

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 8672

9918 HOUSE LABOR & COMMERCE

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CS FOR HOUSE BILL NO. 105()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE BUNDE

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for the licensing of speech-language pathologists; and providing
2 for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 08.01.010(5) is amended to read:

5 (5) regulation of audiologists and speech-language pathologists under
6 AS 08.11;

7 * Sec. 2. AS 08.02.010(a) is amended to read:

8 (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-
9 language pathologist licensed under AS 08.11, a person licensed in the state as a
10 chiropractor under AS 08.20, a professional counselor licensed under AS 08.29, a
11 dentist under AS 08.36, a dietitian or nutritionist licensed under AS 08.38, a marital
12 and family therapist licensed under AS 08.63, a medical practitioner or osteopath under
13 AS 08.64, a direct-entry midwife certified under AS 08.65, a registered nurse under
14 AS 08.68, an optometrist under AS 08.72, a licensed pharmacist under AS 08.80, a

1 physical therapist or occupational therapist licensed under AS 08.84, a psychologist
2 under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as
3 professional identification appropriate letters or a title after that person's name that
4 represents the person's specific field of practice. The letters or title shall appear on all
5 signs, stationery, or other advertising in which the person offers or displays personal
6 professional services to the public. In addition, a person engaged in the practice of
7 medicine or osteopathy as defined in AS 08.64.380, or a person engaged in any
8 manner in the healing arts who diagnoses, treats, tests, or counsels other persons in
9 relation to human health or disease and uses the letters "M.D." or the title "doctor" or
10 "physician" or another title that tends to show that the person is willing or qualified
11 to diagnose, treat, test, or counsel another person, shall clarify the letters or title by
12 adding the appropriate specialist designation, if any, such as "dermatologist",
13 "radiologist", "audiologist", "naturopath", or the like.

14 * Sec. 3. AS 08.11 is amended by adding a new section to read:

15 **Sec. 08.11.015. Qualifications for speech-language pathologist license.** The
16 department shall issue a license to practice speech-language pathology to an individual
17 who

18 (1) is 18 years of age or older;

19 (2) applies on a form provided by the department;

20 (3) pays the fee required under AS 08.11.050;

21 (4) has not engaged in conduct that is a ground for imposing
22 disciplinary sanctions under AS 08.11.085; and

23 (5) furnishes evidence satisfactory to the department that the person
24 holds a Certificate of Clinical Competence in speech-language pathology from the
25 American Speech-Language-Hearing Association or the equivalent of the certificate.

26 * Sec. 4. AS 08.11 is amended by adding a new section to read:

27 **Sec. 08.11.025. Temporary license to practice speech-language pathology**
28 **as a speech-language pathologist.** (a) On receipt of the completed application, the
29 department shall issue a temporary license for the practice of speech-language
30 pathology as a speech-language pathologist to an individual who is licensed to practice
31 speech-language pathology in another state and has submitted to the department an

1 application for a license under AS 08.11.015.

2 (b) Subject to (c) and (d) of this section, the department may issue a temporary
3 license to the following:

4 (1) a nonresident for the practice of speech-language pathology as a
5 speech-language pathologist in the state for 60 days or less in a calendar year, if the
6 individual is licensed to practice speech-language pathology in another state, territory
7 of the United States, foreign country, or province that has requirements for a license
8 to practice speech-language pathology that are substantially equivalent to or higher
9 than the requirements of AS 08.11.015;

10 (2) a nonresident for the practice of speech-language pathology as a
11 speech-language pathologist in the state for 60 days or less in a calendar year, if the
12 individual meets the qualifications and requirements for a license under AS 08.11.015,
13 and resides in a state or territory of the United States or a foreign country or province
14 that does not license individuals to practice speech-language pathology;

15 (3) a resident or nonresident who is in the process of completing the
16 year of supervised clinical experience required for a Certificate of Clinical Competence
17 in speech-language pathology from the American Speech-Language-Hearing
18 Association; a temporary license issued under this paragraph is limited to one year
19 except that it may be renewed once for an additional year.

20 (c) The department shall deny a temporary license to an applicant under (b)
21 of this section if the board finds that the applicant has committed an act that is grounds
22 for a disciplinary sanction under AS 08.11.085.

23 (d) The department may impose by regulation additional limitations that it
24 determines appropriate on a temporary license issued under this section.

25 * Sec. 5. AS 08.11.030(d) is amended to read:

26 (d) A suspended license is subject to expiration and must be renewed as
27 provided in AS 08.01.100, but the renewal does not entitle the individual while the
28 license remains suspended to practice audiology or speech-language pathology or to
29 engage in other activity or conduct that violates the order or judgment that suspended
30 the license.

31 * Sec. 6. AS 08.11.040 is amended to read:

1 **Sec. 08.11.040. Display of license.** (a) An individual licensed to practice
2 audiology as an audiologist or licensed to practice speech-language pathology as a
3 speech-language pathologist in the state shall display the license in a prominent place
4 at each place of business of the individual.

5 (b) If an audiologist or speech-language pathologist has more than one place
6 of business, the department shall, on request and payment of a fee, issue a duplicate
7 license for each place of business of the individual.

8 * **Sec. 7.** AS 08.11.050 is amended to read:

9 **Sec. 08.11.050. Fees.** The department shall set fees under AS 08.01.065 for
10 each of the following:

- 11 (1) application;
- 12 (2) credential review;
- 13 (3) audiologist license and speech-language pathologist license;
- 14 (4) temporary license;
- 15 (5) renewal of license;
- 16 (6) delinquency;
- 17 (7) reinstatement;
- 18 (8) duplicate license.

19 * **Sec. 8.** AS 08.11.080 is amended to read:

20 **Sec. 08.11.080. Grounds for imposition of disciplinary sanctions on an**
21 **audiologist.** After a hearing, the department may impose a disciplinary sanction on
22 an audiologist when the department finds that the licensee

- 23 (1) secured a license through deceit, fraud, or intentional
24 misrepresentation;
- 25 (2) engaged in deceit, fraud, or intentional misrepresentation in the
26 course of practicing audiology;
- 27 (3) advertised professional services in a false or misleading manner;
- 28 (4) has been convicted of a felony or other crime that affects the
29 person's ability to continue to practice competently and safely;
- 30 (5) continued to practice audiology after becoming unfit due to
31 (A) professional incompetence;

1 (B) use of drugs or alcohol in a manner that affects the person's
2 ability to practice audiology competently and safely;

3 (C) physical or mental disability;

4 (6) permitted another person to use the licensee's license;

5 (7) employed a person who does not have a valid current license to
6 practice audiology to perform work as an audiologist covered by this chapter;

7 (8) failed to comply with a provision of this chapter or a regulation
8 adopted under this chapter, or an order of the department.

9 * Sec. 9. AS 08.11 is amended by adding a new section to read:

10 **Sec. 08.11.085. Grounds for imposition of disciplinary sanctions on a**
11 **speech-language pathologist.** After a hearing, the department may impose a
12 disciplinary sanction on a speech-language pathologist when the department finds that
13 the licensee

14 (1) secured a license or temporary license through deceit, fraud, or
15 intentional misrepresentation;

16 (2) fraudulently or deceptively used a license or temporary license;

17 (3) altered a license or temporary license;

18 (4) sold, bartered, or offered to sell or barter a license or temporary
19 license;

20 (5) engaged in deceit, fraud, or intentional misrepresentation in the
21 course of practicing speech-language pathology;

22 (6) advertised professional services in a false or misleading manner;

23 (7) has been convicted of a felony or other crime that affects the
24 person's ability to continue to practice competently and safely;

25 (8) continued to practice speech-language pathology after becoming
26 unfit due to

27 (A) professional incompetence;

28 (B) use of drugs or alcohol in a manner that affects the person's
29 ability to practice speech-language pathology competently and safely;

30 (C) a physical or mental disability;

31 (9) permitted another person to use the licensee's license or temporary

1 license;

2 (10) employed a person who does not have a valid current license or
3 temporary license to practice speech-language pathology to perform work as a speech-
4 language pathologist covered by this chapter;

5 (11) failed to comply with a provision of this chapter or a regulation
6 adopted under this chapter, or an order of the department.

7 * Sec. 10. AS 08.11.090(a) amended to read:

8 (a) When it finds that an audiologist has committed an act listed in
9 AS 08.11.080 or that a speech-language pathologist has committed an act listed
10 in AS 08.11.085, the department may impose the following sanctions singly or in
11 combination:

12 (1) permanently revoke a license to practice;

13 (2) suspend a license for a determinate period of time;

14 (3) censure a licensee;

15 (4) issue a letter of reprimand;

16 (5) place a licensee on probationary status and require the licensee to

17 (A) report regularly to the department on matters involving the
18 basis of probation;

19 (B) limit practice to those areas prescribed;

20 (C) continue professional education until a satisfactory degree
21 of skill has been attained in those areas determined by the department to need
22 improvement;

23 (6) impose limitations or conditions on the practice of a licensee.

24 * Sec. 11. AS 08.11.100 is amended to read:

25 Sec. 08.11.100. Prohibited acts. Unless a person is licensed as an
26 audiologist under this chapter, the person may not

27 (1) practice audiology;

28 (2) use a title indicating or representing that the person practices as an
29 audiologist;

30 (3) advertise that the person practices audiology.

31 * Sec. 12. AS 08.11.100 is amended by adding a new subsection to read:

1 (b) Unless a person is licensed as a speech-language pathologist under this
2 chapter, the person may not

3 (1) practice speech-language pathology;

4 (2) use a title indicating or representing that the person practices as a
5 speech-language pathologist;

6 (3) advertise that the person practices speech-language pathology.

7 * Sec. 13. AS 08.11 is amended by adding a new section to read:

8 **Sec. 08.11.125. Exemptions.** (a) Except as otherwise specifically provided
9 in this section, this chapter does not apply to an individual who practices speech-
10 language pathology consistent with the accepted standards and code of ethics of the
11 individual's profession as part of the individual's duties as

12 (1) a physician licensed under AS 08.64;

13 (2) an employee of a school district while practicing speech-language
14 pathology under the provisions of certification issued by the Department of Education
15 and Early Development;

16 (3) a student, intern, or resident pursuing a course of study in speech-
17 language pathology at an accredited college or a clinical training facility approved by
18 the department if the activities of the student, intern, or resident constitute part of a
19 supervised course of study and the student, intern, or resident is designated as a
20 "speech-language pathology intern," "speech-language pathology trainee," or other title
21 approved by the department that clearly indicates that the person is training to be a
22 speech-language pathologist.

23 (b) An individual who is not licensed as a speech-language pathologist but
24 who is exempt under (a) of this section may not use a title or description stating or
25 implying that the person is a speech-language pathologist.

26 (c) An individual who is not licensed under this chapter but who teaches the
27 practice of speech-language pathology in a speech-language pathology training program
28 at a college or university may use the title "speech-language pathologist" but may not
29 practice speech-language pathology.

30 * Sec. 14. AS 08.11.200 is amended by adding new paragraphs to read:

31 (6) "practice of speech-language pathology" means the application of

1 principles, methods, and procedures related to the development and disorders of human
2 communication, including but not limited to

3 (A) screening, identifying, assessing and interpreting,
4 diagnosing, rehabilitating, and preventing disorders of speech, such as
5 articulation, fluency, voice, and language;

6 (B) screening, identifying, assessing and interpreting,
7 diagnosing, and rehabilitating disorders of oral-pharyngeal function or
8 dysphagia or related disorders;

9 (C) screening, identifying, assessing and interpreting,
10 diagnosing, and rehabilitating cognitive and communication disorders;

11 (D) assessing, selecting, and developing augmentative and
12 alternative communication systems and providing training in their use;

13 (E) providing aural rehabilitation and related counseling services
14 to hearing impaired individuals and their families;

15 (F) enhancing speech-language proficiency and communication
16 effectiveness, such as accent reduction; and

17 (G) screening of hearing and other factors for the purpose of
18 speech-language evaluation or the initial identification of individuals with other
19 communication disorders, provided that judgments and descriptive statements
20 about the results of the screening are limited to pass-fail determinations;

21 (7) "speech-language pathologist" means an individual who is licensed
22 under AS 08.11.015 to practice speech-language pathology in the state.

23 * Sec. 15. AS 08.55.150(a) is amended to read:

24 (a) Unless a person is licensed under this chapter or is licensed as an
25 audiologist under AS 08.11, the person may not

26 (1) deal in hearing aids;

27 (2) use a title indicating or representing that the person deals in hearing
28 aids or is licensed to deal in hearing aids;

29 (3) advertise that the person deals in hearing aids.

