SB
209

HOUSE COMMITTEE REPORT

(7)
Date Referred: March 21, 1989 FURTHER REFERRALS: RESOURCES

Date of Committee Action: 4/13/89

The HESS Committee considered: CSSB 209(Res)am
[SALE OF ORGANIC FOOD]
CS FOR SENATE BILL NO. 209 (Resources) am
"An Act relating to the sale of organic foods."

RECOMMENDATIONS:
[ ] be replaced with _____ [ ] the same title [ ] a new title
[ ] have attached amendment(s)
[ ] do pass
[ ] do not pass
[X] no recommendation
[ ] individual recommendations
[ ] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s): (Dept)
[ ] fiscal impact _____
[ ] zero fiscal note _____
[ ] zero with analysis _____

APPROVES PREVIOUS: (Date/Dept)
[ ] fiscal note(s) _____
2 [ ] zero fiscal note(s) _____
2 [X] zero fn/analysis DEC, DNR 3-15-89

SIGNING DO PASS:

SIGNING: (Check approp column)

	Do Not Pass	No Rec	Amend
Mary Sue Loussac			—
Cheri Davis		—	
Aaron Boyer		✓	
Jay Ellis		✓	

Jay Ellis
Chairman's Signature

Alaska State Legislature

SENATE

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

April 12, 1989

TO: .OUSE HESS COMMITTEE MEMBERS

FROM: Senator Jay Kerttula

SUBJECT: Senate Bill 209, relating to organic foods

Senate Bill 209 is a labeling bill that provides Alaska consumers and producers with a common, industry-accepted, definition of what is meant if a product is labeled "organic). It does not attempt to deal with health issues, but merely to give consumers and producers a choice.

I have introduced Senate Bill 209 to remedy a specific failing in Alaskan statutes dealing with food products; nowhere in existing law is there any definition or standard which permits one to be certain what is meant when one purchases "organic" food.

What this means is that vegetables and other food products can now be advertised and sold as "organic" without any guarantee as to what fertilizers and pesticides may have been used or not used in their production and processing.

There is a growing body of medical evidence to suggest that, at least in part, we are what we eat. But what are we eating? We tend to think of organic produce as free of synthetic pesticides and fertilizers. SB 209 simply makes sure that this is, in fact, the case. It establishes uniform standards for organically produced foods, patterned after those used in Washington and some other states, and supported by local scientific data.

The bill is a simploe protective measure that will benefit both consumers and producers who are concerned about the chemicals -- particularly pesticides, hormones and antibiotics -- that we are unknowingly ingesting in our food supply. I believe there are many who are concerned about this contamination, and who would prefer to see that Alaskan consumers have a choice in their purchases. I think this legislation will help that choice become more of a reality by making sure that growers, vendors and customers are speaking

the same language when they deal in organic produce, and that when an Alaskan says "organic", he is representing that a product has never been exposed to chemical applications.

The interest in organic foods and the recognition of their importance to human health is increasing. The recent, much publicized concern about the quant6ities of pesticides contained in apples and other fruits, and the hazard they may be posing for our children, is only the latest manifestation of a national trend. On the international scene, it is no secret that Japanese and European importers are reluctant to purchase many of our beef and pork products because of the quantities of antibiotics and hormones injected into American cattle.

We are unusually fortunate in that many of the fresh vegetables, potatoes, and carrots that are produced in Alaska can be raised without application of the pesticides that are so heavily relied upon in other climates. It may also be pracxtical to raise beef and some other kinds of livestock for an organic market by utilizing a combination of local grazing lands and unadulterated locally-produced grains. We simply do not have the kind of weed and insect pest problems here that plague farmers in other states, and some of our growers may find that organic production will open a market niche in which they can compete quite successfully with outside growers.

Of course, one of the ultimate beneficiaries of any growth in this sector will be the Alaskan consumer.

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: S.B. 209
PUBLISH DATE: 3/9/89

FISCAL NOTE

REQUEST:

Revision Date:
Title: An Act relating to the sale of organic and natural foods.
Sponsor: KERTULLA
Requestor:

Agency Affected: Environmental Conservation
BRU: Environmental Health
Components: Sanitation.

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	--	--	--	--	--	--
PART-TIME	--	--	--	--	--	--
TEMPORARY	--	--	--	--	--	--

ANALYSIS: (Attach a separate page if necessary)

The bill sponsor has stated that the role of the Department would be to enforce on a complaint only basis. With the understanding that compliance is expected to be 100% voluntary and that the Department will not routinely inspect or monitor, we are submitting a zero fiscal note.

Prepared by: Douglas C. Donegan DCD
Division: Environmental Health
Phone: 465-2609
Date: March 13, 1989

Approved by Commissioner: Dennis D. Kelso
Agency: Environmental Conservation
Date: 3/13/89

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CS S.B. 209 (Resources)
PUBLISH DATE: 3/9/89

FISCAL NOTE

REQUEST:

Revision Date:
Title: An Act relating to the sale of organic and natural foods.
Sponsor: KERTULLA
Requestor:

Agency Affected: Environmental Conservation
BRU: Environmental Health
Components: Sanitation.

