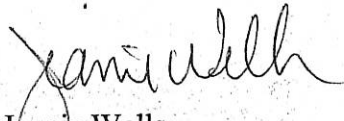
It has long been the commitment of Community Mercantile to provide more then food to its customers. In 2007 our Education and Outreach Department taught over 5,000 individuals how to make thoughtful food choices by balancing their dietary needs, their budgets, and their personals preferences. We teach that all choices begin with accurate, thorough information, providing the tools consumers need to decide which food is the best for them. The proposed language in SB 595

10-3

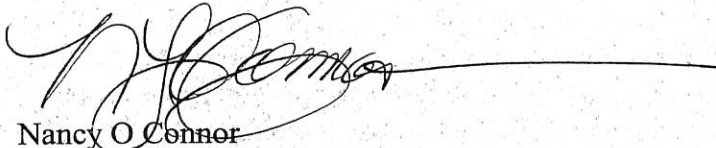
takes the power of choice away from the consumer by seriously limiting information that may be critical in the decision-making process. SB 595 limits the dialogue between producer and consumer, a direction that completely moves against what most consumers are asking for.

We urge the Senate Agriculture Committee to vote against SB 595 and allow consumers to make their own informed choices about the food they choose to eat.

Sincerely,



Jeanie Wells
General Manager
Community Mercantile



Nancy O'Connor
Director of Education and Outreach
Community Mercantile

Executive Director
Community Mercantile Education Foundation

**TESTIMONY IN OPPOSITION TO SB 595
(Written Only)**

To: Honorable Mark Taddiken, Chair
Members of the Senate Agriculture Committee

From: Robert Shatto, Dairy Farmer

Date: February 24, 2008

Thank you for the opportunity to present testimony regarding SB 595. I am a dairy farmer and have been farming for more than 25 years here north of the Kansas City area. In 2003, we began bottling the milk from our small herd of cows on our local family farm with the hope of saving it from bankruptcy. Today, we sell our milk in glass bottles in the Kansas City area to people in both Kansas and Missouri.

We do not treat our cows with artificial growth hormones and worked diligently with the appropriate Federal Agency to obtain approval of our package design and content prior to ordering our first load of returnable glass bottles. Our bottles include a statement of no growth hormones used as well as the appropriate disclaimer on the back of the bottle as required by the Federal Government. We believe this requirement is not only fair, but reasonable and would suggest that anything further would keep us from providing our customers with the information that they often proactively seek.

I say all of this to suggest that we have done all we can to ensure that our current package design and content meets the approval of the current regulatory agency and respectfully ask that you oppose any legislation that would be more stringent than the current Federal Regulations.

If somehow this bill or any other legislation like it moves forward, I would ask that language be included that would allow us to continue to reuse our existing glass bottles and keep them in circulation until they are extinct. We use glass bottles, a package that is environmentally friendly and returnable. We pick up empty bottles and have them returned to the farm where they are washed and reused. These bottles have to be used over and over for years if they are not broken or kept by our customers as they are very expensive to purchase. If we had to dispose of all of our old bottles (that have been okay by the FDA) and replace them it would likely put us in a very unhealthy financial situation as many of those bottles cost more than \$1.50 each.

The bottom line is we would like any legislation that is considered to state that all new packaging would need to be in compliance with any new law that is passed and any existing packaging would be grandfathered. This would allow us to use the bottles we already have in circulation and to do so until they are extinct. We would simply ask that any new legislation only affect labels or bottles ordered after passage vs. all existing bottles.

I would be happy to work with anyone on this issue if it is studied further to ensure that the outcome is best for the people of Kansas and for those of us that serve them.

Robert Shatto
(816) 930-3862
Leroy@shattomilk.com

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Attachment 11*

2-25-8

Norm Oeding, lifelong resident of Kingman, Ks, manager Spring Creek Ranch and Little Red Hen Bakery,
recently moved to Newton area to manage Janzen Family Farms
Certified Organic farmer, USDA, National Organic Program (NOP), 3rd party certified by Okla
Dept of Ag
member: Wichita Food Co-op, Kansas Grown Farmers Market, Kansas Cattlemans Assoc.

WSU-how do you measure success or in this case quality, 'beauty is in the eye of the beholder'!
How one perceives quality and value guides an individuals purchases. A Lexus costs more than a
Ford Focus. The Lexus owner believes that his car is of higher quality and value, thus he is willing
to spend more money for it.