30 * Sec. 16. AS 09.55.560(1) is amended to read:

31 (1) "health care provider" means an acupuncturist licensed under

1 AS 08.06; an audiologist or speech-language pathologist licensed under AS 08.11;
2 a chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32;
3 a dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing
4 optician licensed under AS 08.71; a naturopath licensed under AS 08.45; an
5 optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a physical
6 therapist or occupational therapist licensed under AS 08.84; a physician licensed under
7 AS 08.64; a podiatrist; a psychologist and a psychological associate licensed under
8 AS 08.86; a hospital as defined in AS 18.20.130, including a governmentally owned
9 or operated hospital; an employee of a health care provider acting within the course
10 and scope of employment; an ambulatory surgical facility and other organizations
11 whose primary purpose is the delivery of health care, including a health maintenance
12 organization, individual practice association, integrated delivery system, preferred
13 provider organization or arrangement, and a physical hospital organization;

14 * Sec. 17. AS 42.05.296(b) is amended to read:

15 (b) A telephone subscriber is eligible for the service required by (a) of this
16 section if the subscriber is certified as deaf, hard of hearing, or speech impaired by a
17 licensed physician, a speech-language pathologist licensed under AS 08.11, an
18 audiologist, or the Department of Health and Social Services or if the subscriber is an
19 organization representing the deaf, hard of hearing, or speech impaired as determined
20 by the commission.

21 * Sec. 18. AS 44.62.330(a)(53) is amended to read:

22 (53) Department of Community and Economic Development concerning
23 the licensing and regulation of audiologists and speech-language pathologists under
24 AS 08.11;

25 * Sec. 19. AS 47.17.290(13) is amended to read:

26 (13) "practitioner of the healing arts" includes chiropractors, mental
27 health counselors, social workers, dental ' ygienists, dentists, health aides, nurses, nurse
28 practitioners, certified nurse aides, o cupational therapists, occupational therapy
29 assistants, optometrists, osteopaths, nauropaths, physical therapists, physical therapy
30 assistants, physicians, physician's assistants, psychiatrists, psychologists, psychological
31 associates, audiologists and speech-language pathologists licensed under AS 08.11,

- 1 hearing aid dealers licensed under AS 08.55, marital and family therapists licensed
- 2 under AS 08.63, religious healing practitioners, acupuncturists, and surgeons;
- 3 * **Sec. 20.** This Act takes effect July 1, 2000.

EMERALD SPEECH & LEARNING CLINIC

615 East 82nd, #204, Anchorage, AK, 99518
(907) 349-6151, Fax 349-6383

October 30, 1998

The Honorable Con Bunde
Representative
716 W. 4th Ave.
Anchorage, AK 99501

Dear Representative Bunde,

It was a pleasure speaking with you on behalf of the Alaska Speech-Language-Hearing Association (AKSHA) regarding state licensure for speech-language pathologists. AKSHA members fully support licensing in the state of Alaska for one main reason: consumer protection.

State governments are the only agencies capable of passing regulations to protect its citizens. Forty-four states have already passed licensure laws for speech-language pathologists (SLP's). Here, in Alaska, we have already passed licensure laws for audiology, physical therapy and occupational therapy. Occupational licensing for SLP's would demonstrate the continuing commitment our state government has to protecting the consumer public.

Can consumers be injured through improper delivery of speech-language pathology? Absolutely yes! Consumers can be physically harmed during procedures to treat voice disorders and swallowing disorders. They can be injured during the fitting of prosthetic devices and augmentative communication devices.

Consumers can be emotionally harmed when they are misdiagnosed and mistreated by improperly trained SLP's; when they aren't referred to the right treatment sources for further testing and follow-up.

Consumers can be financially harmed when they pay for weeks and months of services from an incompetent provider. In addition, a problem that might have been overcome or eliminated, continues on, delaying or preventing the consumer from returning to their normal life.

Has this happened in Alaska? Yes. We have a man in Homer (see enclosed advertisement) advertising himself to be a SLP. He has a Bachelor of Arts Degree but it isn't even in the field of Communication Disorders. The public has complained about his services, but there is nothing we can do.

How will licensure protect the consumers of Alaska? Licensure is the only available means we have to protect consumers from improper service delivery. For years, SLP's have voluntarily imposed standards for practice of speech-language pathology upon themselves through the American Speech-Language-Hearing Association (ASHA). ASHA has developed very stringent educational and ethical requirements for the legal practice of the profession, culminating in the Certificate of Clinical Competence (C.C.C.). Until recently, Medicare/Medicaid and the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO) referenced the C.C.C. as a necessary requirement to provide speech language pathology services in hospitals, etc. A new trend has developed, however, moving away from recognizing private accreditation groups, like

ASHA, to greater reliance upon state determination of qualifications via licensure. As a result, we are left with an even thinner veil of protection for the consumer.

Now that insurance companies and hospitals are relying more on state licensure to determine if a service provider is qualified to practice, we are even more vulnerable. Not only will an unqualified provider be able to practice, but also, qualified providers will be unable to be reimbursed for services. At least one insurance company has denied payment to a SLP in Anchorage because she was not licensed in the state of Alaska. Since licensing is not available, there is no solution to the problem.

AKSHA recognizes that the time has come to enact legislation to license SLP's in private and/or clinical practice in the state of Alaska. We have considered the Eligibility/ Renewal Requirements and would like them to be commensurate with current ASHA requirements for the C.C.C. Therefore, to be eligible for licensure, all speech-language pathologists presently practicing in the state must hold a current Certificate of Clinical Competence. Private practice/clinical SLP's moving to Alaska from other states or countries may use the ASHA C.C.C. or another state or country license with standards equivalent to the C.C.C. as evidence of meeting specific licensure requirements. We do not expect this license to apply to school SLP's certified by the State Department of Education, teachers of the deaf, physicians and their employees, students, nurses, or psychologists.

AKSHA is ready to work with you and the Alaska legislature in drafting and implementing a bill to license speech-language pathologists in our state. Thank you again for your support and willingness to protect the consumers of Alaska.

Sincerely,



Kit Roberts, M.A., C.C.C.
Speech-Language Pathologist

cc: Diane Poage, AKSHA President



AMERICAN
SPEECH-LANGUAGE-
HEARING
ASSOCIATION

STATES REGULATING AUDIOLOGY & SPEECH-LANGUAGE PATHOLOGY

- * 46 states regulate 1 or both professions
 - ** 46 states regulate AUDs (NH is the most recent--1996)
 - ** 44 states regulate SLPs (all but AK and CO)
 - ** 2 states regulate **only** AUDs (AK, CO), and not SLPs
 - ** 44 states regulate both AUDs and SLPs
 - ** all but 3 states regulate via licensure
 - *** CO regulates AUDs & MN regulates SLPs & AUDs via registration--a lesser form of regulation than licensure, which is mandatory
 - *** WA regulates AUDs & SLPs via certification, which is very similar to CO and MN registration. Because it's voluntary, it's a less restrictive form of regulation than licensure

- * 22 states permit licensed or registered AUDs to dispense HAs under AUD regulation (not have to meet additional requirements and/or pay additional fee)
 - ** AL, AK, AR, CO, CT, FL, GA, IN, LA, MA, MD, NH, NY***, OH, OK, RH, SC, TN, TX, UT, WA, WV
 - **** only in not-for-profit settings; AUDs dispensing in for-profit settings must be registered as hearing aid dealers

- * 9 states require all AUDs/SLPs to be licensed, regardless of work setting--includes school-based personnel; MD and NH require all AUDs to be licensed
 - ** AZ, CT, DE, HI, IL(?), KS, LA, MA, MD (AUDs), MT, NH (AUDs)

- * 30 AUD/SLP licensure laws recognize support personnel (may not regulate them)

- * 30 states require continuing education for license renewal

SPD/7-96/cel

EMERALD SPEECH & LEARNING CLINIC

615 East 82nd, #204, Anchorage, AK, 99518
(907) 349-6151, Fax 349-6383, (800) 474-2116

December 29, 1999

The Honorable Con Bunde
Representative
716 W. 4th Ave.
Anchorage, AK 99501

Dear Representative Bunde,

I am writing this letter in support of HB 105, an Act to provide licensing for speech-language pathologists (SLP). Consumer protection is the main reason speech-language pathologists need to be licensed. I have an additional, practical reason to support it: reimbursement.

It seems that over the last several years medical insurance companies have started to rely on state licensure of speech-language pathologists to determine if a service provider is qualified to practice. If the SLP does not have a state license, the insurance company denies payment for the services. This has happened to me. I have had several claim denials from Blue Cross/Blue Shield for this very reason. At this time, I cannot get a license to practice in Alaska. I cannot resolve the situation by obtaining a license. It takes many letters, phone calls, and eventually intervention by the office of the State of Alaska Insurance Commissioner to explain and resolve the situation.

Alaska is one of only four states that does not license speech-language pathologists in private/clinical practice. The trend to allow state governments to license SLP's instead of the federal government is a good one. It is time for Alaska to include SLP's on the list of licensed service providers such as physical therapists, occupational therapists and audiologists. The state needs to support our ability to obtain reimbursement from national insurance companies.

I am ready to work with you and the State of Alaska to support this bill to license speech-language pathologists in our state. Thank you again for your support and willingness to support our profession and protect the consumers of Alaska.

Sincerely,



Kit Roberts, M.A., CCC-SLP
Speech-Language Pathologist



Alaska Speech - Language - Hearing Association

January 10, 2000

Patti Swenson
Representative Bundy's Office
Alaska State Capitol, Rm 501
Juneau, Alaska 99801

Dear Ms. Swenson:

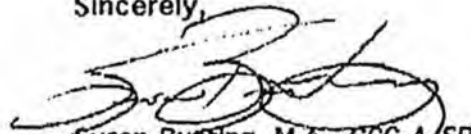
I am writing on behalf of the Alaska Speech-Language and Hearing Association in support of HB 105, licensure for speech-language pathologists.

For over a decade, the association has been investigating the need for licensure of speech-language pathologists in private practice. We have made the commitment as an association to support this bill as it works its way through the licensure process. It is the consensus of this association that this bill will help to assure consumers that the speech-language services they are receiving are of the highest standards. We are proud to be joining our fellow physical therapists, occupational therapists and audologists in having professional licensing in the State of Alaska. As an active member of the national organization of speech-language pathologists we are increasingly aware of our uniqueness in not having standards such as those outlined in the bill. Licensure will allow us to join forty-four other states in regulating the profession of speech-language pathology.

We praise the efforts of your staff in helping this become a reality and on behalf of our Alaskan residents with communication impairments we applaud your energy and appreciate your support of the licensure bill.

Thank you.

Sincerely,



Susan Bunting, M.A., CCC-A/SP
Executive Council Member

PATRICIA OLMSTEAD, MCSD, CCC

Speech-Language Pathologist

P.O. Box 774462

Eagle River, Alaska 99577

(907) 694-3238

To: Executive Council
Alaska Speech-Language-Hearing Association

From: Patty Olmstead
Eagle River, Alaska

*Patty
Olmstead*

Date: March 13, 1999

Subject: House Bill 105

Today I received Susan Bunting's "GOOD NEWS" bulletin that House Bill 105 is coming to the legislature. Licensure for speech-language pathologists working outside of the school district certification requirements is long over due. I PRAISE your efforts to have this bill be passed.

As an AkSHA member, I too am pleased that soon we will be joining our fellow physical therapy, occupational and audiology practitioners on having professional licensing in the State of Alaska.

I have always been supportive of any assurances to consumers that the speech-language services they are receiving are of the highest standards...no matter where they live in Alaska ...especially rural-remote regions where I continue to practice since 1979.



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Fact Sheet: Speech-Language Pathology



Nature of the Work

Speech-language pathologists are professionals concerned with evaluation, treatment, prevention and research in human communication and its disorders. They treat speech and language disorders and work with individuals of all ages, from infants to the elderly. They diagnose and evaluate speech problems, such as fluency (e.g., stuttering), articulation, voice disorders, or language problems, such as aphasia and delayed language and related disorders, such as dysphagia (e.g., swallowing difficulties). They design and carry out comprehensive treatment plans to achieve the following:

- Help individuals learn correct production of speech sounds
- Assist with developing proper control of the vocal and respiratory systems or correct voice production
- Assist children and adolescents with language problems, such as understanding and giving directions, answering and asking questions, understanding and using English grammar, using appropriate social language and conveying ideas to others
- Assist individuals who stutter to increase the amount of fluent speech and to cope with their disorder
- Assist individuals who have had strokes or suffered other brain trauma relearn language and speech skills
- Help individuals to use augmentative and assistive systems of communication
- Counsel individuals with speech and language disorders and their families or care givers to understand their disorder and to communicate more effectively in educational, social, and vocational settings
- Advise individuals and the community on how to prevent speech and language disorders

Although speech and language professionals work closely with teachers, physicians, psychologists, social workers, and rehabilitation counselors, and other members of an interdisciplinary team, they are autonomous and do not work under direct medical supervision.

In addition to clinical applications focusing on the diagnosis, treatment and prevention of communication disorders, speech-language pathologists have almost an infinite variety of ways to use their skills: train future professionals in colleges and

universities; administer or manage agencies, clinics, organizations, or private practices; engage in academic, laboratory or medically related research to enhance knowledge about human communication processes; develop new methods and equipment to test and evaluate problems; establish more effective treatment programs; and investigate behavioral patterns associated with communication problems.

