

SCOMM

95:24

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 15, 1995

SUBJECT: Summary of certain statutes relating to the wholesomeness of food products (Work Order No. 9-LS0158\C)

TO: Representative Carl Moses
Attn: Cheryl Sutton

FROM: George Utermohle *GU*
Legislative Counsel

This memorandum summarizes certain statutes governing the wholesomeness of food products.

AS 03.05.011 sets out the authority of the commissioner of environmental conservation to issue orders, regulations, permits, quarantines, and embargoes relating to labeling of meat, seafood, and poultry; examination and inspection of meat, fish, and poultry advertised for sale; enforcement of quality assurance plans; inspection for pests and infested food products; cooperation with federal and state agencies; regulation of fur farming; and monitoring of aquatic farms and aquatic farm products.

AS 03.05.020 sets out the duties of the commissioner of environmental conservation in regard to inspection of food animals, fish, and poultry; prohibiting the transportation and sale of food products that do not meet state standards; regulating the labeling and production of milk and milk products; establishing an inspection program for reindeer; designating points of entry for livestock and poultry into the state; and establishing a schedule of fees for services provided by the state veterinarian.

AS 03.05.025 provides that a person may not operate a seafood processing establishment or vessel without a seafood processing permit and an approved plan of operation.

AS 03.05.026 provides that the Alaska Seafood Marketing Institute may design an "inspection" seal and a "premium quality" seal. The commissioner of environmental conservation shall authorize the use of the seals by seafood processors who meet requirements established by the commissioner.

AS 03.05.035 prohibits the mislabeling of frozen foods. Meat, fish, or poultry that have been frozen must be labeled as frozen food and may not be sold or represented as fresh food. The commissioner of environmental conservation shall adopt regulations for the labeling of frozen

meat, fish, and poultry and for the inspection of meat, fish, and poultry to determine whether they had been frozen.

AS 03.05.040 provides that the commissioner of natural resources and the commissioner of environmental conservation may, as appropriate, enter a storehouse, warehouse, cold storage plant, packing house, slaughterhouse, retail store, or other place to inspect agricultural, fisheries, or aquatic farm products.

AS 03.05.050 provides that the commissioner of natural resources or the commissioner of environmental conservation, as appropriate, may declare an agricultural or fisheries product that violates provisions of AS 03.05, or regulations adopted under AS 03.05, to be a public nuisance injurious to the public interest. Such products may not be moved and are subject to the directions of the appropriate commissioner.

AS 03.05.090 provides that a person who violates AS 03.05 or a regulation, order, quarantine, or permit issued under AS 03.05 is guilty of a class A misdemeanor.

AS 17.20.020 establishes what is adulterated food.

AS 17.20.040 establishes when food is mislabeled.

AS 17.20.050 provides that the commissioner of environmental conservation may issue permits governing the manufacture, processing, or packing of a class of food, if such permits are necessary to protect the public health from food contaminated with microorganisms that cannot be identified as a dangerous food product after the product enters commerce.

AS 17.20.060 provides that the commissioner of environmental conservation may suspend a permit issued under AS 17.20.050, if the commissioner finds that the terms of the permit are being violated. The commissioner may reinstate the permit if the terms of the permit have been satisfied.

AS 17.20.070 provides that the commissioner of environmental conservation may inspect a factory or establishment that holds a permit under AS 17.20.050.

AS 17.20.180 provides that the Department of Environmental Conservation and the Department of Health and Social Services may adopt regulations as necessary to enforce the Alaska Food, Drug and Cosmetic Act (AS 17.20).

AS 17.20.200 provides that the commissioner of environmental conservation shall have free access to a factory, warehouse, or establishment where foods are manufactured, processed, packed, or held for introduction into commerce in order to inspect the facility for compliance with AS 17.20 and to collect samples for examination.

Representative Carl Moses
February 15, 1995
Page 3

AS 17.20.230 provides that the commissioner of environmental conservation may place an embargo on food that the commissioner has probable cause to believe is adulterated or so misbranded as to be fraudulent or dangerous.

AS 17.20.240 provides that the commissioner of environmental conservation shall petition the superior court for a libel for condemnation of food embargoed under AS 17.20.230.

AS 17.20.250 provides that the commissioner of environmental conservation shall destroy an embargoed food product after the superior court enters a decree under AS 17.20.240.