Many consumers believe in freedom of choice for the food they consume, "certain unalienable
rights" comes to mind. The 1st Amendment of our Constitution guarantees "freedom of speech"
and "of the press". Every consumer has a right to know what is in or absent from their food.
Every consumer has a need to be informed and a right to know 'who produced their food, how it
was processed, when and where it was produced'. When those consumers have their measure of
quality satisfied, their value determined, it is also their choice, to determine whether to purchase
any particular food product. And like any higher quality product, sometimes, it comes with a
higher price tag. Purchase and price is determined only by the consumers perception and
expectation of quality and value. Many consumers desire all the info they can get on a label to
make a responsible purchase. Including 'Country of Origin Labeling' (COOL).

I buy butter and cheese from 2 small dairies. Neither of these dairies use artificial hormones on
their cows. In the past year both Wal-Mart and Kroger have requested their dairy producers to
provide milk free of artificial hormone usage.

I grow organic wheat, which I mill into flour, for the bread that I market. In 2006, my hard white,
winter wheat tested 16% protein. 12 % is good, 14 % is really good. I have won the 'market
wheat show' at the Kingman County Fair twice in the past 4 years. In the spring of 2006 my 'Old
Fashion Cracked Wheat' bread won 'Best White Wheat Bread' in the Festival of Breads
sponsored by the Kansas Wheat Commission.

"From The Land of Kansas" is a trademark program I participate in, administered by the Kansas
Dept. of Commerce. This program is all about value-added products and the jobs that are
supported by small farms and niche producers. "Land of Kansas" products typically carry many
claims that are able to be proven in any court of law. Nearly all the claims I make about my
products can be proven and validated in any court in the land, but would be unconfirmed by a lab.
My customers appreciate the integrity of the food that I produce, but I would be unable to hire
lawyers to defend that integrity.

I also grow grain sorghum. In 2007 my grain sorghum won 'Best of Show' at the Kansas State
Fair. In addition, I won this same award in 2004. The neat part of this is the awards presentation.
The awards are held on a special day and given out by a nice lady. After she gave me my award,
I offered her a loaf of my bread and told her many of the aspects of how it was produced. I even
have a picture of all this. In addition, I understand that she resides here in Topeka. When I gave
Kathleen Sebelius that loaf of bread, she very appreciatively said 'Thank you'.

I oppose SB 595 and I conclude by asking you to defeat SB 595! Thank You!

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Attachment 12



SIERRA
CLUB
FOUNDED 1892

Sierra Club

609 North 72nd Street • Kansas City, KS 66112
913-334-0556
volland@kansas.sierraclub.org

Kansas Chapter
www.kansas.sierraclub.org

Testimony on SB 595 before the Kansas Senate Agriculture Committee, Feb. 26, 2008 by Craig Volland, Chair of the Agriculture Committee of the Kansas Chapter, Sierra Club

The Sierra Club opposes Senate Bill 595. In addition to its anti-consumer elements that will be addressed by others, this bill threatens the livelihood of small farmers in Kansas who sell their products directly to consumers a basis of high quality and trust.

SB 595 establishes certain definitions for determining when labels on *any* agricultural product are in *any way* misleading. In particular it makes illegal any labels for *production-related claims* that are supported only by the word of a farmer. This provision could ensnare farmers employing the following terms commonly used on labels: cage free, free range, all-natural, grass-fed, pasture-raised, grass-finished, sustainably produced, pesticide-free, pasture-based, farm fresh, heritage breed, and locally produced. I am sure there are others.

Section 1(b) would seem to provide an out for these terms, but only if the product is not made in *semblance* of a product for which an established standard has been adopted. Many of the aforementioned terms are similar to organic & other USDA standards. Who decides what "in any way misleading" means? Who decides what "semblance" means. I know. First, some big corporation will decide. Then some bureaucrat will decide, and then some court will decide. Small farmers cannot afford to battle bureaucrats, and they cannot afford to go to court.

Someone has taken a vague and obscure law and turned it into a threat to sincere and hard-working small farmers who are doing their best to meet the legitimate needs and desires of Kansas consumers. Kansas consumers have every right to know how their food is produced. They are smart enough to know what and who to believe. This bill should never see the light of day.