Work Sites

The practice and work of speech-language pathologists may take place in various settings:

- Public and private schools
- Hospitals
- Rehabilitation centers
- Nursing care facilities
- Community clinics
- Colleges and universities
- Private practice offices
- State and local health departments
- State and federal government agencies
- Home health agencies (home care)
- Long-term care facilities
- Adult day care centers
- Centers for persons with developmental disabilities
- Research laboratories

Entry Requirements

To enter this career, one must have a sincere interest in helping people, an above average intellectual aptitude, and the sensitivity, personal warmth, and perspective to be able to interact with the person who has a communication problem. Scientific aptitude, patience, emotional stability, tolerance, and persistence are necessary, as well as resourcefulness and imagination. Other essential traits include a commitment to work cooperatively with others and the ability to communicate effectively orally and in writing.

During high school, prospective speech-language pathologists should consider a program with courses in biology, physics, social sciences, English and mathematics, as well as in public speaking, language and psychology. On the undergraduate level, a strong liberal arts focus is recommended, with course work in linguistics, phonetics, anatomy, psychology, human development, biology, physiology and semantics. A program of study in communication sciences and disorders is available at the undergraduate level. The work of a speech-language pathologists is further enhanced by graduate education, which is mandated by ASHA. Speech-language pathologists and audiologists are also required by ASHA to obtain the ASHA Certificate of Clinical Competence (CCC) which involves the completion of a master's degree, a supervised Clinical Fellowship (CF), and a passing score on a national examination. In some areas, such as college teaching, research, and private practice, a Ph.D. degree is desirable. In most states, speech-language pathologists and

audiologists also must comply with state regulatory (licensure) standards to practice and/or have state education certification. The requirements are very similar or identical to ASHA's CCC requirements.

Earnings

Salaries of speech-language pathologists depend on their educational background, specialty and experience, along with the geographical location and type of setting in which they work. The median salary for ASHA-certified speech-language pathologists in 1997 was \$44,000. Persons in supervisory positions for example in administration and management, may earn well over \$53,000 per year. While the 1997 median salary for certified speech-language pathologists with 1-3 years experience was \$38,000, the median salary for certified speech-language pathologists with doctorate degrees was \$53,250. Good benefits packages, such as insurance programs and leave, are usually available to these professionals.

Working Conditions

Because there is such a wide variety of employment settings, working conditions also vary. Facilities in most school systems and established clinics are comfortable and adequately equipped, as are most facilities for research, colleges, and private practice. Since speech and hearing services are a vital part of total health care and the educational system, the number of work sites is constantly expanding. Because of the increasing demand for these services, work schedules may be heavy. An additional challenge is the constant need to update knowledge through educational experiences and reading periodicals. These challenges are balanced by the satisfaction of contributing to the quality of life of adults and children through facilitating the vital need of persons to communicate effectively.

Size of the Profession

The American Speech-Language Hearing Association (ASHA) represents 96,636 professionals. There are more than 79,000 ASHA-certified speech language pathologists. Also, there are approximately 1,400 persons who hold dual ASHA certification. That is, they are certified as both audiologists and speech-language pathologists. These individuals hold many major positions in clinical, academic, and research fields. There are an estimated 42,000 additional individuals who are providing services in the profession.

Future Outlook

The future of the speech-language pathology profession appears excellent. More frequent recognition of problems in preschool and school age children by teachers and parents, combined with the increased numbers of older citizens, and medical advances has created a growing need for speech and language services. There are shortages of qualified personnel in some areas of the country, especially in the inner city, rural and less populated

areas. Job opportunities in medically related areas are expected to grow at an above average rate. Although competition for positions in some areas is keen, the potential for private practice and contract work is increasing rapidly.



AMERICAN
SPEECH-LANGUAGE-
HEARING
ASSOCIATION

Scope of Practice, Speech-Language Pathology and Audiology

Committee on Interprofessional Relationships

The following document, prepared by the American Speech-Language-Hearing Association (ASHA) Committee on Interprofessional Relationships, was adopted as an official statement by the ASHA Legislative Council (LC 6-89) in November 1989. Current and past members of the committee responsible for the development of the document include Crystal S. Cooper, 1988-90 chair; John L. Peterson, 1988 chair; Rachel E. Stark, 1986-87 chair; Brenda L. B. Adamovich; Katharine G. Butler; Janina K. Casper; Becky S. Cornett; Ted A. Culler; Frank DeRuyter; Elaine S. Dunn; Anita S. Halper; Anne E. Seitz; Rosalind R. Scudder; Barbara Shadden; and Brenda Y. Terrell. Michelle M. Ferketic, 1988-89 ex officio; Lynette R. Goldberg, 1989-90 ex officio; Carol Kamara, 1986-87 ex officio; Patricia G. Larkins, 1988 ex officio. Ann L. Carey, current vice president for professional and governmental affairs, and Nancy Becker, vice president for professional and governmental affairs, were monitoring vice presidents.

Preamble

The purpose of this statement is to define the scope of practice of speech-language pathology and audiology in order to: (1) inform members of ASHA and certificate holders of the activities for which certification in the appropriate area is required in accordance with the ASHA Code of Ethics; and (2) educate health-care and education professionals, consumers, and members of the general public of the services offered by speech-language pathologists and audiologists as qualified providers.

The scope of practice defined here, and the areas specifically set forth, are part of an effort to establish the broad range of services offered within the profession. It is recognized, however, that levels of experience, skill and proficiency with respect to the

activities identified within the scope of practice will vary among the individual providers. Similarly, it is recognized that related fields and professions may have knowledge, skills and experience which may be applied to some areas within the scope of practice. By defining the scope of practice of speech-language pathologists and audiologists, there is no intention to exclude members of other professions or related fields from rendering services in common practice areas for which they are competent by virtue of their respective disciplines.

Nothing in the scope of practice statement is intended to affect the licensure laws of the various states or the implementation or interpretation of such laws.

Finally, it is recognized that speech-language pathology and audiology are dynamic and continuously developing practice areas. In setting forth some specific areas as included within the scope of practice, there is no intention that the list be exhaustive or that other, new, or emerging areas be precluded from being considered as within the scope of practice.

Statement

Speech-language pathologists and audiologists hold either the master's or doctoral degree, the Certificate of Clinical Competence of the American Speech-Language-Hearing Association, and state license where applicable. These professionals identify, assess, and provide treatment for individuals of all ages with communication disorders. They manage and supervise programs and services related to human communication and its disorders. Speech-language pathologists and audiologists counsel individuals with disorders of communication, their families, caregivers and other service providers relative to the disability present and its management. They provide consultation and make referrals. Facilitating the development and maintenance of human communication is the common goal of speech-language pathologists and audiologists.

Reference this material as: American Speech-Language-Hearing Association. (1990). Scope of practice, speech-language pathology and audiology. *Asha*, 32 (Suppl. 2), 1-2. Index terms: Scope of practice, speech-language pathology, audiology, autonomy, preferred practice patterns

FISCAL NOTE

**STATE OF ALASKA
2000 LEGISLATIVE SESSION**

BILL NO. HB 105

Revision Date/Time (Note if correction) _____ Dept. Affected Community & Econ. Dev.
 Title An Act providing for the licensing of speech- BRU Occupational Licensing
language pathologists; and providing for an effective date. Component Occupational Licensing
 Sponsor Rep. Bunde
 Requester House Labor & Commerce Component Serial No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	4.0	4.0	4.0	4.0	4.0	4.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	3.0	3.0	3.0	3.0	3.0	3.0
Supplies	0.5	0.5	0.5	0.5	0.5	0.5
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	7.5	7.5	7.5	7.5	7.5	7.5

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()	15.0	0.0	15.0	0.0	15.0	0.0
-------------------------------	-------------	------------	-------------	------------	-------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	7.5	7.5	7.5	7.5	7.5	7.5
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	7.5	7.5	7.5	7.5	7.5	7.5

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 105 creates licensing of speech-language pathologists by the Department of Community and Economic Development. The division of occupational licensing anticipates existing staff will perform the licensing and investigative functions; however, like all licensing programs, time spent on this program will be based on positive timekeeping. The personal services costs reflected in this fiscal note are estimates of time that will be required to implement this new program. All costs will be covered by licensing fees. The estimated costs are explained on the attached page.

Prepared by Jennifer Strickler, Administrative Manager Phone 465-2144
 Division Occupational Licensing Date/Time 1/18/2000 11:35 AM
 Approved by Commissioner Deborah B. Sedwick Date 1/19/00
 Agency Community & Economic Development

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FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 105

ANALYSIS: (Continued)

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS FOR HB 105

PERSONAL SERVICES \$4.0

Provides 1.0 months of an Occupational Licensing Examiner I position, Range 12.

CONTRACTUAL SERVICES \$3.0

Funding provides approximately 15 hours of AG legal time for regulations, license appeals, and discipline, \$1.5; and printing, postage, communications, and advertising costs, \$1.5.

SUPPLIES \$.5

To fund daily operating supplies of the program, \$.5.

TOTAL: \$7.5

REVENUE & FUND SOURCE: Revenue will be generated by licensing fees sufficient to cover program costs. Approximately 25 licensees are expected to seek licensure and renew licenses biennially. Licensing fees must cover direct costs plus approximately \$100 per licensee for division/department overhead for the two-year period. Based on 25 licensees, licensing fees are estimated to be \$700.00 for the first biennium, and adjusted to actual costs based on positive timekeeping for the first renewal.

HB

110

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 24, 1999

FURTHER REFERRALS:

Judiciary

Date of Committee Action: APRIL 28, 1999

The LABOR AND COMMERCE Committee considered:

HB 110

HOUSE BILL NO. 110

SALE/LABELING OF MEAT/MILK PRODUCTS

"An Act relating to the sale, offer to sell, and labeling of fluid milk, meat, and meat products."

recommends it be replaced with the following committee substitute CS HB 110 (L+C) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) DNR, DEC

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Nan Kotely</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			

CHAIR'S SIGNATURE

Nan Kotely

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF ENVIRONMENTAL HEALTH
DIRECTOR'S OFFICE
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April 21, 1999

The Honorable Norm Rokeberg
Chairman, Labor and Commerce Committee
House of Representatives
State Capitol
Juneau, Alaska 99801

APR 26 1999

Subject: HB 110, Labeling of Milk and Meat Products

Dear Representative Rokeberg:

Thank you for the courtesy you extended to the Department earlier this week during the hearing for the above-referenced bill. I also appreciate your willingness to allow us to check with FDA on the legislation's restriction on requiring additional labeling information.

Unfortunately, we were unable to contact the appropriate FDA official in time for your expected hearing on this bill on Wednesday. However, Dr. Gore did contact Wisconsin and a few other states on this topic. Based on the information he found, which is provided with this letter, we believe the restriction for additional information on the label on page 3, lines 2 - 4 of the bill should be deleted.

As I explained in the hearing, the FDA guidance says that labeling milk products regarding the use of rBST must not result in a false or misleading label. The guidance explains that labeling the product as "from cows not treated with rBST" must be accompanied by a statement that puts that phrase into the proper context to prevent the label from being misleading. The additional information that would put the "from cows not treated with rBST" in proper context would be "no significant difference has been shown between milk derived from rBST treated and non-rBST treated cows." Wisconsin does require this qualifying statement as do Michigan and Minnesota. You will see included in the following FAX'ed information, which I hope is legible, examples of Wisconsin's labels.

Safe Food, Safe Water, Healthy Communities

Page 2
The Honorable Norm Rokeberg
April 23, 1999

Because the federal guideline does indicate such a qualifying statement is necessary, and since the other states we've been able to contact require the qualifying statement, we believe the state needs the ability to require the qualifying statement. We'd prefer that it be specifically required in the bill, but we can also address it through department regulation. In that case, however, we'd prefer an amendment to the bill that provides the department with specific direction to adopt any additional labeling requirements necessary to meet FDA requirements or guidelines.

The other aspect of the bill we'd like to see amended is that dealing with the labeling of meat. An affidavit like that required for milk is needed for meat. Laboratory testing to determine the accuracy of a label is expensive. To complicate the matter in this case, we cannot test meat for the presence of all the synthetic hormones that might be used. We'd prefer a specific requirement in the bill but are also fine with specific regulatory authority to develop the appropriate type of record keeping.

Dr. Gore did want to ensure the committee was aware of a critical difference between the milk and meat sections of the bill. The milk labeling section deals with a specific synthetic hormone - rBST or the synthetic bovine growth hormone. The meat section however deals with all synthetic hormones. We are not sure if that distinction is intentional but it does raise the bar for meat producers. We would recommend it be limited to the rBST synthetic hormone, at least as a starting point.

The committee asked how we would enforce this law, and the sponsor suggested we contact other states to see how they go about enforcement. Dr. Gore explored this with the states he contacted regarding their labeling requirements. What he found was that these states approach enforcement as I had described our expected approach -- the dairy sanitarians, which are those inspectors who look to the safety of a dairy product, do a records check.