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	--	--	--	--	--	--
PART-TIME	--	--	--	--	--	--
TEMPORARY	--	--	--	--	--	--

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Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

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STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CS S.B. 209 (Resources) (a)
PUBLISH DATE: 3/15/89

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to the sale of organic and natural foods.
Sponsor: KERTULLA
Requestor: _____

Agency Affected: Environmental Conservation
BRU: Environmental Health
Components: Sanitation.

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
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EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	--	--	--	--	--	--
PART-TIME	--	--	--	--	--	--
TEMPORARY	--	--	--	--	--	--

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Division: Environmental Health
Phone: 465-2609
Date: March 13, 1989

Approved by Commissioner: Dennis D. Kelso
Agency: Environmental Conservation
Date: 3/13/89

Distribution (by preparer):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CS SB 209 (Resources)(b
PUBLISH DATE: 3/15/89

FISCAL NOTE

REQUEST:

Revision Date: 3/13/89
Title: Natural and Organic Food

Agency Affected: Natural Resources
BRU: Agricultural Management

Sponsor: Senator Kerttula
Requestor: Senate Resources

Components: Marketing Services and Inspection

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Because the bill does not require the department to develop or implement regulations, inspections, verification or enforcement related to natural and organic food sales, no funding is required. However, when development and implementation of regulations is desired, funding for staff and travel will be necessary.

Prepared by: Carol Wilson
Phone: 465-2400
Division: Commissioner's Office
Date: 3/13/89

Approved by Commissioner:
Date: 3/13/89
Agency: Natural Resources

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

FISCAL NOTE ANALYSIS -- SB 209

This bill does not obligate any agency to perform new or additional services. The fiscal impact to be calculated pursuant to AS 24.08.035 is therefore "0".

The bill does give DEC and DNR discretion to adopt regulations they may believe desireable relating to identity of chemicals prohibited in organic farming; also to require reasonable records to be maintained by sellers of organic products. Because of the infancy of the organic food industry in this state, however, it would be premature to conclude that state regulatory intervention in this area is needed or desireable. It is more likely that once statutory standards are in effect, local industry will for the most part regulate itself, as it does in other states.

It should be noted that should an authorized agency elect to pursue an investigation of any alleged misrepresentation relating to organic food, both DEC and DNR have existing inspection staff who deal regularly with meat and vegetable produce. Some investigatory work could therefore be undertaken without additional appropriation.

Nonetheless, recent experience with similar legislation in the state of Washington— where there is a large agriculture industry and significant trade in organic produce— indicates that enforcement effort is rarely required. Thus, even in the event that commercial traffic in organic food increased substantially in Alaska, it is unlikely that there would be any need to fund an increased regulatory presence in the marketplace.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

April 12, 1989

The Honorable Johnny Ellis
Chair, House HESS Committee
P.O. Box V
Juneau, AK 99811

Dear Representative Ellis:

Subject: Committee Substitute for Senate Bill 209 (Resources) am, relating to the sale of organic foods.

Position: The Department of Natural Resources supports this bill but will be unable to develop and implement organic food product regulations and verification procedures until funding for staff and travel is provided.

Background: Under AS 03, the Department of Natural Resources is responsible for regulating the sale or use inside the state of plants, seeds, vegetables, shell eggs, fruits, and berries, to protect the public interest and prevent product fraud, deception or misrepresentation. Currently, Division of Agriculture staff inspect farm products in storage or in retail stores to determine whether products match labeling statements related to grade, kind, etc.. If a product violates our regulations, staff can direct the possessor concerning the appropriate disposition of the product.

This bill would allow (but not require) the department to develop regulations specific to organic foods. It would also allow us to inspect products labeled organic and enforce violations of our quality or labeling requirements. Unless additional funding for staff and travel is provided, however, the department would not be able to develop organic food regulations and would not be able to determine or enforce rule violations.

Recommendation: Authorize a fee schedule (and use of program receipts to fund necessary staff and travel) for inspection and verification work by state inspectors.

Sincerely,

Lennie Gorsuch
Commissioner

cc:Bill Sponsors
Committee Members
Dennis Kelso, Commissioner
Department of Environmental Conservation
Bob Evans, Legislative Liaison
Office of the Governor
Frank Mielke, Director
Division of Agriculture

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSSB 209 (Res) am
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: 4/12/89
Title: Organic Food

Agency Affected: Natural Resources
BRU: Agricultural Manangement

Sponsor: Senator Kerttula
Requestor: House HESS

Components: Marketing Services and Inspection

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

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Prepared by: Carol Wilson
Phone: 465-2400
Division: Commissioner's Office
Date: 4/12/89

Approved by Commissioner: Rod Sundet for
Date: 4/12/89
Agency: Natural Resources

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

March 13, 1989

The Honorable Bettye Fahrenkamp
Chair, Senate Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Fahrenkamp:

Subject: Senate Bill 209, relating to the sale of organic foods.