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Attachment 13

Testimony before the Senate Agriculture Committee
February 26, 2008
RE: SB595

Lynn Van Buren
112 W. 6th St.
Topeka, KS 66603
lynnvanburen@aol.com
(785)223-4571

Mr. Chairman, Members of the Committee:

I am President of the Board of Topeka Natural Food Co-op, a small member-owned grocery. SB 595 is of great concern to people like me and other member/owners of the Topeka Natural Food Co-op. The "pro-consumer" aspects of the bill are a charade, bad both for consumers like us and for the Kansas farmers who supply us with food.

The bill sounds like it was written by Monsanto, whose rBGH isn't selling so well these days, I guess. Lots of us really don't want to drink milk from cows given injections to make them overproduce. We prefer the milk we sell and our members buy from one of the small Kansas dairies that don't use this artificial hormone.

I've read that Japan, Canada, all 25 countries in the European Union, as well as Australia and New Zealand have banned use of rBGH, at least in part because it is seen to be harmful to the cow. But apparently someone thinks we Kansans shouldn't even be told!

And what about the rest of the bill, which seems to eliminate the use of labeling such as "free-range" (very important to customers of our store, especially for eggs). How about "no pesticides"? Does every vegetable farmer have to get lab tests?

It looks like even labeling to tell where the food comes from is banned—you can't tell that from a lab test! Local and Kansas food is our most important specialty, and we want to know how our farmers raise the food they sell. It is important to our customers, who are also the owners of the store. It is difficult to know who would benefit from this bill other than out-of-state chemical interest.

Kansans are not well-served by this bill. Our customers would be denied the very information they want. Our little store would lose its best "claim to fame." And the small farmers whose products we and other stores throughout Kansas now market at good prices would lose their value-added qualities.

Please do not recommend this bill for passage.

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Attachment 14



Since 1894

TESTIMONY

To: The Senate Committee on Agriculture
Senator Mark Taddiken, Chairperson

From: John Donley

Date: February 26, 2008

Subject: **Senate Bill 595** –An act concerning agricultural products, relating to labeling requirements

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing approximately 6,000 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf and stocker production, cattle feeding, grazing land management and diversified farming operations.

Good Morning. My name is John Donley. I am Assistant General Counsel for the Kansas Livestock Association.

I am here today to testify against SB 595. While truth in labeling is an important issue to our members and consumers across the state, the language in SB 595 is too broad as written.

Many source-verified and natural beef programs use affidavits to prove the manner by which those cattle were raised. This may include birth dates, production records, vaccination records, etc. These programs are using these affidavits in a way that does not deceive the consumer. In fact, these affidavits are a necessary part of proving to consumers how the product is produced. Most of the systems that I am aware of that require affidavits to support producer records are subject to audits, and those audits do occur on a regular basis.

While I understand that the intent of the bill is not to affect the programs that I have discussed above, the language used in this bill will do just that. This bill would have a chilling effect on many of the programs that provide pasture to plate information that have begun gaining popularity over the past few years.

I would be glad to stand for questions at the appropriate time.

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Attachment 15

**Written Testimony on SB 595
to
the Senate Agriculture Committee**

**by Adrian Polansky
Secretary of Agriculture
Kansas Department of Agriculture**

February 26, 2008

Thank you, Chairman Taddiken and members of the committee, for allowing me to submit this written testimony on Senate Bill 595. I oppose this bill because it is too broad in scope.

At the heart of this bill is rbST, or recombinant bovine somatotropin, a synthetic hormone that helps boost milk production in dairy cows.

The Food and Drug Administration approved the use of rbST in 1994, stating there are no measurable compositional differences between milk from cows that receive supplement rbST and milk from cows that do not. FDA decided that food manufacturers who do not use milk from cows treated with rbST may voluntarily inform consumers, as long as their statements are truthful and not misleading. They approved the following language:

“This milk is from cows not treated with rbST. The Food and Drug Administration has determined there is no significant difference between milk from rbST treated cows and non-rbST treated cows.”

I am a firm believer that farmers and ranchers should be able to choose production methods that work best for them. I also believe in a free-market system and I ardently support consumer choice. It is this healthy competition in the marketplace that inspires our food producers and processors to provide what customers demand and are willing to pay a premium for.

Our department enforces laws and regulations intended to ensure that agricultural and food product labels are accurate, factual statements that comply with state and federal labeling requirements. Some food label claims can be substantiated by science, like “95 percent fat free” or “no trans fats.” Others, like “organic,” are associated with a process that is authenticated by a third party. As long as the claim can be substantiated, these statements allow food producers to distinguish their products in a crowded marketplace.