If the above changes are made to the bill, our fiscal note will continue to be zero. It will be clear that records must be kept, and we can review those records during routine inspections. If there are any complaints that we need to investigate, we can either do that investigation during routine inspections or work with the farmers or dairy processors to receive the records via fax to save travel. We will not need to make any major amendments to our regulations and can do that during a planned revision. We will plan to do some kind of a guidance document for the people affected by the bill so they will have a "plain english" explanation, but that will not be a major expense for us.

Page 3
The Honorable Norm Rokeberg
April 23, 1999

Again, thank you for your consideration of our concerns. Please don't hesitate to contact me if you have any questions.

Sincerely,


Janice Adair
Director

JA/ow(j:\eh\director\TheHonorableNormRokeberg)

Enclosures:

1. Federal Guidelines (2 pages)
2. Wisconsin Rules (3 pages)
3. Michigan and Minnesota Summary (1 page)

cc: The Honorable Andrew Halcro
The Honorable Lisa Murkowski
The Honorable Jerry Sanders
The Honorable John Harris
The Honorable Tom Brice
The Honorable Sharon Cissna
Michele Brown, Commissioner

03-10-99 04:47PM FROM FDA PUGET SOUND POST

P04

Interim Guidance on the Voluntary Labeling of Milk and Milk Products From Cows That Have Not Been Treated With Recombinant Bovine Somatotropin

Appropriate Labeling Statements

At the Federal level, statements about rbST in the labeling of food shipped in interstate commerce would be reviewed under sections 403(a) and 201(n) of the act. Under section 403(a) of the act, a food is misbranded if statements on its label or in its labeling are false or misleading in any particular. Under section 201(n), both the presence and the absence of information are relevant to whether labeling is misleading. That is, labeling may be misleading if it fails to disclose facts that are material in light of representations made about a product or facts that are material with respect to the consequences that may result from use of the product. Thus, certain labeling statements about the use of rbST may be misleading unless they are accompanied by additional information. This guidance is based on the use of the false or misleading standard in the Federal law, which is incorporated in many States' food and drug laws. States may also have additional authorities that are relevant in regulating such claims.

Because of the presence of natural bST in milk, no milk is "bST-free," and a "bST-free" labeling statement would be false. Also, FDA is concerned that the term "rbST free" may imply a compositional difference between milk from treated and untreated cows rather than a difference in the way the milk is produced. Instead, the concept would better be formulated "from cows not treated with rbST" or in other similar ways. However, even such a statement, which asserts that rbST has not been used in the production of the subject milk, has the potential to be misunderstood by consumers. Without proper context, such statements could be misleading. Such unqualified statements may imply that milk from untreated cows is safer or of higher quality than milk from treated cows. Such an implication would be false and misleading.

FDA believes such misleading implications could best be avoided by the use of accompanying information that puts the statement in a proper context. Proper context could be achieved in a number of different ways. For example, accompanying the statement "from cows not treated with rbST" with the statement that "No significant difference has been shown between milk derived from rbST-treated and non-rbST-treated cows" would put the claim in proper context. Proper context could also be achieved by conveying the firm's reasons (other than safety or quality) for choosing not to use milk from cows treated with rbST, as long as the label is truthful and nonmisleading.

States should evaluate any labeling statement about rbST in the context of the complete label and all labeling for the product, as well as any advertising for the product. Available data on consumers' perceptions of the label statement could also be used to determine whether a statement is misleading.

NOTE

03-10-99 04:47PM FROM FDA PUGET SOUND POST

PG5

Substantiation of Labeling Claims

There is currently no way to differentiate analytically between naturally occurring bST and recombinant bST in milk, nor are there any measurable compositional differences between milk from cows that receive supplemental bST and milk from cows that do not. Therefore, to ensure that claims that milk comes from untreated cows are valid, States could require that firms that use such claims establish a plan and maintain records to substantiate the claims, and make those records available for inspection by regulatory officials. The producer of a product labeled with rbST claims should be able to demonstrate that all milk-derived ingredients in the product are from cows not treated with rbST. Failure to maintain records would make it difficult for a firm to defend itself in the face of circumstantial evidence that it is using rbST or selling milk from treated cows. In some situations (e.g., dairy cooperatives that only process milk from untreated cows), States may decide that affidavits from individual farmers and processors are adequate to document that milk or milk products received by the firm were from untreated cows.

States should consider requiring that firms that use statements indicating that their product is "certified" as not from cows treated with rbST be participants in a third party certification program to verify that the cows have not been injected with rbST. States could seek to ensure that certification programs contain the following elements: Participating dairy herds should consist of animals that have not been supplemented with rbST. The program should be able to track each cow in the herd over time. Milk from non-rbST herds should be kept separate from other milk by a physical segregation, verifiable by a valid paper trail, throughout the transportation and processing steps until the finished milk or dairy product is in final packaged form in a labeled container. The physical handling and recordkeeping provisions of such a program would be necessary not because of any safety concerns about milk from treated cows but to ensure that the labeling of the milk is not false or misleading.

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Wisconsin

DEPARTMENT OF AGRICULTURE, TRADE & CONSUMER PROTECTION

416-7
ATCP 83.02

Chapter ATCP 83

DAIRY PRODUCT ADVERTISING AND LABELING

ATCP 83.01 Definitions
ATCP 83.02 Synthetic bovine somatotropin; advertising and label claims

Note: Chapter ATCP 83 was adopted as an emergency rule effective August 19, 1994.

Note: This chapter applies to product labels, advertisements, point-of-sale displays, representations by wholesale suppliers, and other representations made in connection with the sale, offering for sale, advertising, promotion or distribution of dairy products in this state, regardless of where those dairy products originate.

This chapter is adopted under ss. 83.07 (1), 97.09 (4), 97.25 (3) and 100.20 (7), Stats., and interprets ss. 93.15, 97.25, 97.03 (1) (a) and (e), 100.18, 100.1A3 and 100.20, Stats. Violations of this chapter may be prosecuted under s. 93.21 (4), 97.72, 100.18 (11), or 100.78 (1), (3), (4) or (6), Stats.

A person who suffers a monetary loss because of a violation of this chapter may sue the violator directly under s. 100.20 (5), Stats., and may recover either the amount of the loss, together with costs and reasonable attorneys' fees.

ATCP 83.01 Definitions. In this chapter:

- (1) "Bovine somatotropin" or "BST" means the protein growth hormone that is produced naturally in the pituitary glands of cows and that occurs naturally in the milk of cows. "Bovine somatotropin" includes bovine somatotropin represented by any name or symbol, such as "bovine growth hormone" or "BGH."
- (2) "Dairy product" has the meaning given in s. 97.20 (1) (b), Stats.
- (3) "Milk" has the meaning given in s. 97.22 (1) (e), Stats.
- (4) "Person" means an individual, corporation, cooperative, partnership, limited liability company, association or other business organization or entity.
- (5) "rBST-free claim" means any direct or implied claim that a dairy product contains no synthetic bovine somatotropin, or is made from milk produced without the use of synthetic bovine somatotropin. "rBST-free claim" includes a statement made under s. ATCP 83.02 (5) (b) by a supplier of dairy products or ingredients, but does not include a milk producer affidavit under s. ATCP 83.02 (7).
- (6) "Sale" means advertising, promoting, labeling, distributing, offering for sale or selling a dairy product in this state, whether at wholesale or retail.
- (7) "Synthetic bovine somatotropin" or "rBST" means bovine somatotropin fabricated by recombinant DNA technology or other means. "Synthetic bovine somatotropin" includes synthetic bovine somatotropin represented by any name or symbol, such as "artificial bovine growth hormone," "recombinant bovine growth hormone," "artificial bovine somatotropin," "recombinant bovine somatotropin" or "rBGH."

Bladys Cr. Register, April, 1995, No. 473, ch. 6-1-95.

ATCP 83.02 Synthetic bovine somatotropin; advertising and label claims. (1) A person may, in connection with the sale of a dairy product, represent that the dairy product is "farmer certified rBST-free" if the representation complies with this section.

Note: See s. 97.23, Stats. Subsection (1) does not prohibit the use of other rBST-free claims that comply with this section.

(2) No person may do any of the following in connection with the sale of a dairy product:

- (a) Make any rBST-free claim that is false, deceptive or misleading.
- (b) Make any rBST-free claim without appropriate qualifying statements under subs. (3) and (4).
- (c) Make any rBST-free claim unless that person possesses reasonable substantiation for that claim when the claim is made. Substantiation shall comply with sub. (5).
- (d) Represent, directly or by implication, that dairy products produced with milk from cows treated with synthetic bovine somatotropin differ significantly in composition from other dairy products.

(e) Represent, directly or by implication, that dairy products produced with milk from cows treated with synthetic bovine somatotropin are of lower quality, or are less safe or less wholesome than other dairy products.

(f) Represent, directly or by implication, that a dairy product contains no bovine somatotropin.

Note: Since bovine somatotropin occurs naturally in milk, a statement that milk is "BST-free" or "rBGH-free" is false unless the statement is clearly modified to refer to synthetic bovine somatotropin. Synthetic bovine somatotropin may be designated as "rBST" or "rBGH."

(g) Make any rBST-free claim for a dairy product if that dairy product, or any ingredient of that dairy product, is made with milk from cows treated with synthetic bovine somatotropin.

(3) QUALIFYING STATEMENTS REQUIRED. No person may make an rBST-free claim in connection with the sale of a dairy product unless that claim includes all of the following qualifying statements:

(a) A clear and conspicuous statement that milk used in that dairy product is derived "from cows not treated with rBST," or an equivalent statement which clarifies that the rBST-free claim denotes a difference in milk production methods rather than a compositional difference in dairy products.

Note: An unqualified rBST-free claim may be deceptive or misleading, in that it may imply a compositional difference between milk from treated and untreated cows rather than a difference in the way milk is produced.

Register, April, 1995, No. 473

P81

Wisconsin

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NOTE



(b) A clear and conspicuous statement that no significant difference has been shown between milk derived from cows treated with synthetic bovine somatotropin and milk derived from untreated cows.

(c) Other clear and conspicuous qualifying statements needed to ensure that the rBST-free claim is not untrue, deceptive or misleading.

Notes For example, if a retailer makes an rBST-free claim that could be misinterpreted to apply to several different products in a dairy display case, that claim should be qualified to identify those dairy products to which it applies.

(4) FORMAT OF QUALIFYING STATEMENTS. (a) Except as provided under par. (b), qualifying statements required under sub. (3) in connection with an rBST-free claim shall be both of the following:

1. At least as clear and conspicuous as the rBST-free claim.

2. Made directly in conjunction with the rBST-free claim, so that there is no written or graphic material separating the rBST-free claim from the required qualifying statements.

(b) If an rBST-free claim is made on the label of a dairy product package, the qualifying statements required under sub. (3) may appear in a separate statement on the same display panel of that package if all of the following conditions are met:

1. The principal rBST-free claim is limited to the phrases "farmer certified rBST-free," "from cows not treated with rBST," "made with milk from cows not treated with rBST," or an equivalent phrase.

2. The qualifying statements are clearly legible.

3. The type size of the qualifying statements is not less than 1/2 the type size of the principal rBST-free claim.

(5) SUBSTANTIATING CLAIMS. (a) No person may make an rBST-free claim in connection with the sale of a dairy product unless that person possesses reasonable substantiation for that claim at the time the claim is made. Substantiation shall comply with pars. (b) and (c).

(b) Except as provided under par. (c), a person making an rBST-free claim for a dairy product may substantiate that claim with a written statement from each person who supplies that dairy product or its dairy ingredients to the person making the rBST-free claim. The statement by each supplier shall certify that the dairy product or dairy ingredient provided by that supplier is made from milk produced without the use of synthetic bovine somatotropin.

(c) No person who receives raw milk from milk producers may make an rBST-free claim in connection with the

sale of that milk, or in connection with the sale of any dairy product made from that milk, unless that claim is substantiated by affidavits from those milk producers. The affidavits shall comply with sub. (7).

(6) DEMAND FOR SUBSTANTIATION. The department may issue a written notice to any person making an rBST-free claim in connection with the sale of a dairy product, requiring that person to provide the department with that person's substantiation under sub. (5) for that claim. The department may require that person to provide that substantiation within 14 days, or by a later date specified by the department. No person may fail to provide substantiation under this subsection within the time specified by the department.

(7) MILK PRODUCER AFFIDAVITS. (a) A milk producer affidavit under sub. (5) (c) shall be a written statement, signed by the milk producer, which certifies to the person receiving the affidavit that the milk producer does not use synthetic bovine somatotropin in the production of milk shipped to that person. All affidavits in effect after January 1, 1996, shall be sworn and notarized.

(b) No milk producer signing an affidavit under par. (a) may, contrary to that affidavit, use synthetic bovine somatotropin in the production of milk shipped to the recipient of that affidavit.