Position: The Department of Natural Resources supports this bill but will be unable to develop and implement organic food product regulations and verification procedures until funding for staff and travel is provided.

Background: Under AS 03, the Department of Natural Resources is responsible for regulating the sale or use inside the state of plants, seeds, vegetables, shell eggs, fruits, and berries to protect the public interest and prevent product fraud, deception or misrepresentation. Currently, Division of Agriculture staff inspect farm products in storage or in retail stores to determine whether products match labeling statements related to grade, kind, etc. If a product violates our regulations, staff can direct the possessor concerning the appropriate disposition of the product.

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Recommendation: Authorize a fee schedule (and use of program receipts to fund necessary staff and travel) for inspection and verification work by state inspectors.

Sincerely,

Lennie Gorsuch
Commissioner

cc: Bill Sponsors
Committee Members
Commissioner Dennis Kelso
Department of Environmental Conservation
Bob Evans, Legislative Liaison
Office of the Governor
Denby Lloyd, Special Staff Assistant
Office of the Governor
Frank Mielke, Director
Division of Agriculture

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: SB 209
PUBLISH DATE:

FISCAL NOTE

REQUEST:

Revision Date: 3/13/89
Title: Natural and Organic Food

Agency Affected: Natural Resources
BRU: Agricultural Management

Sponsor: Senator Kerttula
Requestor: Senate Resources

Components: Marketing Services and Inspection

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
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LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

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Prepared by: Carol Wilson — Phone: 465-2400
Division: Commissioner's Office — Date: 3/13/89

Approved by Commissioner: [signature] — Date: 3/13/89
Agency: Natural Resources

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M March 13, 1989

SUBJECT: Sectional analysis of CSSB 209
(Work Order No. 6-0886A)

TO: Senator Jay Kerttula

FROM: Terry Bannister TB
Legislative Counsel

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1. States the legislative purpose of the bill.

Section 2. Adds a new chapter regulating the sale of organic and natural foods.

Sec. 03.58.010. Prohibits a person from selling or offering for sale food represented as organic if the person knows or has reason to know that the food has been grown, raised, or produced with the use of certain substances.

Sec. 03.58.020(a). Prohibits, except as provided in (b) of the section, a person from selling food represented as organic unless the name and address of the producer of the food are displayed with the food. Requires the person to give a written statement containing the producer's name and address to the purchaser if the food is not displayed at the purchase site, unless the information is on the food package. States that this subsection does not apply to a sale for consumption on the premises.

Sec. 03.58.020(b). Requires advertising for the mail order sale of food represented as organic ... . to include the name and address of the producer of the food.

Sec. 03.58.030. Prohibits a producer from selling to a vendor food represented as organic . . unless before the sale the producer provides the vendor with a sworn statement that the producer has grown, raised, or otherwise produced the food in compliance with sec. 03.58.010. Allows the producer to use a single statement for a calendar year if the producer sells the food to the same vendor more than one time during a calendar year. Defines "vendor" for the section.

Sec. 03.58.040. Requires a person who sells food represented as organic to maintain certain records and to furnish them to the department upon request.

Sec. 03.58.050. Authorizes the department to adopt regulations for the chapter, including a list of substances under AS 03.58.010(a).

Sec. 03.58.060. Directs the department to order a person who is violating the chapter or a regulation adopted under the chapter to stop the violation and to refrain from future violations.

Sec. 03.58.070. Establishes a civil fine and a criminal penalty for a violation of the chapter, a regulation adopted under the chapter, or an order issued under AS 03.58.060.

Sec. 03.58.080. Defines terms for the chapter.

If I may be of further assistance, please advise.

TLB:lmb
L7/032

UNIVERSITY OF ALASKA FAIRBANKS
School of Agriculture and Land Resources Management

Agricultural & Forestry Experiment Station
Palmer Research Center
533 E. Fireweed
Palmer, Alaska 99645
(907) 745-3257

MEMORANDUM

DATE: March 3, 1989

TO: Senator Jalmar Kerttula

FROM: Allen Mitchell, Associate Director
(Ph. D. Soils and Environmental Sciences)

SUBJECT: Criteria for Organically Grown Produce

This memorandum is a follow-up to conversations that I have had with Mark Weaver regarding certain criteria for organically grown produce. The criteria discussed were related to the use of synthetic fertilizers and pesticides.

Fertilizers

Of the two categories of synthetic chemicals, fertilizers pose the least hazard in terms of human consumption of crops grown on ground to which it has been applied. In fact, of the three primary plant nutrients, nitrogen (N), phosphorus (P), and potassium (K), synthetic forms are chemically indistinguishable from organically derived forms in the soil. Also, of these three, only nitrogen poses a potential problem to human health. For example, nitrate- and nitrite-nitrogen might conceivably accumulate in plants to levels that could cause human health problems. This is a rare occurrence. Furthermore, this type of problem could just as easily occur with nitrogen from organic sources. Another concern that some have with synthetic fertilizers is from chemical impurities they may contain. One example often cited is certain phosphorus fertilizers have been found to contain potentially toxic cadmium. However, the source of this contamination is the naturally occurring rock phosphate from which it was manufactured. Organic growers do use rock phosphate as a source of phosphorus fertilizer.