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Attachment 16.*

Because Senate Bill 595 is so broadly written, I can only begin to comprehend its depth and breadth. However, I believe it has the potential to touch every kind of agricultural product with unintended and, perhaps in some cases, undesirable consequences.

I expect impassioned debate over the different kinds of food labeling impacted by this bill, but I think it's important to have that discussion. I have met with the Kansas Dairy Association, so I am well aware of their concerns. I am willing to sit down with them again, along with other parties who also have an interest in this issue, to determine whether this can be addressed in a way that doesn't violate established state and federal labeling requirements or restrict choice in the marketplace.

Cotsoradis, Constantine

From: Blush, George
Sent: Tuesday, February 26, 2008 3:15 PM
To: Cotsoradis, Constantine
Follow Up Flag: Follow up
Flag Status: Red

Constantine:

To clarify the terms "rbST"; "bST" and "bGH".

- bST and bGH refer to the same hormone are used interchangeably for the most part.
 - bST is bovine somatotropin and bGH is bovine growth hormone.
- Bovine somatotropin is the term used by the dairy industry and most regulatory folks.
- Bovine growth hormone is used mostly by groups wanting to imply a negative connotation, i.e. "growth hormones" and you will see this term used by the news media and opponents quite often.
- The "r" refers to the term "recombinant" which is the synthetic, genetically engineered version of the hormone marketed by Monsanto under the name POSILAC.
- All milk contains bovine somatotropin or bovine growth hormone. It is produced by the pituitary glands of all cattle. (Human breast milk contains human somatotropin or human growth hormone.) As was said in testimony today it is naturally occurring in all cows milk, it is species specific to that particular mammal in that it is not absorbed in the human digestive tract and therefore has no affect on humans who consume it.
- Therefore under the FDA labeling guidance a company who states "bST or bGH free" would be in violation since that is not a true statement.
- Cows are injected with POSILAC to boost milk production. In the significant testing of the product by FDA prior to release in 1994, it was determined that milk from cows given the injections did not contain more bST nor was the chemical composition of the bST found in the milk different from the naturally occurring hormone. This is why testing is not an option. We can test for and find bST in milk, however it is the same amount and same composition whether it be naturally produced by the cow or whether she was given the injection.
- FDA labeling guidelines approves the following wording:
 - *This milk is from cows not treated with rbST.* (this is to be accompanied by the disclaimer statement:) *The Food and Drug Administration has determined there is no significant difference between milk from rbST treated cows and non-rbST treated cows*

Let me know if I can answer any other questions.

George

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TESTIMONY ON SB 595
SENATE AGRICULTURE COMMITTEE
February 26, 2008

Marjorie J. Van Buren
3521 SW Oakley Ave.
Topeka, Kansas 66614

Sen. Taddiken, Sen. Francisco, Members of the Committee:

Thank you for your consideration.

I am very much concerned about SB 595. It tries to pose as a consumer protection bill, but it is actually the exact opposite.

As I read it, this bill would make it illegal for dairy product producers (whether the small Kansas dairy whose milk I buy or Ben & Jerry's ice cream) to communicate to their customers that their milk comes from cows not injected with artificial growth hormone (rBGH) .

Why would we want a law saying producers can't tell the Kansas public what is or is not going into milk production? Although the federal government says rBGH is safe, many people really don't want this stuff used in producing milk they are going to drink. Let the customers know and decide for ourselves.

Perhaps we can take a clue from Canada, the members of the EU, and several other countries, who have banned use of rBGH. Although no one knows for sure the long-term health effects on humans of the use of this substance, it definitely isn't good for the cows!

If that weren't enough, the wording of the bill seems extremely broad. I'm not a lawyer, but it's a short bill; I think I understood it on the first read. Other types of food labeling I personally use as a guide which also would seem to be outlawed by this bill include "pastured," or "free-range," and even perhaps the locale of the origin of the food. I eat local/Kansas as much as possible. Lots of things I want to know about my food cannot be determined in a laboratory, which seems to be what this bill requires.

I hope your committee will recognize that this bill is not in the best interest of Kansas consumers, and definitely not in the best interest of Kansas dairies and specialty livestock producers, who are serving a growing niche market of picky people like me who want the best Kansas can offer.

Please report this bill unfavorably.