(c) No milk producer may do any of the following:

1. Sign an affidavit under par. (a) if any cow in the milk producer's herd has been treated with rBST within the previous 30 days.

2. Withdraw or cancel an affidavit under par. (a) unless that milk producer gives the recipient of that affidavit at least 30 days prior written notice of that withdrawal or cancellation.

3. Add to the milk producer's herd, while his or her affidavit under par. (a) remains in effect, a cow that has been treated with rBST within the previous 30 days.

(d) No person may use a milk producer affidavit to substantiate an rBST-free claim if any of the following applies:

1. The milk producer has withdrawn or canceled that affidavit.

2. The person making the rBST-free claim knows, or has reason to know, that the producer who signed the affidavit is using synthetic bovine somatotropin in milk production.

3. The affidavit is more than one year old when the rBST-free claim is made.

History: Co. Register, April, 1996, No. 472, col. 5-1-96.

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Wisconsin

Chapter ATCP 83

APPENDIX A
SAMPLE LABEL STATEMENTS

These are sample label statements which would be acceptable for fluid milk under the rule, provided all other requirements of the rule are met. The use of equivalent words or phrases is not prohibited. Note that rBGH and rBST are considered to be equivalent, interchangeable terms. For dairy products other than fluid milk, the statement "from cows not treated with rBST" should be altered to read "made with milk from cows not treated with rBST."

Farmer Certified rBST-Free

From cows not treated with rBST
No significant difference has been shown
between milk from rBST-treated and untreated cows.

**From cows certified as
not treated with rBST**

No significant difference has been shown
between milk from rBST-treated and untreated cows.

Farmer Certified rBST-Free



From cows not treated with rBST
No significant difference has been shown
between milk from rBST-treated and untreated cows.

From cows not treated with rBST



No significant difference has been shown
between milk from rBST-treated and untreated cows.

For non-label claims, such as those made in advertising and point-of-purchase displays, all qualifying statements must be at least as clear and conspicuous as the primary statement. All qualifying statements must be placed directly in conjunction with the primary statement.

STATE

LABEL ACTIVITY

NOTE

Michigan

Department of Agriculture believes labeling is not necessary. If a processor wishes to develop a voluntary labeling program, the following guidance is provided: 1) All proposed labels and advertising materials shall be submitted to the Michigan Department of Agriculture for review prior to use. The review will be based on the "Pasteurized Milk Ordinance" Appendix L under misbranded food, Section 403(a) of Title 21 of the Code of Federal Regulations. 2) No label or advertising statements may be false or misleading, as defined in the Michigan Food Law of 1968 (Act No. 39 of 1968, as amended) (MSA 289.717). 3) No label or advertising statements may contain "BGH Free," "BST Free," "rBGH Free," or "rBST Free." 4) Any statement should be the same or similar to: "from cows not treated with BST," accompanied by the statement: "no significant difference has been shown between milk derived from rBST-treated and non-rBST-treated cows." 5) Claims must be supported by written affidavits from individual farmers and processors through a third-party certification program. 6) There must be verification of the physical separation of all milk from rBST-treated cows from farm to the package. All milk-derived ingredients also must be certified to be from cows not treated with rBST. 7) All records are to be made available to the Michigan Department of Agriculture on request.

Minnesota

Department of Agriculture believes labeling is unnecessary. Any voluntary labeling should be submitted to ensure there will be no regulatory action against the product. Voluntary labels must meet following criteria: 1) No label or advertising statements may be false or misleading. 2) No label or advertising statements may contain "BGH Free," "BST Free," "rBGH Free," or "rBST Free" because these terms are considered misleading. 3) Any statement should be the same as, or similar to, "from cows not treated with rBST" accompanied by the statement "no significant difference has been shown between milk derived from rBST-treated and non-rBST-treated cows." 4) Claims must be supported by affidavits from individual farmers and processors through a third-party certification program. 5) The program must include a tracking system from all herds and cows within those herds. 6) There must be verification of the physical separation of all milk from non-rBST-treated cows from farm to package. 7) All records must be kept so that they are immediately available for inspection by MDA.

NOTE

Missouri

The Missouri State Milk Board has issued the state's interim voluntary guidelines for rBST-rBGH which follows the FDA interim guide. The Board and the Department of Agriculture feel that labeling is unnecessary and that no public health issue is involved. Nonetheless, the consumer has the right to decide if the issue is important from their viewpoint and the voluntary guide allows the processors to establish a "certified" rBST non-supplemental source of milk if the consumer shows adequate demand. The Missouri Department of Agriculture has testified in opposition to proposed state legislation which would enable labeling of BST milk. The Department believes that any labeling of milk and milk products that has reference to the presence or absence of rBST would be inappropriate, misleading and difficult to enforce. Thus, the Department further believes, even FDA's interim labeling guidance is similarly misleading. The Missouri Department of Health issued a formal comment letter to FDA voicing strong opposition to the interim guidance on voluntary labeling on the basis that any attempt to differentiate milk from supplemented and non-supplemented cows would only serve to confuse most consumers and cast unnecessary doubt on the safety and purity of the milk supply.

Montana

The Montana Department of Livestock has not adopted a policy or plans for rBST labeling and will be following any guidelines that FDA may propose.

Nebraska

The Nebraska Department of Agriculture believes that labeling is unnecessary and should not occur since any label statements cannot be verified. Labeling requirements would be impossible to enforce.

Nevada

Nevada Division of Health will not allow voluntary labels, advertising or point of sale signs. Will not allow product shipped into state with a label.

Ms. Rebekah A Smith
PO Box 233682

Anchorage AK, 99523 272-2823

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: I OPPOSE BGH AND I STRONGLY SUPPORT HB 110. NATURAL PRODUCTS IS THE
GOOD WAY TO GO IN REGARDS TO THE COWS.

DISTRIBUTION: 60

Ms. Nirvair K Khalsa
4501 Bayview Dr

Anchorage AK, 99516 345-1339

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: FOR THE WEALTH AND WELL-BEING OF ALASKANS, LABELING OF DAIRY PRODUCTS
PRODUCED WOULD BE EXTREMELY BENEFICIAL.

DISTRIBUTION: 60

Ms. Wendy A Alward
5323 Maria Ct

Anchorage AK, 99508 333-8229

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: PROTECT FOODS FROM POTENTIAL CARCINOGENS BEING INGESTED BY US ALL. WE
ALL HAVE THE RIGHT TO KNOW WHAT WE ARE INGESTING, THEN WE CAN BE FREE TO
CHOOSE.

DISTRIBUTION: 60

Mrs. Dagmar I Nye
1200 W Dimond Blvd #1478

Anchorage AK, 99515 349-4154

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: PLEASE SUPPORT HB 110 TO PRESERVE GENETIC DIVERSITY BECAUSE IF DISEASE
OR DISASTER STRIKES ONE SUBSPECIES THERE MUST BE OTHER SURVIVING SUBSPECIES.

DISTRIBUTION: 60

Mr. Scott H Ballin
PO Box 102932

Anchorage AK, 99510 268-9196

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: I WOULD LIKE TO SEE A BGH FREE ALASKA. I ABSOLUTELY WON'T PURCHASE
DAIRY PRODUCTS WITH BGH.

DISTRIBUTION: 60

Ms. Tara L Melton
1046 W 26th Ave #314

Anchorage AK, 99503 272-2419

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: I STRONGLY SUPPORT MY RIGHT TO KNOW WHAT IS OR ISN'T IN MY MEAT
PRODUCTS.

DISTRIBUTION: 60

Ms. Cheryl A Hilmes
9300 Glenn Haven Dr #D4

Anchorage AK, 99515 243-2106

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: I HAVE BEEN CONCERNED ABOUTH THE CANDER RISKS ASSOCIATED WITH THIS
HORMONE (BGH). I'D HOPE THAT BY NOW WE'D KNOW ENOUGH TO MAKE BETTER DECISIONS
FOR OUR FUTURE.

DISTRIBUTION: 60

Ms. Margaret S McConnaughy
12840 Von Scheben Dr

Anchorage AK, 99516 345-7036

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: WE SUPPORT HB 110 TO HAVE VOLUNTARY LABELING OF BGH FREE DAIRY
PRODUCTS. KEEP OUR FOOD SAFE!

DISTRIBUTION: 60

Mr. John P Clarke
1046 W 26th Ave

Anchorage AK, 99503 272-2419

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: I DO NOT OPPOSE BGH BUT I DO NOT WISH TO HAVE IT IN MY FOOD. LABELS
STATING THAT THIS IS IN MY MILK WOULD GREATLY LIMITN MY SHOPPING CHOICES.
LABELS SHOULD BE MANDATORY FOR CONSUMER'S PROTECTION.
DISTRIBUTION: 60

Ms. Lamia M Bouziane
3105 Brookside Dr #11

Anchorage AK, 99517 248-1538

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: WE SHOULD USE NATURAL PRODUCTS FOR OUR HEALTH.

DISTRIBUTION: 60

Mr. James L Logg
1303 W 23rd Ave #2

Anchorage AK, 99503 274-7468

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: ARTIFICIAL HORMONES ARE GRASS. THE TRUTH IS THAT YOU'D BE BETTER OFF NOT EATING AT ALL THAN EATING SO MANY CHEMICALS. IT IS TERRIBLE TO BE TORTURING THE CATTLE AS WELL. LET'S KEEP BGH OUT OF ALASKA. WE'LL ALL FEEL BETTER DRINKING CLEAN MILK.

DISTRIBUTION: 60

Ms. Martha Siebe
8700 Solar Dr

Anchorage AK, 99507 346-3329

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: I SUPPORT THIS BILL BECAUSE FOOD PRODUCERS SHOULD HAVE A RIGHT TO TRUTHFULLY ADVERTISE AND INFORM THE PUBLIC ABOUTH THEIR PRODUCT. THE PUBLIC SHOULD BE ABLE TO KNOW AND CHOOSE WHAT THEY EAT. IT SHOULD NOT BE A CHALLENGE TO FIND OUT THIS INFORMATION.

DISTRIBUTION: 60

Mrs. Martha A Tomed
2421 Lake Otis Pkwy

Anchorage AK, 99508 000-0000

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: PLEASE PREVENT BOVINE GROWTH HORMONES FROM ALASKAN'S AGRICULTURAL.

DISTRIBUTION: 60

Ms. DeeAnn K Apgar
3131 W 100th Ave

Anchorage AK, 99515 522-5440

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: AS A MOTHER I'D LIKE TO BE ABLE TO CHOOSE BGH FREE PRODUCTS.

DISTRIBUTION: 60

Ms. Courtney A Sullivan
4101 University Dr

Anchorage AK, 99508 000-0000

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: LET'S ENCOURAGE THE REPRESENTATION OF OUR POSITIVE EFFORTS BGH FREE ALASKA!

DISTRIBUTION: 60

Ms. Andra J Muth
4101 University Dr

Anchorage AK, 99508 563-4921

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: AS A CONSUMER, I SUPPORT THE PUBLICATION OF INGREDIENTS ADDED TO THE PRODUCTS I BUY.

DISTRIBUTION: 60

Ms. Athena D Swinford
12636 Silver Fox Ln #3

Anchorage AK, 99515 345-9472

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: KEEP ALASKA COWS BGH FREE!

DISTRIBUTION: 60

Mr. Kevin M Wiley
6715 Cutty Sark St

Anchorage AK, 99508 562-0081

Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: KEEP ALASKA COWS BGH FREE!

DISTRIBUTION: 60

Ms. Jane Atkinson
4130 Viscount Cir

Anchorage AK, 99502 248-1483

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: I SUPPORT LABELING DAIRY FOR CONTENT OF BGH AND OTHER ADDITIVES IN MY
DAIRY PRODUCTS. THIS SUPPORTS CONSUMERS ACROSS ALASKA. THANK YOU.

DISTRIBUTION: 60

Ms. Melaine E Brown
4101 University Dr #635

Anchorage AK, 99508 337-9738

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: PLEASE SUPPORT BILLS ALLOWING FARMERS TO LABEL THEIR PRODUCTS BGH-FREE. MEMBERS OF THE COMMUNITY WANT TO KNOW WHAT OUR SYSTEMS ARE DIGESTING. ORGANIC OR CHEMICAL IMPORTED DAIRY FOODS NEED APPROPRIATE LABELS. THE CONSUMERS RIGHT TO KNOW IS A FOREMOST PRIORITY. THANK YOU.
DISTRIBUTION: 60

Ms. Belle G Dawson
1814 Arctic Blvd

Anchorage AK, 99503 272-8757

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: THIS IS A 'RIGHT TO KNOW' ISSUE AND I URGE YOU TO SUPPORT IT. THANK
YOU!

DISTRIBUTION: 60

Mr. Michael J Bruner
341 E 23rd Ave

Anchorage AK, 99503 279-4020

Non Constituent Supportrs

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: I SUPPORT HB 110. I OPPOSE HAVING ANY TYPE OF HORMONES IN OUR FOOD
SUPPLY, INCLUDING GROWTH HORMONES.