AS 17.20.260 provides that food subject to an embargo and to a decree of the superior court may be returned to a person for relabeling or further processing if the adulteration or the mislabeling can be cured by relabeling or further processing. The person who claims the food for relabeling or further processing shall pay the costs of the commissioner of environmental conservation to supervise the relabeling or further processing and shall post sufficient bond to assure that the food is brought into compliance with AS 17.20.

AS 17.20.270 provides that commissioner of environmental conservation shall immediately destroy, condemn, or render unsalable as human food any meat, seafood, poultry, vegetable, fruit, or other perishable article in any room, building, vehicle, or other structure that is unsound or contains a filthy, decomposed, or putrid substance or a substance that may be poisonous or hazardous to the public health.

AS 17.20.280 provides that the commissioner of environmental conservation may apply to the superior court for an injunction to prevent certain acts prohibited under AS 17.20.290.

AS 44.46.020 sets out the duties of the Department of Environmental Conservation including the adoption of regulations for the prevention and control of public nuisances, regulation of sanitation and sanitary practices in the interest of public health, and standards of cleanliness and sanitation in connection with the construction, operation, and maintenance of a camp, cannery, food handling establishment, food manufacturing establishment, and other establishments where lack of sanitation may create a condition that causes disease.

AS 46.03.100 - 46.03.120 provides for the issuance, modification, or termination of a permit for the disposal of waste material or waste water.

If I may be of further assistance, please advise.

GU:glc
95-145.glc

Alaska State Legislature

Representative Carl E. Moses

CHAIRMAN
HOUSE RULES COMMITTEE

CHAIRMAN
HOUSE SPECIAL COMMITTEE FISHERIES

MEMBER FINANCE SUBCOMMITTEES ON:
DEPT. OF FISH AND GAME
DEPT. OF PUBLIC SAFETY



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716 W. 4TH AVE. #630
ANCHORAGE, AK 99501-2133
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SPONSOR STATEMENT

House Bill 208

"An Act relating to seafood processing plans of operation and seafood processing standard operating procedures; relating to quality assurance plans; and providing for an effective date."

House Bill 208 is designed to assist Alaska's seafood processing industry in the worldwide adaptation to global trade policies, such as the General Agreement on Trade and Tariffs (GATT) and the North American Free Trade Agreement (NAFTA), which seek to eliminate barriers to trade and make possible improved commerce among the nations of the world. At the same time these global trade policies are being enacted, ongoing efforts to "harmonize" or "equilibrate" food safety regulations that could otherwise impede the flow of commerce and intent of these policies is occurring.

For almost three years, long-standing international organizations like Codex Alimentarius and the European Community through its "Food Directives," have been holding negotiations with U.S. counterparts in the federal Food and Drug Administration (FDA), the National Marine Fisheries Service (NMFS) and the United States Department of Agriculture (USDA) on the topic of the science-based system of food safety known as Hazard Analysis Critical Control Point (HACCP). All parties agree this system of ensuring a safe food supply around the world is the standard of the future. Talks aimed at regulation equivalency continue - the ultimate goal being a secure, safe trade in food products around the world. Later this summer, on the national level, the FDA will announce its HACCP based mandatory seafood safety program for American seafood processors and importers.

ADAK • AKUTAN • AMCHITKA • ATKA • ATTU • BELKOFSKI • CHERNOFSKI • CHIGNIK • CHIGNIK LAGOON • CHIGNIK LAKE
COLD BAY • DUTCH HARBOR • EGEIK • EKWOK • FALSE PASS • IVANOF BAY • KING COVE • KING SALMON • KOLIGANEK • LEVELOCK • NAKNEK
NELSON LAGOON • NEW STUYAHOK • NIKOLSKI • PEDRO BAY • PERRYVILLE • PILOT POINT • PORT HEIDEN • PORT MOLLER • SAND POINT
SHEMYA • SQUAW HARBOR • SOUTH NAKNEK • ST. GEORGE ISLAND • ST. PAUL ISLAND • UGASHIK • UNALASKA • UNGA

House Bill 208 is intended to bring the seafood inspection program in Alaska into equivalency with regulations coming about both internationally and in the U.S. domestic market. Language in this proposed bill will require that all plans of operation be consistent with the HACCP procedures for seafood production established by regulations of the federal FDA. Other changes are intended to eliminate duplication in the language of the statute that go beyond the goal of safety as covered under a mandatory HACCP program.

To understand why these changes are necessary, HACCP must be discussed. HACCP identifies product/process hazards to determine critical control points which can be controlled, monitored and recorded. HACCP is designed to *prevent* problems before they start. Under these regulations, seafood processors and importers must develop HACCP plans appropriate to their business, monitor those plans, and keep records that FDA can review as part of its inspection and surveillance activities.