For some of the above mentioned reasons as well as others, enforcement of regulations on fertilizer sources (organic vs synthetic) would be most difficult. Once incorporated in the soil, it is essentially impossible to distinguish source. It would likewise be impossible to determine how long such nutrients have been in the soil.

With this brief description of the problems, I doubt that requiring a long synthetic fertilizer-free period would be either practical or enforceable. Therefore, I would suggest that you consider a requirement that the ground to be used for organically grown produce be free of synthetic fertilizers for a period of one year.

Pesticides

Synthetic pesticides are a completely different situation. While pesticides vary considerably in their toxicity, a great number of them are potentially hazardous. Our information is incomplete, in many cases, with regard to the absolute safety of many of these products. For those individuals who want to pursue a "chemical" free diet, this is where the regulatory emphasis should be placed in my opinion. Unlike fertilizers, pesticide residues in the soil and in produce can be differentiated from natural occurring compounds. Thus enforcement of regulatory policies is possible. Additionally, soil applied pesticides tend to carry over for longer periods in some environments than in others. However, to further complicate the situation, pesticides change chemical form when they enter the soil and are acted on by soil microbes. Fortunately, the new forms are usually less toxic and eventually are reduced to harmless carbon, hydrogen, and oxygen. Again, the time required to render them harmless varies with the pesticide and soil temperatures.

There's no question in my mind that, for regulatory policy, the residence time required in the soil should be greater for pesticides to insure an appropriate degradation time. For example, the herbicide Lorox (linuron) degrades to harmless byproducts in four months in temperate climates while we have been able to measure residue in soils 12 months after application. Linuron is a very safe material from a human health standpoint and concentrations remaining after a year are harmless, but it does illustrate that pesticides can carry over for longer periods depending on environmental conditions at specific locations.

Based on the above arguments, I suggest that the law require that soil used to grow organic produce be free of synthetic pesticide application for a period of two years prior to planting a crop.

If you or Mark have any further questions, please don't hesitate to contact me. The whole question of organically grown produce is a difficult one, but it does have to be addressed. Fortunately for Alaska, we currently use substantially less pesticides than most other producing areas and we have an excellent synthetic chemical-free land base available to those who may want to enter the organic produce market.

A Guide to the Grocery

Keep eating fruits and vegetables, but be careful—and wash your hands!

BY SHARON BEGLEY AND MARY HAGER

If it isn't poisoned Chilean grapes or tainted Arkansas chickens, then it's dioxin in milk or chemicals on apples. Eating is beginning to seem like a hazardous enterprise, and there are indeed real risks out there. The trip to the pantry has become a cost-benefit game. Here's how to play.

Don't believe all the scare stories. Look for evidence; look for *numbers*—actual illnesses, quantified cancer risks—and beware of terms like "trivial." What may be a small risk to industry is unacceptable to a mother. Then, *understand* the numbers. The average American has a one in four chance of getting cancer. A new prediction of 6,000 excess cancers in today's preschoolers seems like a horrible toll, but for each kid, it's equivalent to an increase in risk from 25 to 25.025 percent. Consider the benefits. Skim milk that may have tiny traces of dioxin also provides protein, calcium and vitamin D. The biggest food risk—microbial contamination—kills thousands each year but can be avoided with better cleanliness. Another high risk is poor diet, such as one high in fat or salt. Here is NEWSWEEK's guide to the grocery.

Fruits and Vegetables

Farmers apply hundreds of chemicals every year to control weeds, fungi or insects on produce. What's deadly to a corn borer may not be exactly healthy for people. The Environmental Protection Agency says pesticide residues pose the third highest threat of environmentally induced cancer, behind cigarettes and radon. Many pesticides were approved for use decades before researchers had good tests of their toxicity, and many still remain on the market.

The recent controversial report by the environmental group Natural Resources Defense Council (NEWSWEEK, Jan. [illegible]) concludes that some [illegible] million kids are exposed to neurotoxic pesticides above what the EPA considers an "acceptable" level. And because children eat relatively more fruits and vegetables than adults, they receive several times the exposure to carcinogenic pesticides than their parents. As a result, says the NRDC, 5,500 to 6,200 of today's preschoolers may get cancer eventually because of childhood exposure to just eight pesticides. A 1987 study by the National Research Council showed how dangerous food is allowed to be. The NRC examined cancer risk from about 20 out of 60 pesticides known to be carcinogenic. It found that if all produce had the maximum allowable residue of every pesticide approved for use on it—more than 110 on apples, 70 on bell peppers, 100 on tomatoes—Americans would face a cancer risk of three in 1,000 over a 70-year lifetime.