DISTRIBUTION: 60

Ms. Margaret N Carr
3505 Woodland Park Dr

Anchorage AK, 99517 243-4234

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: PLEASE PASS HB 110. HB 110 GIVES CONSUMERS THE RIGHT TO KNOW AND THE RIGHT TO CHOOSE WHAT GOES INTO THE PRODUCTS THEY BUY. THIS IS A RIGHT THAT SHOULD BE DENIED TO NO ONE! THANK YOU FOR YOUR CAREFUL CONSIDERATION AND SUPPORT OF THIS BILL!

DISTRIBUTION: 32

Mr. Randy J Dedrich
3625 Rabbit Creek Rd

Anchorage AK, 99516 000-C000

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: SUPPORT HB 110 FOR HEALTHY CATTLES AND HEALTHIER HUMANS.

DISTRIBUTION: 60

Mr. Damien J Warren
3625 Rabbit Creek Rd

Anchorage AK, 99516 345-0413

Non Constituent Supports

BILL#: HB 110 SALE/LABELING OF MEAT/MILK PRODUCTS

SUBJECT:

MESSAGE: WE THE PEOPLE OF ALASKA THINK THAT WE DON'T WANT TO GET CANCER AND BGH
IS NOT OKAY.

DISTRIBUTION: 60

Janice Adair, Director
Division of Environmental Health
555 Cordova Street
Anchorage, AK 99501
907-269-7644 voice
907-269-7654 fax
jadair@envircon.state.ak.us

Environmental Health

To: Janet Fax: 4125-2040
From: Janice Date: 4.27.99
Re: HB 110 Pages: Two
CC:

Urgent For Review Please Comment Please Reply Please Recycle

Janet, following is the email I received today from Bob Hennes, the Regional Milk Specialist (Western Region) with FDA. You'll see he says the qualifying statement must also be on the label.

Janice

4/21/99
TO Rep Dennis 3799
FROM Rep Rokeberg's
Office
for your information

APR 21 09 10:23 AM
ADAIR, JANICE
1999 APR 21 10:23 AM

Adair, Janice

From: rhennes@ora.fda.gov
Sent: Wednesday, April 21, 1999 1:50 PM
To: jadair@envircon.state.ak.us
Cc: bgore@envircon.state.ak.us
Subject: rbST Labeling

Janice:

After calling FDA's Division of Food Labeling, the interim rbST milk labeling policy of 1994, a copy previously provided to you, is still the guidance provided by FDA.

Without the qualifying statement, i.e. "No significant difference has been shown between milk derived from rbST-treated and non-rbST-treated cows", it may imply that milk from untreated cows is safer or of higher quality than milk from treated cows. Such an implication would provide labeling that would be determined to be false and misleading. Therefore, without the qualifying statement FDA would determine the labeling to be false and the milk product to be misbranded.

If you have any further questions or concerns, please feel free to contact me.

6231

Post-it® Fax Note	7671	Date	4/30	# of pages	2
To	Nancy Vidal	From	Rep. Koster		
Co./Dept.		Co.	Rep. Koster		

APR 19 1999

HB 110 - Sale/Labeling of Meat/Milk Products
House Labor and Commerce Committee

Cook Inlet Keeper is a nonprofit citizen organization composed of over 500 members working to protect the environmental and human health in the Cook Inlet watershed. Cook Inlet Keeper supports HB 110 - to encourage voluntary labeling for Bovine Growth Hormone Free dairy and meat products, because this bill is in the best interest of the human health of Alaskans and the economic health of Alaska's meat and dairy farmers.

From Homer, to Anchorage to Talkeena

Synthetic

I. Human Health

A. Human Health Concerns

1. Cancer is on the rise. In the past 40 years, we have witnessed a sharp increase in human health. Cancer has risen 49.3% between 1950 and 1991, and today 40% of Americans will contract cancer sometime during their lifespan. In fact, cancer is the leading cause of death among Americans between 36 to 64.

awareness +
problems
you may be directly linked to human exposure to synthetic hormones

2. BGH could cause cancer or other human health problems

Bovine Growth Hormones ^{is} just one more thing that we are being exposed to that can contribute to human health concerns. Although the Federal Drug Administration claims that BGH is safe for human consumption, there is still inconclusive evidence, which causes concern.

Studies on BGH do show that the immune system detects and responds to the hormone. In fact, cysts reportedly developed on the thyroids of male rats exposed to BGH and some of the rats suffered increased infiltration of the prostate gland.

synthetic hormone
multiples of human synthetics such as BGH.

3. Studies are incomplete

Long-term toxicology studies have not been done to determine the ultimate effect of BGH on human health.

B. Proof

1. We cannot wait until there is substantial proof - we need to provide information now

We cannot wait until there is proof. The Surgeon General set a good example, when the warning that smoking cigarettes could cause cancer was released about 30 years before there was conclusive scientific proof that in fact chemicals in cigarette smoke ^{breakdown specific chemicals?} caused cancer.

30 yrs. before this proof existed, the Surgeon General recognized importance of providing public with information to make a choice whether to take the risk to smoke or not to smoke

The public has a right to know what chemicals and hormones are put into the foods we consume, regardless if there is conclusive evidence that those chemicals cause cancer or other health defects. Since studies of BGH have already produced results of concern, we should ensure that humans have the timely and accurate information on the products they consume to make the choice on whether they will consume that product or not.

Many of us are concerned about our health or the health of our friends, family and children. Passing HB 110 will give our friends and families the information they need to make choices to protect their health.

II. Economy

- 1. HB 110 will benefit Alaskan meat and dairy farmers *by creating niche markets*

Niche

Voluntary BGH-free labeling also helps the dairy and meat industry in Alaska. Most of the industry in Alaska is currently not using the hormone. When they use the labeling, people will recognize the health benefits of consuming the BGH-free product, and choose products made by locally owned and operated meat and dairy farms in Alaska, giving the Alaskan farms the support they need to compete with the large corporate farms from outside. We owe this support to Alaskan farms.

Please pass HB 110 and protect the human and economic health of Alaskans.

Marta McPherson
Cook Inlet Keeper
PO Box 3269
Homer, AK 99603
907-235-4068



Alaska State Legislature

Please enter into the record my testimony to the House LSC
committee name
 committee on HB 110, dated 3/15/99.
bill/ subject

I, Jess McNaughton, owner of Shaw
Creek Dairy, support HB 110.

Signed:

[Signature]
 Testifier
Shaw Creek Dairy
 Representing (Optional)
PO Box 1253
 Address
907-895-1936
 Phone No.



Alaska State Legislature

REPRESENTATIVE JOHN HARRIS

District 35 - Valdez, Cordova, Whittier, Glennallen, Delta Junction, Tatitlek, Kenny Lake, Paxson, Gakona, Chenega Bay

MEMORANDUM

April 16, 1999

To: Representative Norman Rokeberg, Chair
House Labor and Commerce Committee

From: Representative John Harris

Subject: Comparison of HB 110 to proposed CS

Sec. 1 – Duties of the Commissioner, is identical in both bills.

Sec. 2 – Main body of the bill, is rewritten as follows:

The first section, relating to milk date labeling, is dropped from the CS.

The second section, relating to the nonuse of synthetic hormones, is expanded into two separate subsections of the statutes, one for milk and a second for meat and meat products.

The milk subsection (new AS 17.20.013) has been rewritten as follows: to provide more specific descriptions of the types of growth hormone used by some dairy producers; to add definitions for the words, "advertisement," "principal display panel," "milk product" and "recombinant bovine growth hormone or rBGH;" and to provide a description of the affidavit that a dairy farmer would sign that he had not used rBGH in his milk production. This language is patterned after current statutes in Wisconsin and Minnesota, which follow the interim federal guidelines for labeling for rBGH.

The meat subsection (new AS 17.20.015) is identical to the original bill.

Sec. 3 – Penalties section, is only changed to reflect subsection changes in Sec. 2.

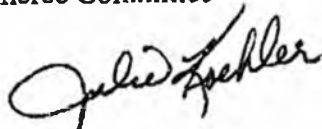
April 19, 1999

TO: House Labor & Commerce Committee

FR: Julie Koehler

P.O. Box 21106

Juneau, AK 99802



RE: HB 110 Sale & Labeling of Meat and Milk Products

Earlier this session I testified in support of this bill. I would again like to express my support of this legislation and urge its passage from your committee.

I strongly believe in producing organic food products and support this legislation as a step towards encouraging organic food production in Alaska. Organic food production will help enhance the profitability of Alaska's agricultural economy as organic products sell for a higher price than those laden with pesticides and hormones.

cc: Senator Tim Elton
Rep. Beth Kerttula

March 15, 1999

RE: HB 110, Sale/Labeling of Meat/Milk Products with Bovine Growth Hormone

Members of the House Labor & Commerce Committee, thank you for this opportunity to testify regarding HB 110. My name is Julie Koehler, I live here in Juneau.

I support this bill as an important step forward in the public's right to know what ingredients are being put in the food we eat. The public needs to be given the information necessary for making informed decisions between which products to buy, which ones have ingredients that should be avoided. In today's world, there are far too many cancer causing ingredients being put into our food. We are always told that even though an ingredient is a known carcinogen, it isn't in an amount high enough in our food to worry about. But no one ever addresses the cumulative effect of hundreds of carcinogens, each at a low level, being put into our food each and every day.

I hope you will pass this bill out of your committee. But I also urge you to amend it so that the punishment for false labeling is much stronger than a misdemeanor and the fine at least \$10,000. It is important to make the fine high enough to hurt—not so small that it is simply a cost of doing business by merchants willfully and blatantly using false labeling in order to garner a higher price for their product.

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HB110

Revision Date: _____
 Title: An Act relating to the sale, offer to sell, and
labeling of fluid milk, meat, and meat products.
 Sponsor: Rep. Harris
 Requestor: (H) L&C

Dept Affected: Natural Resources
 BRU: Agricultural Development
 Component: Agricultural Development
 Component Serial No. #455

Expenditures/Revenues (Inflation not included unless otherwise noted below) (Thousands of Dollars)

OPERATING EXPENDITURES	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
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
CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: \$ none

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)

There is no anticipated fiscal impact to the Division of Agriculture with implementation of this legislation.

Prepared by: Robert Wells, Director *[Signature]* Phone: 745-7200
 Division: Agriculture Date: 12-Mar-99
 Approved by Commissioner: *[Signature]* Date: 3-12-99
 Agency: Natural Resources

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Alaska State Legislature

REPRESENTATIVE JOHN HARRIS

District 35 - Valdez, Cordova, Whittier, Glennallen, Delta Junction, Tatitlek, Kenny Lake, Paxson, Gakona, Chenega Bay

Sponsor statement

CS for HB 110

The proposed committee substitute for HB 110 provides for the labeling of milk, meat and meat products to indicate that they were not produced using synthetic hormones, such as rBST or rBGH, provided such hormones were not used.

HB 110 promotes consumer choice. In a 1996 poll commissioned by the U.S. Department of Agriculture, 94 percent of the 1900 respondents said they favored labeling of milk to indicate whether the cows producing the milk had been injected with rBST.

With the expectation that individual states would adopt regulations for the labeling of milk, the federal government has provided interim guidelines that give detailed descriptions for the complex labeling needed to give consumers the information they need to make their choice. To date, 26 states have adopted such regulations and underlying statutes.

Additionally, Alaska statutes currently provide some general food and product labeling requirements at AS 11.46.710 and AS 17.20.040. However, with some foods the Legislature has provided more specific guidelines when it believed necessary, which is the approach HB 110 proposes.

Whether synthetic hormones such as rBST and rBGH are safe for the livestock and/or the consumers is still unknown. Chemical producers, such as Monsanto, maintain that synthetic hormones are safe; yet some jurisdictions, such as Canada, Australia, New Zealand and the European Union, have chosen not to allow the use of such hormones.

HB 110 does not propose to ban the use of synthetic hormones, but presents a reasonable compromise by giving a choice to those consumers who would prefer to have synthetic hormone-free products on the shelves.

On December 15, 1998 attorneys from the Center for Food Safety (CFS), on behalf of a broad coalition, filed a legal petition in Washington, D.C. against the FDA to have rBGH taken off the market. The legal action received major attention from the mass media, including a widely viewed segment on ABC TV national news.

The CFS petition cites mounting evidence that the original testing of rBGH was flawed. In 1990 the FDA said BGH was "safe for human consumption." Part of its findings were based on 90-day rat feeding studies in which they reported "no toxicologically significant changes..." Based largely on this conclusion, FDA did not require human toxicological tests usually required for a veterinary drug.