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International Dairy Foods Association
Milk Industry Foundation
National Cheese Institute
International Ice Cream Association

February 22, 2008

The Honorable Mark Taddiken
Chairman, Senate Agriculture Committee
Kansas Statehouse
300 Southwest 10th Avenue
Topeka, KS 66612

Dear Senator Taddiken:

The International Dairy Foods Association (IDFA) opposes Senate Bill 595 that will limit dairy processors' ability to label their products with information that milk consumers are demanding to know.

IDFA represents our nation's dairy manufacturing and marketing industries and their suppliers. We have approximately 530 members representing a \$90 billion a year industry. Our 220 dairy processing members operate more than 600 plants and range from large multi-national corporations to single plant companies. Together they represent more than 85% of the milk, cultured products, cheese, and frozen desserts produced and marketed in the United States. We have 8 members in Kansas, including Kraft Foods, Dean Foods, and the Kroger Company.

Fifteen years ago, the Food and Drug Administration (FDA) approved the use of synthetic growth hormones in lactating dairy cows. This non-biotech product is called recombinant bovine somatotropin (rbST) or recombinant bovine growth hormone (rbGH). FDA also provided guidance to food companies on their right to inform consumers if milk is sourced from cows that are not treated with rbST. This is information that many consumers believe is helpful, and in some cases essential, to their decision to purchase dairy products.

SB 595 contradicts the FDA guidance because it will not allow processors to make a production-related claim that is supported solely by sworn statements, affidavits or testimonials. As you may know, the FDA guidance recommends, but does not require, affidavits from producers as a basis for a production-related claim, such as that milk comes from cows not treated with rbST.

The FDA guidelines were carefully balanced between the rights of consumers to know if synthetic hormones have been used in the production of the milk they are purchasing and the producers who may want to use such hormones. Adding verification beyond affidavits will unduly complicate and add risk to processor's efforts to market milk that is not from cows treated with synthetic hormones. SB 595 thus attempts to solve a problem that does not exist with a solution that will simply add costs to marketing this product.

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We are concerned that there is a national effort to restrict labeling regarding the use of rbST and that this effort, if successful, will create a patchwork of state regulations. Beyond being an obvious impediment to interstate commerce, non-uniform regulations in this area could result in certain products not being sold in certain states and unduly restrict, or simply eliminate, information that consumers are demanding to know before buying dairy products.

Just last October, the Pennsylvania Department of Agriculture (PDA) attempted to implement an outright ban on production-based rbST absence claims. This action sparked a significant public outcry from consumers who demanded the right to know whether artificial hormones had been used to produce the milk they were consuming. In fact, a poll conducted last summer by the Consumer Reports National Research Center found that 88% of people nationwide believe that milk produced without growth hormones "should be allowed to be labeled as such." As a result, on January 15th the PDA reversed their original decision and will now allow production-based claims.

The Indiana Legislature recently rejected a similar effort, after being subjected to a massive grassroots and outreach campaign by consumer groups, and instead ordered that the issue be studied further.

If enacted, SB 595 would put the Kansas dairy sector at a disadvantage by requiring processors to develop and implement alternative labels for their milk and dairy products sold in the state. If the demand for milk from cows not treated with synthetic hormones is not met, then you risk the real possibility of consumers choosing alternatives to dairy products. Forcing processors to abandon these production claims could well result in less milk being consumed, fewer dairy farmers, and a decline in economic activity in your state.

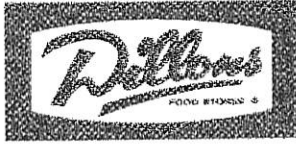
For these reasons, IDFA strongly urges you to vote against on Senate Bill 595. Thank you for your time and consideration of this matter. I can be reached at 202-220-3512 if you have any questions.

Sincerely,



Jerry Slominski
Senior Vice President, Legislative and Economic Affairs

cc: Members of the Kansas Senate Agriculture Committee



DILLON STORES, A DIVISION OF DILLON COMPANIES, INC.
2700 EAST FOURTH - P.O. BOX 1608
HUTCHINSON, KANSAS 67504 -1608 - (620)665-5511

JOHN BAYS
President

February 25, 2008

The Honorable Mark Taddiken
Chairman, Senate Agriculture Committee
Kansas Statehouse
300 Southwest 10th Avenue
Topeka, KS 66612

(hand delivered and via email)

Dear Senator Taddiken:

Please accept this letter as comments for the Kansas Agriculture Committee hearing on February 26, 2008. The Kroger Co. operates 2,468 supermarkets in the United States. In Kansas, we operate 75 full service supermarkets under the banner Dillon's and 66 convenience stores under the banner Kwik Shop. In addition, we operate a full service dairy processing plant in Hutchinson, Kansas. Our company is strongly opposed to Kansas Senate Bill 595 to restrict the right of dairy processors to label their products regarding the use of synthetic hormones in the production of milk.