The good news is that reality is not this bad. In 1988 the FDA found no residue at all in [illegible] percent of 14,492 food samples; less than 1 percent had illegally high residues. And instead of using every permitted pesticide every year, farmers generally use those effective for that season's pests—six to 20 on apples, for instance, not the whole 110.

Fruits and vegetables also contain *natural* poisons, some of which may cause cancer. Biochemist Bruce Ames of the University of California, Berkeley, estimates that people ingest 10,000 times as much "natural pesticides" as man-made ones. The EPA can't do anything about nature. But it is re-evaluating all 300 agricultural pesticides with an eye toward lowering the allowable residues or banning some chemicals entirely.

While that goes on, remember that fruits and vegetables such as broccoli and carrots provide nutrients that have been linked to *reduced* risks of cancer. The National Research Council recommends that Americans eat five or more servings of produce a day, especially citrus fruits and green and yellow vegetables. To lessen your risk from any lingering pesticides, wash all produce with soap and water. If you can't bear the sight of a sudsy cabbage leaf, cook your vegetables; the heat will eliminate some residues. For a good primer on residues try the Sierra Club book "Pesticide Alert."

Apples

To many confused consumers, apples now look like the poisoned fruit of the Snow White tale. Since 1968 some red varieties have been sprayed with the suspect chemical daminozide made by Uniroyal Chemical Co., called by its trade name Alar. This growth regulator keeps apples from dropping off trees before they ripen, improves color and firmness and extends shelf life. But the chemical penetrates the pulp and cannot be washed, cooked or peeled off. In 1986, bowing to consumer pressure, processors and stores pledged not to accept Alar-treated apples.

Some seem to have reneged. Next week Consumers Union will announce whether most juices bought this year contain traces of Alar, as did 1988 samples. CU already reported levels in some brands of juice bought in 1988 as high as 53 parts per million—high enough to pose a risk of cancer much greater than the one in a million which prompts EPA action. There are wide regional disparities in Alar levels in eating apples. New York officials said last week that as much as 20 percent of their 1988 crop was sprayed with Alar. The EPA's estimate that only 5 percent of the domestic crop is sprayed may be way too low.

The real culprit, however, is not Alar but its breakdown product called UDMH. This chemical cousin of rocket fuel forms when Alar is heated, as during processing into sauce or juice. Also, traces of it can be found in the Alar itself which is sprayed in the orchard. Uniroyal's latest data on daminozide show that it is probably not carcinogenic. The still preliminary UDMH data are more worrisome: the EPA calculates that UDMH in apple products, consumed in amounts that may underestimate actual eating patterns, poses a cancer risk of 45 in a million over a lifetime. The EPA says it intends to ban Alar within 18 months. For a baby who drinks one ounce of apple juice a day, the risk of getting cancer because of the juice drunk over that nursing period is nine in a million; a toddler drinking

eight ounces a day would have a risk of about 20 in a million. Uniroyal insists that, when completed, its tests will exonerate UDMH.

To avoid the risks of Alar and UDMH, grow your own apples. Or eat those from California, where the chemical isn't used. Or stick to green varieties like Granny Smith that aren't treated with Alar. Drink juice brands that get a clean bill of health in independent (not manufacturer) tests.

Chicken and Eggs

Here the latest risk comes from salmonella, ubiquitous bacteria that can cause nausea, diarrhea and fever. Symptoms can last one day or several. There are more than 40,000 cases—and 500 deaths—of salmonella poisoning reported in the United States every year, says the federal Centers for Disease Control. Many more poisonings go unreported; the actual incidence may be 4 million. Not all come from eggs or poultry. But last April, CDC researchers reported on 65 salmonella outbreaks in the Northeast that caused 2,119 illnesses. Of those that could be traced to a specific food, 77 percent were apparently caused by uncracked eggs. The eggs seemed to have been contaminated by salmonella in the hen. Approximately one third of the chickens in the nation's supermarkets contain salmonella.

Salmonella poisoning is easy to avoid. Wash raw poultry and everything it touches—utensils, cutting board, counter top. Cook the bird thoroughly. Don't eat raw eggs—no homemade mayonnaise, eggnog, ice cream, and no cake batter. Boil eggs at least seven minutes—swear off soft-boiled. Poach eggs for five minutes or fry for three minutes aside.

Beef, Poultry and Pork

One concern is hormones, an issue raised when the European Economic Community recently banned American beef containing hormones. Cattlemen give steers the natural sex hormones estradiol, testosterone and progesterone—through ear implants—to make the animal put on lean muscle with less feed; they also sometimes use two synthetics. A third, DES, has been linked to cancer and was banned in 1979; illegal use was detected in 1980 and 1983. Pork and poultry producers do not use hormones. Three ounces of beef from an untreated animal contain about 1.3 nanograms (billionths of a gram) of the animal's own natural estrogen; meat from a treated animal has 1.9 nanograms. By comparison, an average man produces 360,000 nanograms of estrogen a day; a serving of cole slaw has 2,500 nanograms (the hormone is in cabbage). Hormone residues do seem harmless.