However in April of 1998, researchers from Health Canada, the Canadian equivalent to FDA, issued a report which contradicted FDA's findings. Canadian researchers found studies showing that rats were absorbing rBGH after all. In fact, between 20 and 30 percent of the rats were developing distinct immunological reactions. Additionally, cysts formed in the thyroid of some male rats and infiltrated the prostate--both warning signs for potential cancer hazards. "These are toxicologically significant changes in the rats and they should have triggered a full human health review, including assessment of potential carcinogenic and immunological effects," said Dr. Michael Hansen, an expert on rBGH and a scientist with the Consumer Policy Institute, a division of Consumers Union.

According to CFS attorneys it is "unclear" how or why these results were overlooked in the original FDA review of rBGH. Monsanto says it submitted the studies to the FDA, while the agency says it only saw summaries of the rat tests.

"We're going to go to the courts and say--you were lied to," said Andrew Kimbrell, lead counsel for the CFS. "Essentially it was fraud by the agency and fraud by Monsanto in telling the court that there were no human health effects possible from consuming these products made with rBGH treated milk." The EU has already banned rBGH, but this policy comes up for review later this year.

I-LS0408VH
Bannister
3/26/99

CS FOR HOUSE BILL NO. 110()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES HARRIS, Dyson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the labeling of milk, cream, or any product or byproduct
2 of milk or cream, and to the sale, offer to sell, and labeling of meat and meat
3 products."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. AS 17.20.005 is amended to read:

6 Sec. 17.20.005. Powers and duties of commissioner. To carry out the
7 requirements of this chapter, the commissioner may issue orders, regulations, permits,
8 quarantines, and embargoes relating to

9 (1) food offered to the public or sold, including

10 (A) inspection of meat, fish, poultry, and other food products;

11 (B) standards of sanitation and handling methods for all phases
12 of slaughtering, processing, storing, transporting, displaying, and selling; and

13 (C) labeling;

14 (2) control and eradication of pests;

1 (3) enforcement of hazard analysis critical control point programs for
2 seafood processing that are developed in cooperation with appropriate industry
3 representatives or, to the extent not inconsistent with this chapter or regulations
4 adopted under the authority of this chapter, that are established by regulations of the
5 United States Food and Drug Administration as they may periodically be revised;

6 (4) labeling, subject to AS 17.20.013, and grading of milk and milk
7 products and standards of sanitation for dairies offering to the public or selling milk
8 or milk products to at least the minimum of current recommendations of the United
9 States Public Health Service pasteurized milk ordinance as it may periodically be
10 revised;

11 (5) standards and conditions for the operation and siting of aquatic
12 farms and related hatcheries, including

13 (A) restrictions on the use of chemicals; and

14 (B) requirements to protect the public from contaminated
15 aquatic farm products that pose a risk to health;

16 (6) monitoring aquatic farms and aquatic farm products to ensure
17 compliance with this chapter and, to the extent not inconsistent with this chapter or
18 regulations adopted under the authority of this chapter, with the requirements of the
19 national shellfish sanitation program manual of operations published by the United
20 States Food and Drug Administration as it may periodically be revised;

21 (7) tests and analyses that may be made and hearings that may be held
22 to determine whether the commissioner will issue a stop order or quarantine;

23 (8) transportation of, use of, disposal of, recalls of, or warnings
24 concerning quarantined or embargoed items;

25 (9) cooperation with federal and other state agencies.

26 * **Sec. 2.** AS 17.20 is amended by adding new sections to read:

27 **Sec. 17.20.013. Hormone labeling for milk products.** (a) Products offered
28 for wholesale or retail sale in this state that contain milk, cream, or any product or
29 byproduct of milk or cream and that have been processed and handled under the
30 requirements of this section may be labeled "Milk in this product is from cows not
31 treated with rBGH" or "Milk in this product is from cows not treated with rBST."

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Labeling of milk products under this section may also include an indication that the milk used is "farmer certified rBGH-free" or "farmer certified rBST-free." Milk products offered for wholesale or retail sale in this state are not required to contain any further label information related to the use of rBGH or rBST in milk products.

(b) The labeling described in (a) of this section may appear on the principal display panel of a packaged milk product, may be conspicuously attached to the container of a bulk product, or may appear in an advertisement for a milk product, including media advertising or displays or placards posted in retail stores. In this subsection,

(1) "advertisement" means the representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or that are likely to induce, directly or indirectly, the purchase of the milk product;

(2) "principal display panel" means that part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for sale.

(c) A dairy plant that purchases milk or cream to be used in milk products labeled under (a) of this section shall require an affidavit from producers supplying the milk. The producer or authorized representative of the producer shall sign the affidavit, and the affidavit must state that all cows used in the producer's dairy operations have not and will not be treated with rBGH without advance written notice to the dairy plant of at least 30 days.

(d) The affidavit required under (c) of this section must contain

- (1) the name and address of the producer;
- (2) the grade A milk permit number of the producer;
- (3) the name of the producer's farm and its address if different from the address of the producer;
- (4) the telephone number of the producer;
- (5) the name of the dairy plant receiving the milk; and
- (6) a statement in substantially the following form:

State of Alaska)

) ss:

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_____ Judicial District)

I, _____, as the owner or permit holder responsible for the dairy farm operation identified above, hereby certify as follows:

(A) that no animals on the above farm are currently being treated with recombinant bovine somatotropin (rBST), also known as recombinant bovine growth hormone (rBGH);

(B) that no animals on the above farm have received rBST treatments within the past 30 days;

(C) that I will provide written notice to the buyer of my milk at least thirty (30) days in advance if I intend to use rBST on my dairy cattle; and

(D) that I will not sell milk from animals added to my herd if those animals may have received rBST treatment within the previous 30 days.

I declare, under oath, that the above statement is true and correct to the best of my knowledge.

Producer Signature _____

Subscribed and sworn to or affirmed before me at _____ on _____.

(date)

Notary Public

My Commission Expires _____

(e) A dairy plant shall keep the original affidavit provided under (c) of this section on file for a period of not less than two years. The affidavit and corresponding records shall be made available for inspection by the commissioner. If the milk product is to be labeled under (a) of this section, dairy plants supplying milk or cream to a processor or to a manufacturer of a milk product for use in the milk product shall supply the processor or manufacturer with a certificate stating that the producers of the supplied milk or cream have executed and delivered the affidavits as required by (c)

1 of this section.

2 (f) All milk or cream from non-rBGH-treated cows used in the manufacturing
3 or processing of milk products labeled under (a) of this section, and milk or cream
4 supplied by a producer using an affidavit under (c) of this section, shall be kept
5 completely separate from any other milk or cream throughout all stages of storage,
6 transportation, and processing until the resulting milk products are in final packaged
7 form in a properly labeled container. The dairy plant and the processor or
8 manufacturer at each stage shall keep records of the separation and make them
9 available to the commissioner for inspection.

10 (g) In this section,

11 (1) "milk product" means any product that contains milk, cream, or any
12 product or byproduct of milk or cream;

13 (2) "recombinant bovine growth hormone" or "rBGH" means a growth
14 hormone that is intended for use in bovine animals and that has been produced through
15 recombinant DNA techniques described as "recombinant bovine somatotropin" or
16 "rBST."

17 **Sec. 17.20.015. Hormone labeling for meat or meat products.** (a) A person
18 who engages regularly in the production, packaging, or sale of meat whose production
19 was not induced by synthetic hormones may state on the package of meat that the
20 production of the meat was not induced by synthetic hormones. The person may not
21 sell, offer to sell, or package meat with a label that states that the production of the
22 meat was not induced by synthetic hormones if the production of the meat was induced
23 by synthetic hormones.

24 (b) A person who engages regularly in the production, packaging, or sale of
25 meat products may state on the package of meat that the production of the meat
26 ingredients in the meat product was not induced by synthetic hormones if the
27 production of the meat ingredients was not induced by synthetic hormones. The
28 person may not sell, offer to sell, or package meat products with a label that states that
29 the production of the meat ingredients in the meat product was not induced by
30 synthetic hormones if the production of the meat ingredients was induced by synthetic
31 hormones.

1 * Sec. 3. AS 17.20.305 is amended to read:

2 Sec. 17.20.305. **Penalty for violation.** A person who with criminal negligence
3 violates a provision of this chapter or a regulation, order, quarantine, embargo, or
4 recall made under authority of this chapter, or violates a provision of a permit issued
5 under this chapter, is guilty of a class A misdemeanor for each offense. In this
6 section,

7 1) "criminal negligence" has the meaning given in AS 11.81.900;

8 (2) "person," for the purpose of a violation of

9 (A) AS 17.20.013, does not include an employee, while acting
10 in the capacity of an employee, of a business that violates AS 17.20.013
11 unless the employee also owns 10 percent or more of the business;

12 (B) AS 17.20.015(a), does not include an employee, while
13 acting in the capacity of an employee, of a business that produces,
14 packages, or sells the meat unless the employee also owns 10 percent or
15 more of the business;

16 (C) AS 17.20.015(b), does not include an employee, while
17 acting in the capacity of an employee, of a business that produces,
18 packages, or sells meat products unless the employee also owns 10 percent
19 or more of the business.

BGH BULLETIN

NEWS OF FLORIDA LAWSUIT CHARGING MEDIA COVERUP OF SUSPECTED DAIRY DANGER



What is BGH?

BGH stands for Bovine Growth Hormone, a substance naturally produced by the pituitary gland of the cows. (Humans and other animals produce their own growth hormones.) It's the stuff that makes babies grow bigger and to a degree regulates the metabolism of the animal.



Is it the same as BST?

BGH is just the term many lay people use for bovine growth hormone which is scientifically known as Bovine Somatotropin (BST).



What is rBGH and rBST?

When you see the small "r" in front of BGH or BST it stands for "recombinant". That is the term for the growth hormone when it is a laboratory copy of the BGH a cow naturally produced on its own. This is why the term "BGH milk" is technically not correct. All milk contains natural levels of BGH. Milk from injected cows is technically rBGH milk.



Who makes and sells rBGH and rBST?

Although several companies competed to duplicate BGH, all but one ultimately dropped out of the race. The Monsanto company is now the only

based in La Farge, Wisconsin that sells milk, cheese and butter products, Stonyfield Farm Inc., a manufacturer of yogurt and ice cream products located in Londonderry, New Hampshire and Whole Foods Market Inc., the nation's largest chain of natural food supermarkets, based in Austin, Texas.

Opponents argued that rBGH increased the risk that dairy cows would contract a variety of diseases including mastitis (udder infections), which would require increased amounts of antibiotics to treat, and that rBGH threatens the survival of family farms by driving prices lower. It was also noted that the potential health effects on humans who drink milk from rBGH treated cows have not been fully resolved. Finally, rBGH is viewed as an unnecessary application of food technology to boost production of a commodity that is already in over-supply.

"The family farmers who make up The Organic Valley Family of Farms, are in this business because we love cows. We would not knowingly subject our animals to a drug with side effects that could cause illness, death and create undue stress on the animal. Utilizing any genetically engineered product is counter to what we believe in here at Organic Valley," said George Siemon the cooperative's CEO.

In addition to consumer concerns regarding the humane treatment of dairy animals, some health professionals are worried that increased infection rates in cows treated with BGH will demand a greater dependency on the use of antibiotics in these animals.

"Pre-approval clinical trials, clearly indicated an increased infection rate in cattle, requiring drug treatment," Siemon stated. It should be noted that by virtue of their certified organic production, the farmer/owners of Organic Valley are prohibited from using any antibiotics".

Recombinant Bovine Growth Hormone, known as rBGH, is a bioengineered hormone that stimulates a cow's natural body processes to "trick" it into producing more milk than it otherwise would. The Food and Drug Administration's hearing on rBGH in 1993 caused a national uproar. Opponents included public health experts, consumer groups, environmental organizations and family farmers.

In part due to the concerns of both shoppers, and reputable consumer organizations such as the Consumers Union, the demand for organic dairy products has been increasing at Over 100 percent each year. "With the lack of national, rBGH free labeling, consumers have come to learn that buying organic dairy products is the only way to be assured of obtaining pure 'old fashion' milk, from farmers who have pledged not to use high-tech drugs such as recombinant bovine growth hormone," said Kastel.

rBGH Lawsuit Settlement

When the U.S. Food and Drug Administration (FDA) approved the use of genetically engineered bovine growth hormone, commonly known as BGH, they disregarded appeals from both consumer and farm organizations requesting that food containing this new technology be labeled. However, the FDA did state that they would allow voluntary labeling. Up until this month, national dairy manufacturers were unable to label due to a handful of states that had prohibited the practice.

Under the terms of an unprecedented legal settlement, the State of Illinois has agreed to permit such voluntary labeling by natural food companies opposed to rBGH. Since 1994 Illinois has forbidden Organic Valley, Ben & Jerry's, and Stonyfield Farm, as well as other manufactures from adding BGH free labels to their products and threatened to seize any such products that were sold there.

Because Illinois represents such a large consumer market, the state's actions had effectively stopped BGH free labeling throughout the country, since it is not feasible for nationally distributed dairy products to be labeled differently in individual markets. The City of Chicago, which had also told these companies they could not sell products with BGH free labels also, agreed to the settlement.