For more than 10 years, Kroger, through our dairy processing facilities, has informed its raw milk suppliers that the Company prefers milk from cows that have not been given rBST, based on consumer preference. Recently, a growing number of dairy farmers have started to offer certification that the milk they produce comes from cows not treated with rBST. Discussion with our milk suppliers indicated that a transition to milk from cows not treated with rBST was achievable.

As a result of these certification programs and growing customer interest in this issue, Kroger informed our raw milk suppliers that we would only procure milk from cows not treated with rBST. This process has been in place in our western dairies since April of 2007; our eastern dairies completed a similar transition in February 2008. **We have agreed to pay those suppliers a significant premium for this milk.**

In preparing for our transition to milk from non-treated herds, we have followed the FDA's guidance on rBST product labeling. In keeping with the guidance, we will label our milk as milk from cows not treated with rBST and we will also include the following statement: "The Food and Drug Administration has determined there is no significant difference between milk from rBST-treated cows and non-rBST treated cows."

In addition to the labeling described above, we have signed agreements with our milk suppliers to certify that their milk is from cows not treated with rBST. We believe these agreements carry the full weight of the law and they provide our customers assurances that our milk is from cows not treated with rBST.

We disagree with recent efforts to prevent labeling of dairy products that are from farms that do not treat their cows with rBST. Consumers benefit from clear and consistent standards on labeling of these products. This has been the case with organic certification, and we believe the consumer has benefited from such an approach. The FDA has issued clear guidance on this issue, and efforts to change the rules in each state will leave customers with a lack of consistent and accurate information.

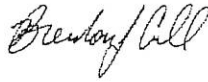
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The FDA's guidance on rbST is a standard that makes sense for customers, farmers, and processors. It provides accurate information and allows consumers to make an informed decision on the products they purchase. We are pleased that we can respond to our customers' desires for milk from cows that were not treated with rbST and we encourage the State of Kansas to refrain from taking action that limits our ability to provide accurate information to our customers.

Sincerely,



John Bays
President
Dillons Food Stores



Brendon Cull
Director, Government Relations and Regulatory Affairs
The Kroger Co.

cc: Senate Agriculture Committee Members (via email)

20-2

My name is Janey Coble and I am a registered voter in Galena, Kansas. I am writing to voice my opposition to Senate Bill 595, which restricts dairy producers from labeling their milk as artificial hormone-free. I feel that as a consumer I have the right to know if the dairy products that I am buying for my family have growth hormones or antibiotics added to them. I want more information about what is in the foods that I purchase, prepare, and feed to my family not less information. I do not feel that the labels "artificial hormone-free" and "antibiotic free" are misleading in any way. I feel that these labels provide me, the consumer with valuable information about how the food that I am purchasing is produced. I have a right to know about the origins of the food, and producers have a right to tell me. Like me, many consumers object to the use of the hormone, known as rBGH or rBST in their dairy products. I seek out dairy products that are labeled "artificial hormone-free" and "antibiotic free". It should be my right to know if this artificial hormone was used in the production of the dairy products I buy, and I believe dairy companies should be able to inform customers of this fact. An April 2007 Lake Research Partners' national survey shows that eight in ten adults (80%) feel dairy products originating from cows that have not been treated with rBGH should be allowed to be labeled as such. Cows treated with rBGH experience higher rates of 16 different, harmful medical conditions, including pregnancy problems, diarrhea, and mastitis, which is acknowledged on the package insert by the manufacturer of this hormone. By denying consumers information about how their food was produced leaves consumers without the information they need to make informed choices.

According to the Centers for Disease Control and Prevention, overuse of agricultural antibiotics is a significant contributor to food-borne, antibiotic-resistant infections in humans, a multi-billion dollar problem in the United States. The Codex Alimentarius, the United Nations' main

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food safety body, twice decided that it could not endorse the safety of rBGH for human health.

We need our government to reject this bill and allow businesses to inform consumers so that we can make informed decisions about what we eat.

Janey Coble

PO Box 266

603 East 23rd Street

Galena, KS 66739