Antibiotics in livestock feed pose a different problem. Pork producers feed their animals low doses of penicillin, tetracycline and other human antibiotics; cattlemen use tetracycline. Poultry producers usually feed animals only antibiotics that aren't prescribed for humans. The concern is that people may become infected with microbes that won't respond to antibiotics. This might happen because the drugs can make the animals' resident microbes resistant to antibiotics. If the meat is then contaminated with resistant bugs, they could infect people handling it. In February, the Institute of Medicine, part of the National Academy of Sciences, reported that it was "unable to find data directly implicating" low doses of the drugs in human disease. But it estimated that 10 of the 500 salmonella deaths in the United States annually might be traced to resistant strains produced by antibiotics in animal feed.

To guard against resistant microbes, after handling raw meat wash your hands and all utensils and surfaces thoroughly with hot water and soap.

Milk

Last summer a Canadian government scientist showed that dioxin in cardboard cartons can migrate into the milk they contain. John Ryan measured .04 parts per trillion (ppt) of the form of dioxin known as TCDD. It apparently enters paper products during a bleaching process that uses chlorine.

The only documented effect of dioxin in people is a skin disease called chloracne, which afflicted victims of an industrial accident. But TCDD is, according to animal tests, the most powerful carcinogen ever evaluated. The EPA concluded that even 1 ppt of TCDD poses an "unacceptable" cancer risk. TCDD has also been linked to birth defects and immune-system disorders in test animals. The FDA estimates that children drinking all their milk from contaminated cartons may be doubling their daily dioxin intake, and it is now trying to verify Ryan's work. If the Canadian scientist is correct, drinking milk in dioxin-laced cartons may pose a lifetime cancer risk of one in 10,000.

The American Paper Institute is studying the potential problem of dioxin in paper products; it may be possible to line

Anxiety in the Market

Americans still believe their food is safe, but there are more worries and calls for remedial action.

Fears About Food

38% Are more worried that the food they eat may be contaminated by pesticides or other toxic chemicals

6% Less worried

53% About the same

Buying Habits

Consumers who say they're worried or have cut purchases:

44% Apples

41% Vegetables

23% Eggs and poultry

25% Fish

9% Milk

11% Corn

Confidence in the U.S. Government

52% Feel the government ensures food produced in the United States is safe

44% Feel food imported from foreign countries is safe

Pesticides

73% Think we should use fewer pesticides and chemicals to ensure safer food even if it means higher prices

45% Often or occasionally buy organic foods

47% Never or rarely ever buy organic foods

the cartons with foil to prevent dioxin from leaching into the beverage. In the meantime, to play it safe, buy fresh milk only in glass or plastic.

Fish

Lake fish pose more of a threat than ocean fish. Some species from the Great Lakes, such as coho and chinook salmon, contain PCB's as well as the pesticides DDT, chlordane, aldrin, dieldrin, toxaphene and more than 100 other compounds found in industrial wastes. Although many chemicals have been banned, they remain in lake sediments and in the food chain, including fish. The compounds have been linked to cancers, neurotoxicity and other ills. The Great Lakes states issue annual advisories warning consumers not to eat certain species, or to eat less of them, if a certain percentage of the fish have contamination levels above the FDA's "action level."

Contamination varies widely, both from year to year and from lake to lake. In 1986 DDT levels for salmon and lake trout in Lake Michigan ranged from .01 ppm to 1.5 ppm (the action level is 5 ppm). Dieldrin contamination varied from .01 to 0.2 ppm (the action level is 0.3 ppm). Overall, the risk of cancer from eating 50 meals a year of Lake Michigan fish is one in 1,000 over a lifetime, says J. Milton Clark of the EPA's regional office in Chicago; eating only one meal a year poses a risk of one in 50,000. But according to a new study in the American Journal of Public Health the danger may be greater: eating 150 meals a year, as a sports fisherman might, poses a one-in-100 cancer risk from dieldrin and three in 1,000 from DDT if the fish contain the action levels of these toxins. Even contamination well below the action levels can raise cancer risk by six in 10,000 for DDT and four in 1,000 for dieldrin, say the researchers.

Exotic chemicals are not the only threat in fish. Fish from both fresh water and from the sea can contain microbes, including those from sewage, and on average they pose a tenfold higher risk of bacterial and viral infection than beef and seven times higher than chicken.

Inspection, like contamination, varies. Individual states—not the federal government—monitor local markets. Some states do a good job, some don't. Short of running your trout through a gas chromatograph, all you can do is sharply limit consumption of freshwater fish, especially fatty varieties like lake trout that concentrate the contaminants the most. Lean ocean fish, like red snapper and flounder, are a safer bet. The best precaution is a question: where did this fish come from? Avoid those from polluted waters like some Great Lakes and the New York coast. Cook it thoroughly to kill microbes. Nothing gets rid of the toxics. Sushi is riskier than cooked fish, but no one knows how much riskier. Decide for yourself whether you can live without a yellowtail hand roll.