HACCP plans would need to be designed to prevent only those hazards that affect human safety; and, only those safety hazards that are "reasonably likely" to occur. FDA is requiring, with the seafood industry in agreement, HACCP be *safety* focused in order to minimize the unnecessarily large number of non-safety related critical control points which are covered by a multitude of other regulations.

House Bill 208 seeks to harmonize the state regulations with the federally mandated regulations as well as international regulations (i.e. European Union); improve the ability of the seafood industry to have a competitive edge in the world market through its HACCP compliance; compete cost-effectively; contribute to Alaska's economy; and, last, but most importantly, place *safe* seafood products in the world market.

Alaska State Legislature

Representative Carl E. Moses

CHAIRMAN
HOUSE RULES COMMITTEE

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HOUSE SPECIAL COMMITTEE FISHERIES

MEMBER FINANCE SUBCOMMITTEES ON:
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FACT SHEET ABOUT HACCP

What is HACCP?

The Food and Drug Administration (FDA) is proposing to adopt regulations to ensure the safe processing and importing of fish and fishery products. These procedures include the monitoring of selected processes in accordance with Hazard Analysis Critical Control Point (HACCP) principles.

HACCP is a preventative system of hazard control that can be used by food processors and importers. FDA is proposing these regulations because of a system of preventive controls is the most effective and efficient way to ensure that these products are safe.

The purpose of these proposed regulations is to establish mandatory preventive controls to ensure the safety of seafood products sold commercially in the United States and exported abroad.

HACCP is a system by which food processors and importers can evaluate the kinds of hazards that could affect their products, institute controls necessary to keep these hazards from occurring, monitor the performance of these controls, and maintain records of this monitoring as a matter of routine practice.

The HACCP system will produce a more efficient system for ensuring the safety of seafood products than currently exists.

HACCP places primary responsibility upon the industry.

A nationally mandated HACCP system will provide a basis for enhanced consumer confidence.

The National Academy of Sciences (NAS) recommended that improvements be made in the present system of regulatory control and repeatedly recommended HACCP controls.

International Trade

International trade is also a major consideration in determining the advisability and benefits of a new system of seafood regulation.

A nationally mandated HACCP-type system of controls appears to be a prerequisite for continued access to world markets.

It is estimated that close to 40 percent of the fish and shellfish harvested from the world's oceans, lakes, and other bodies of water entered international trade in 1991.

The United States is the world's largest exporter of fishery products. In 1991, the United States exported more than \$3 billion worth of seafood.

Both Canada and the European Community (EU) have implemented or are in the process of implementing mandatory HACCP based seafood inspection programs.

Failure by the United States to adopt a mandatory HACCP-based inspection system may ultimately undermine its export success with considerable economic consequences.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CS HB208

Revision Date: _____
Title: Seafood Processing Standards
Sponsor: Representative Moses
Requestor: H(FSH)

Department Affected: Environmental Conservation
BRU: Environmental Health
Component: Seafood/Sanitation Inspection

COMPONENT SERIAL NO. 1936

Expenditures/Revenues:

(Thousands of Dollars)

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
OPERATING EXPENDITURES						
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipt	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

The intent of the bill is to substitute a federally required Hazardous Analysis Critical Control Point (HACCP) plan for the statutorily required Plan of Operation so that processors need only develop a single plan which could be submitted to both the federal Food & Drug Administration and the State.

Prepared by: Larry Jones
Division: Director, Division of Administrative Services

Phone: 465-5010
Date: 3/21/95

Approved by Commissioner: Larry Jones
Agency: Department of Environmental Conservation

Date: 3/21/95

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STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF ECONOMIC DEVELOPMENT

WALTER J. HICKEL, GOVERNOR

P.O. BOX 110804
JUNEAU, ALASKA 99811-0804
PHONE: (907) 465-2017

Division of Economic Development Department of Commerce and Economic Development

supports HB 208

House Bill 208 seeks to have state regulations mirror new federally-mandated seafood inspection regulations as well as international regulations. This will improve the ability of the Alaska seafood industry to successfully compete in the domestic and international marketplace.

The bill requires that Alaska seafood inspection regulations be consistent with the HACCP inspection regulations recently promulgated by FDA. HACCP (Hazard Analysis at Critical Control Points) regulations were developed by FDA to standardize and improve seafood safety regulations. Similar regulatory development has occurred in the EU. By harmonizing Alaska seafood safety regulations with those in the global marketplace, Alaska seafood processors can better market products across state lines and international boundaries.