Canned food

Lead from soldered can seams gets into the food through leaching or splattering during manufacture. Some 20 to 30 percent of cans are lead-soldered. Acidic foods such as tomato products, fruit juice and anything packed in citric acid are the worst offenders. Because neuroscientists have found that lead damages children's brains at even trace levels, they recommend that kids get no avoidable lead from food. Says neurochemist Ellen Silbergeld of the Environmental Defense Fund, "Lead and lead exposure is the most serious environmental health problem, far outweighing carcinogens." Recent surveys indicate that 60 percent of young children have blood lead levels that may impair their neurological development.

To minimize your child's risk, buy products in seamless or welded cans. A welded can has a black-striped, flat seam. Lead-soldered cans have crimped seams, and an irregular line of silver-gray metal along the joint.

Corn and Peanuts

The *Aspergillus flavus* mold can infest wheat, corn, millet, other grains and peanuts; it secretes a highly toxic compound called aflatoxin. For years aflatoxin has plagued peanuts in the Southeast; last year's hot, dry summer created an ideal environment for the fungus in Midwestern grain. Animal studies show aflatoxin to be the second most potent carcinogen ever tested, surpassed only by TCDD. It causes liver cancer in rodents, but its impact on people remains unclear. Five epidemiological studies carried out in the Third World showed a clear link between intake of aflatoxin and cancer, says Ronald Shank of the University of California at Irvine. In these countries, however, aflatoxin intake was five to 500 times higher than in the United States. "This is a genuine carcinogen, but you're going to have to really pig out on corn or peanuts to face a serious risk," says microbiologist Lloyd Witter of the University of Illinois.

The FDA allows 0.5 parts per billion ppb aflatoxin in milk and 20 ppb in other foods. The 20-ppb was chosen because it can generally be met by the industry and because it is safe, charge some consumer groups. Actual levels in peanut butter vary from year to year, but lately have been holding below 1 ppb. Berkeley's Bruce Ames estimates that if the average aflatoxin level in peanut butter is 2 ppb, a sandwich is 100 times more carcinogenic than all the DDT in our diet. Sweet corn, which is eaten canned, fresh or frozen, shows no aflatoxin. Field corn, fed to livestock or processed into such foods as breakfast cereal and flour, has some aflatoxin. FDA tests of chips, popcorn, tortillas and cereal found every sample to be under the 20 ppb limit—but again, that figure may not be meaningful for health. Corn flour and meal exceeded that level in 2 percent of the cases, and was not allowed to be sold.

For safety, cook grits, flour or meal to substantially reduce aflatoxin levels. Cornflakes are probably OK, since processing cuts aflatoxin. Don't subsist on peanut butter; even though the crop has been getting cleaner, the risk is not negligible.

The odd thing is, food should be the least of our worries: radon from the soil poses a cancer risk of 1 in 1,000, smoking a pack a day increases a woman's chance of dying of lung cancer fourteenfold. A blood cholesterol level of 300 increases the risk of heart attack fourfold compared to a level of 200. But risk has its own psychology. Smoking is voluntary; radon is natural and ranting at nature doesn't do much good. Says Peter Sandman of Rutgers University, "The risks that kill you are not necessarily the risks that anger and frighten you. Risk is the sum of hazard and outrage." Since food is supposed to be safe, if it poses any risk at all, people are outraged. If their outrage and fear make consumers shun produce in favor of, say, fatty, salty snacks, attempts to raise public consciousness on food safety will have backfired. But if the outrage translates into political action—stricter and faster controls on dangerous pesticides, for instance—then the risks may have been worth it.

SB 209

The Department supports SB 209. We believe that it is in the best interest of consumers to have some assurance that food labeled natural or organic meets the definitions in this bill. Currently, there are no requirements except for some very broad federal guidelines for meat and poultry products.

The bill sponsor's staff has stated that compliance with the law is expected to be completely voluntary. We believe that the requirement that vendors obtain sworn statements of compliance from producers, makes this a realistic expectation.

The Department has submitted a zero fiscal note, with the understanding that we are not expected to disseminate any information to vendors about the effects of the law and that we will not monitor, test, or inspect to verify compliance.

Douglas Doregan 4/13/89

(1)

Page 12, The Frontiersman - Friday, April 7, 1989

Lawmakers try to define what makes food 'organic'

The Associated Press

TACOMA, Wash. — With consumers becoming increasingly concerned about chemicals used in growing most of America's fruits and vegetables, more people are turning to organically grown produce.

However, there are few assurances that produce advertised as "organic" really is organic.

Alaska is now considering legislation proposed by state Sen. Jay Kertula, D-Palmer, which would set standards for what is "organic" produce in Alaska.

Only a handful of states have any legislation concerning organic farming, and Washington is one of them, said Wendy Wendlandt, executive director of the Washington Public Interest Research Group.

Even then, only the producer is regulated.

"Now, we just inspect the farms (of participating organic growers," said Tom Sweeney, research analyst for Democrats in the Washington state House of Representatives. "But we don't know what the wholesaler does ... There should be some sort of certification for wholesalers."

There are about 300 organic farmers in Washington state. Also, food processors have expressed an interest in participating, said Sweeney.

"We're better than most states. (But) from the consumers' point of view, there's a need for standardization," Ms. Wendlandt said. "Less than two-tenths of 1 percent of produce that come in our borders are tested."

State laws passed in 1984 and 1987 set standards for organic produce and allowed farmers to be certified as organic producers after meeting certain requirements.

Under the state's Organic Labeling Act of 1984, produce can be called organic only if it has been farmed with non-synthetic fertilizers and no chemical pesticides or herbicides.

Farmers are required to keep records of their growing procedures to support their claim that their crops are "organic."

Optional certification was implemented in 1987 as part of the Agriculture Omnibus Bill in which organic farmers apply for certification as organic producers.

Their farms are visited and tested twice by a Department of Agriculture inspector to determine that they haven't used synthetics in their farms for at least two years.

But the certification program is drawing fire from some officials.

Verne Hedlund, chief of the food inspection section of the state Department of Agriculture, said the problem is that the certification program does not have adequate financial support.

The program is supported solely by fees paid by participating organic growers, Hedlund said.

Rep. Ken Jacobson this year sponsored a bill allowing additional funding sources for the program other than just participation fees to improve its effectiveness, Sweeney said.

The bill, HB1554, is awaiting hearing before the Washington state Senate Agriculture Committee and needs $150,000 from the general fund to support the certification program, Sweeney said.

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NOTE: THERE ARE THREE SEPARATE PAGES OF ORDERS FROM LAWYERS NURSERY. THIS VERIFIES OLSON'S COMMERCIAL INTENT.

3

Mail Order Foods

Who sells organic apples?

BY ANN NUGENT

IF YOU'RE HAVING TROUBLE finding organically grown apples, cheese, bread, chicken, jam, or orange juice, or if getting to the markets that sell organic food is too inconvenient for you, try ordering organic food by mail.

Over a dozen mail-order food companies offer organically grown food. (You can write Americans For Safe Foods for a complete list: 1501 16th Street NW, Washington, DC 20036; 202/332-9110.)

These mail-order companies vary widely, however. A few are distributors and sell only wholesale. Some carry nearly a complete line of organic food, while others specialize only in one item — like dried herbs. Only two carry meat and poultry, and only one carries a large variety of fresh produce. A few carry breads, muffins, cakes and pies. And some are more expensive than others. One company just began to stock organic cheese, yogurt, and jam with organic fruit sweeteners. Several carry food that's "certified organic," and they're especially careful in defining "organic," while other companies don't bother to define the term at all.

The following selected, mail-order, natural-food companies are the ones that feature organic food. They all carry such stock items as beans and grains, and all accept small orders (though groups of people often buy in bulk to take advantage of the cheaper rates). Some outlets have large inventories; the smaller ones often feature specialty items. The ones that carry only "certified organic" foods are listed first.

USEFUL TERMS

Certified organic
Standards vary in different states. In some cases the state legislature has determined the standards; in other cases, private organizations have drawn them up. Generally the term means that crops are grown without synthetic pesticides, herbicides or fertilizers on soil that has been free of chemical pollutants for one to three years. Moreover, only certain natural materials may be applied to the soil, like composted or well-rotted manure (raw manure is forbidden).

Organic
A doubtful term. Some states, like Washington, forbid anyone using this term unless the food or farm is certified. Ask, though, it may mean any of the terms used below.

Chemical-free, or grown without pesticides, herbicides, or chemical fertilizers
These terms most likely mean that the farm grows its crops in soil that hasn't been free of chemical residues long enough to be certified organic. Farms that grow crops under these conditions are usually in the transition stage before they can qualify as certified organic.

Pesticide-free
Crops grown without the use of pesticides, though other chemicals may be used.

Spray-free
An ambiguous term. It might mean the farmer isn't using pesticide sprays on the product, but may use pesticides in the fields, say, during the winter.

IPM (Integrated Pest Management)
Foods marked with this label indicate that the farmer works within the biological environment, rather than indiscriminately eradicating pests, he monitors them, curbing them only if they get out of hand. He encourages natural predators and rotates his crops as a way of keeping pests under control. He applies pesticides sparingly and only when and where they will do the least damage.

AS ONE distributor put it, foods bought under these labels are usually all right as long as the labels are clearly defined and mean what they say. Any of these methods of raising crops is better than foods raised without any pesticide restrictions whatsoever. Farmers who are in the transition stage as they switch over to organic farming — a process that takes years — should be encouraged. —Ann Nugent

Alaska State Legislature

Please enter into the record my testimony to the HOUSE HESS
committee name

committee on _____ , dated 4-13-89.
bill/subject

SB 209 IS modeled After the State of Washington Bill. See Comments About Certification Program Washington has. We need A Voluntary Certification Program in Alaska.

Signed: _____
Testifier

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Representing (Optional)

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Address

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Phone No.