**Dutch Harbor Seafoods, Ltd.**

15110 Northeast 90th Street
P.O. Box 97049
Redmond, Washington 98073-9749
(206) 881-8181 FAX (206) 882-1660

MAR 22 1995

March 22, 1995

BY FAX COMMUNICATION TO:

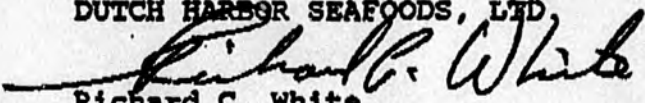
Cheryl Sutton, Staff Fisheries Specialist
Office of Representative Carl E. Moses
Fax No. 907-465-3445

Dear Ms. Sutton,

On behalf of Dutch Harbor Seafoods, Ltd., I want to express our full support for House Bill No. 208, which has been introduced in the State of Alaska House of Representatives.

I feel that this Bill is extremely important to the seafood industry. The public demands, and deserves, assurance that safe seafood products will be the only products coming from our industry. House Bill No. 208 ensures that all processors, large and small, will implement quality control/quality assurance programs that meet this demand. It is equally important that future quality assurance programs followed by the Alaska seafood industry be consistent with the Hazard Analysis Critical Control Points (HACCP) regulations being proposed by the federal Food and Drug Administration. House Bill No. 208 accomplishes this objective as well.

Sincerely,
DUTCH HARBOR SEAFOODS, LTD.


Richard C. White
President

cc: Mr. Rick Lauber, Pacific Seafood Processors Assn.-Juneau
Mr. Roger DeCamp, National Food Processors Assn.-Seattle
Mr. L. John Iani-UniSea

MAR 22 1995



March 21, 1995

BY FAX COMMUNICATION TO:

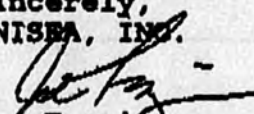
Cheryl Sutton, Staff Fisheries Specialist
Office of Representative Carl E. Moses
Fax No. 907-465-3445

Dear Ms. Sutton,

We are writing to express our strong support for House Bill No. 208, now before the State of Alaska Legislature, House of Representatives.

We feel that this Bill is of vital importance to the seafood industry, not only to protect its integrity, but also to ensure that only the safest products produced by the Alaska seafood industry are offered for sale to the public. It is important that future quality assurance programs followed by the Alaska seafood industry be consistent with the Hazard Analysis Critical Control Points (HACCP) regulations being proposed by the federal Food and Drug Administration. House Bill No. 208 accomplishes this objective.

Sincerely,
UNISEA, INC.



Joe Frazier
Director of Quality Assurance

cc: Mr. Rick Lauber, Pacific Seafood Processors Assn.-Juneau
Mr. Roger DeCamp, Nation Food Processors Assn.-Seattle
Mr. L. John Iani-UniSea

UniSea, Inc.

18400 Northeast 90th Street, P.O. Box 97019, Redmond, Washington 98073-9719 (206) 881-8181 FAX (206) 882-1600

OCEAN BEAUTY

SEAFOODS, INC.

March 21, 1995

VIA FAX

The Honorable Carl Moses
Alaska House of Representatives
Capital Building, Room 204
Juneau, Alaska

Re: HOUSE BILL 208

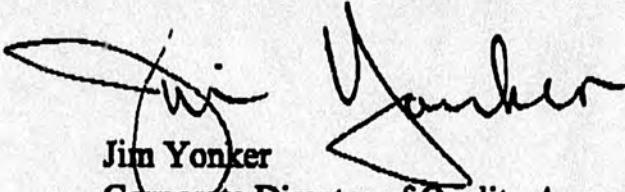
Dear Representative Moses:

Please be advised that Ocean Beauty Seafoods, Inc. supports your bill requesting a change in the current ADEC statutes to incorporate the Food and Drug Administration's "Seafood Safety" HACCP proposal.

You and your fellow representatives should be commended for your efforts to harmonize the regulations that affect Alaska's seafood products on an international, national, and state level. Your efforts in HB 208 will allow for a safe food product produced in Alaska to compete in all markets.

Very truly yours,

OCEAN BEAUTY SEAFOODS, INC.



Jim Yonker
Corporate Director of Quality Assurance
and Government Relations

JY:mab

cc: William Terhar, Executive V.P. & C.O.O.

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Eyak Packing CompanyCannery Direct Mail Order
Smoked & Canned Alaska Salmon of Finest Quality

MAR 22 1995

MARCH 22, 1995

To/ Representative Moses

Eyak Packing was established in 1983 -
We are 100% ALASKAN OWNED and we EMPLOY
ALASKANS - we support House Bill NO. 208 100%
and THANK you for your efforts.

Sincerely,

Gerald Masolini

Gerald MASOLINI

Owner/Manager
Eyak Packing Co.

P.O. Box 1131 • Cordova, Alaska 99574 • 800-424-5399 • 907-424-5300 • Fax: 907-424-5303

329-333 Katlian Street

Sitka, Alaska 99835



3/22/95

Representative Carl E. Moses
Alaska State Legislature

Dear Carl:

Unfortunately, we will be unable to attend or partake in the teleconference hearing today. The Sitka Sound Seine Sac Roe Herring Fishery is rapidly approaching.

We do however, want to go on record and state that Sitka Sound Seafoods, Inc. both endorses and supports House Bill No. 208. Please contact us if you need any additional support in writing.

Sincerely,

Harold K. Thompson
President, SSS

Gail B. Stromme
SSS Government Compliance

(907) 747-8862
TELEFAX (907) 747-6268
Telex 090-45-391 SSSSEAFOOD SITKA

FRESH AND FROZEN SALMON, COD, BLACK COD, HALIBUT, ROCK FISH, CRAB, HERRING



MAR 22 1995

**ALASKA PACIFIC SEAFOODS**

DIVISION OF NORTH PACIFIC PROCESSORS, INC.

HOME OFFICE: 2300 EASTLAKE AVE. EAST • SEATTLE, WASHINGTON 98102 • (206) 726-9900

P.O. BOX 31179 • SEATTLE, WASHINGTON 98103-1179

PROCESSING PLANT: 627 S. LUTHER AVE. • KODIAK, ALASKA 99581 • (907) 486-3223

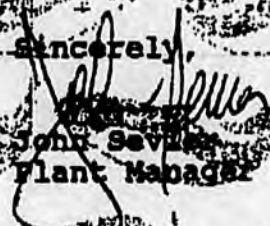
March 22, 1995

Representative Carl E. Moses, Chair
House Rules Committee
State of Alaska Legislative

The seafood industry has been under inspection for many years, while the fish industry has not. Whether or not the fishing industry has a perceptual or factual problem as it relates to our food items and disease, the consumer needs to have greater confidence in our products.

I support House Bill 288 in its entirety. I'm pleased to see our State Representatives guiding the fishing industry down a path which will help market our fish in future times.

Sincerely,


John Sevelle
Plant Manager

JS/sjn

Processors of Quality Alaska Seafoods

TOTAL P.01



East Point
seafood company

420 MARINE WAY • P.O. BOX 1637
KODIAK, ALASKA 99615
TELEPHONE: (907) 486-5799
FACSIMILE: (907) 486-4079

March 22, 1995

MAR 22 1995

Cheryl Sutton c/o Carl Moses
House of Representatives, Alaska State Legislature
State Capitol
Juneau AK 99801-1182

Re: HB 208

Dear Ms. Sutton:

I would like you to know that East Point Seafoods fully supports the above-mentioned bill.

It will allow the seafood processors of Alaska to operate under one set of rules that will insure all seafood produced within the state will be safe and wholesome.

Sincerely

Charles L. Jensen
Manager, Gov't Relations/Quality Assurance

Packers of East Point Canned Pacific Shrimp, Fresh Pacific Oysters,
Alaskan Salmon, Halibut and Frozen King, Snow, and Dungeness Crab



SEAFOOD PRODUCERS COLD STORAGE, INC.

PRODUCERS, PROCESSORS & MARKETERS OF PREMIUM QUALITY SEAFOODS

DATE: 3/22/95

TO: Carl Moses, Representative

ATTN:

FROM: Tim Northrop, Plant Manager

MESSAGE: Representative Moses,

We support House Bill 208. It is important to us that we not have to react to two different sets of regulations covering the same situation in our industry. If you need anything from us, please contact us.

OFFICE: 2876 ROEDER AVE. • BELLINGHAM, WA 98225
PHONE (206) 733-0120 • FAX (206) 733-0513

PLANT: 507 KATLIAN • SITKA, ALASKA 99535
PHONE (907) 747-RR11 • FAX (907) 747-3208