"The Monsanto Corp., manufacture of synthetic BGH, spends thousands of dollars lobbying in state houses across the country in an attempt to prevent voluntary labeling of dairy products", stated Mark A. Kastel, a farm policy analys. who works with the Organic Valley Family of Farms. "Consumers, in overwhelming numbers, stated that they wanted the ability to make an educated decision when purchasing dairy products", said Kastel who is based in La Farge, Wisconsin.

A 1996 poll commissioned by the U.S. Department of Agriculture and performed by researchers at the Universities of Wisconsin and Oregon showed that 94 percent of more than 1,900 respondents surveyed nationwide favored labeling that would allow consumers to distinguish between milk from cows treated with rBGH and milk from untreated cows. Other consumer surveys support this finding.

"The federal government said it was legal to label dairy products rBGH free, but there is a higher authority in this country...the corporation," said Kastel.

Dairy processors spend hundreds of thousands of dollars in an attempt to defend their constitutional rights to communicate with their customers. Ben and Jerry's, a Vermont based national manufacturer of all-natural super-premium ice cream and frozen yogurt initiated and financed the suit. It was joined by Organic Valley, a farmers' cooperative

MAR 17 1999

1997 Sales \$53 Million in Alaska Agriculture Products

Provided by The State of Alaska, Division of Agriculture.

MAR 18 1999

Item	1990	1991	1992	1993	1994	1995	1996	1997
				(000 Dollars)				
Total All Commodities	40,366	33,095	36,136	34,699	43,515	41,759	47,456	53,390
Total Livestock Products	21,127	12,903	16,437	13,822	21,625	17,819	24,154	27,075
All Meat Animals	1,120	732	931	825	895	793	1,034	1,257
Cattle & Calves	992	578	640	549	650	561	791	1,041
Sheep & Lambs	25	30	29	27	17	17	9	10
Hogs & Pigs	103	124	262	249	228	215	227	206
All Dairy Products	3,254	2,582	2,391	2,318	2,456	2,323	2,607	2,891
Milk Wholesale	3,187	2,517	2,326	2,253	2,395	2,253	2,537	2,821
Milk Retail	67	65	65	65	70	70	70	70
All Poultry & Eggs	86	77	68	71	64	21	21	21
Poultry	33	25	26	26	21	21	21	21
Eggs	53	52	42	45	43	21	21	21
All Miscellaneous Livestock	16,667	9,512	13,047	10,608	18,201	14,703	20,513	22,927
Wool	19	16	6	7	10	9	6	7
Aquaculture	13,677	6,500	10,597	8,138	15,844	12,306	18,381	20,566
Other Livestock 3/	2,971	2,996	2,444	2,463	2,347	2,388	2,126	2,354
Total All Crops	19,239	20,192	19,699	20,877	21,890	23,940	23,302	26,315
All Feed Crops	1,708	2,472	1,903	2,386	2,828	3,421	2,048	2,851
Barley	264	643	362	419	509	884	646	290
Hay	1,394	1,715	1,523	1,869	2,214	2,376	1,330	2,451
Oats	50	114	18	98	105	161	72	110
All Vegetables	2,790	2,476	2,573	3,102	2,898	3,556	2,974	3,646
Potatoes	1,910	1,593	1,653	2,022	1,843	2,344	1,643	2,176
Misc. Vegetables	880	883	920	1,080	1,055	1,212	1,331	1,470
All Other Crops	14,741	15,244	15,223	15,389	16,164	16,963	18,280	19,818
Greenhouse & Nursery	14,570	15,080	15,060	15,080	15,833	16,585	17,992	19,499
Other Crops 4/	171	164	163	309	331	378	288	319

All New 1997 CENSUS OF AGRICULTURE

HIGHLIGHTS OF ALASKA AGRICULTURE: 1997 AND 1992 SHOWS 35 PERCENT INCREASE IN SALES

Item	ALL FARMS	1997	1992
Farms	number..	548	512
Land in farms	acres..	881 045	923 037
Average size of farm	acres..	1 608	1 803
Value of land and buildings@1:			
Average per farm	dollars..	486 827	486 550
Average per acre	dollars..	303	270
Estimated market value of all machinery and equipment@1:			
Average per farm	dollars..	53 003	43 795
Farms by size:			
1 to 9 acres		96	76
10 to 49 acres		98	93
50 to 179 acres		171	160
180 to 499 acres		93	85
500 to 999 acres		33	41
1,000 acres or more		57	57
Total cropland	farms..	434	419
	acres..	94 810	84 061
Harvested cropland	farms..	381	352
	acres..	34 227	22 699
Irrigated land	farms..	114	93
	acres..	2 667	1 566
Market value of agricultural products sold.....\$1,000..		24 650	15 351
Average per farm	dollars..	44 982	29 982
Crops, including nursery and greenhouse crops.....\$1,000..		15 968	11 228
Livestock, poultry, and their products.....\$1,000..		8 682	4 123
Farms by value of sales:			
Less than \$2,500		187	211
\$2,500 to \$4,999		75	75
\$5,000 to \$9,999		66	67
\$10,000 to \$24,999		99	70
\$25,000 to \$49,999		44	30
\$50,000 to \$99,999		30	25
\$100,000 or more		47	34
Total farm production expenses.\$1,000..		21 821	16 308
Average per farm	dollars..	39 820	31 851
Operators by principal occupation:			
Farming		306	273
Other		242	239
Operators by days worked off farm:			
Any		314	308
200 days or more		145	145
Livestock and poultry:			
Cattle and calves inventory...farms..		120	132
	number..	11 111	8 002
Beef cows	farms..	84	97
	number..	3 694	3 224
Milk cows	farms..	30	34
	number..	1 101	715
Cattle and calves sold	farms..	92	115
	number..	2 847	1 672

(Continued on page 16)

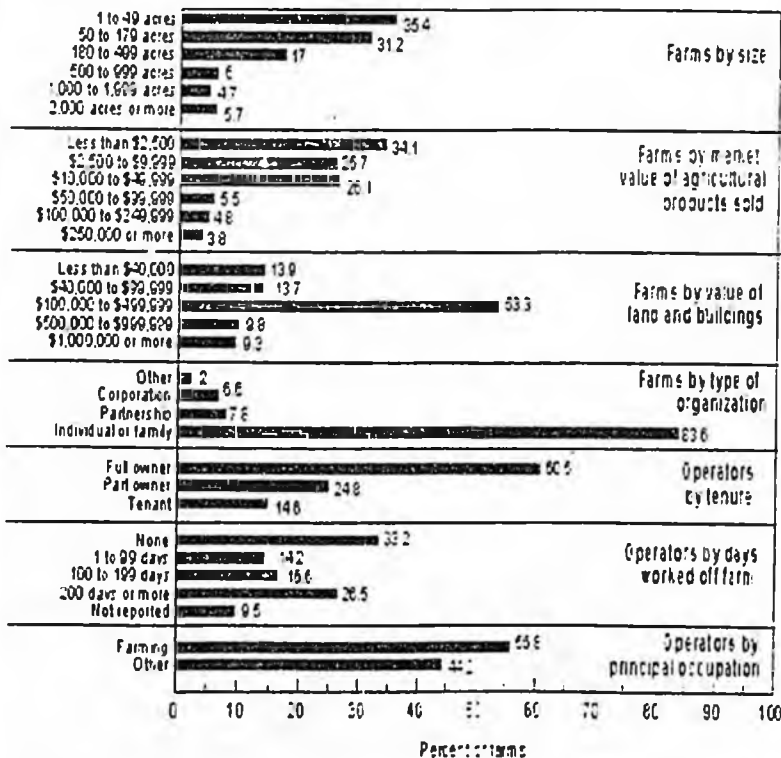
(Continued from page 15)

Hogs and pigs inventory	farms..	53	45
	number..	2 112	2 135
Hogs and pigs sold	farms..	33	40
	number..	2 532	2 800
Sheep and lambs inventory	farms..	40	27
	number..	1 605	2 233
Layers and pullets 13 weeks old and older inventory.....	farms..	63	51
	number..	2 138	1 974
Broilers and other meat-type chickens sold.....	farms..	9	7
	number..	1 860	(D)
Selected crops harvested:			
Barley for grain.....	farms..	31	22
	acres..	7 106	2 676
	bushels..	164 015	136 228
Oats for grain.....	farms..	22	12
	acres..	1 463	547
	bushels..	64 140	25 944
Potatoes, excl. sweetpotatoes.	farms..	63	56
	acres..	814	629
	cwt..	159 056	127 559
Hay-alf, other, wild, silage..	farms..	267	230
	acres..	24 023	(D)
	tons, dry..	28 664	23 510
Vegetables harvested.....	farms..	48	54
	acres..	315	262

Legend:

(D) Withheld to avoid disclosing data for individual farms _ (X) Not applicable _ (Z) Less than half the unit shown
(NA) Not available _ @1 Data are based on a sample of farms.

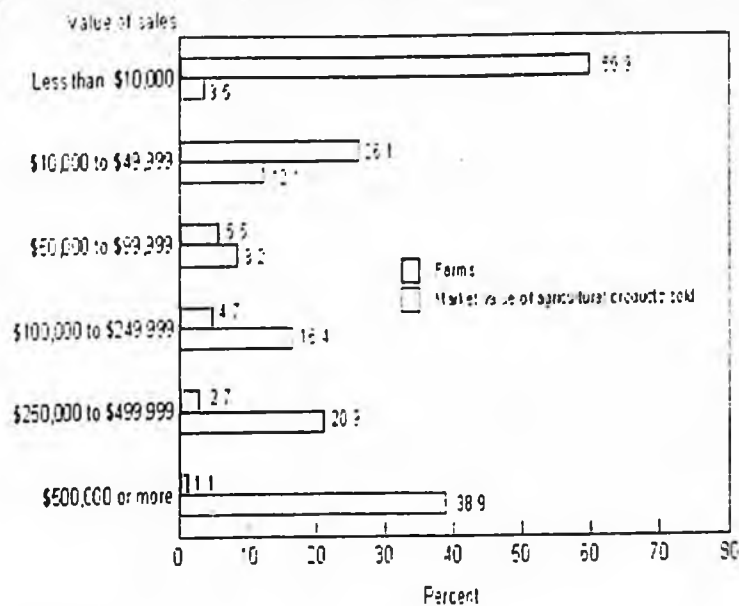
Figure 1 Profile of the State's Agriculture: 1997



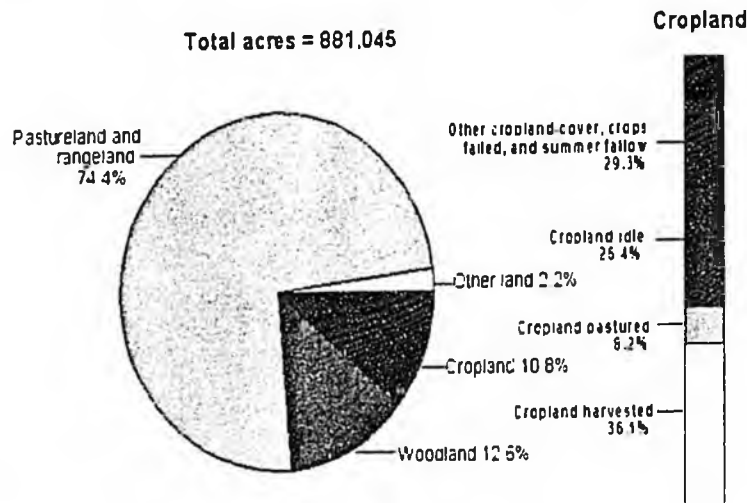
Source: 1997 Census of Agriculture, Volume 1 Geographic Area Series, "Table 1. County Summary Highlights: 1997." This electronic series presents summary statistics for each county and State together with comparable data from the 1992 census.

The items included are the same for all States and counties, except selected crops harvested, which vary by State. Data for 1997 and 1992 are directly comparable for acreage and inventories. Dollar values have not been adjusted for changes in price levels.

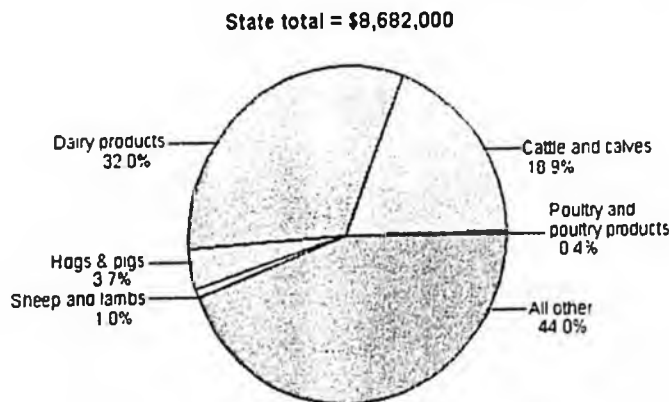
You can obtain the Volume 1 Geographic Area Series from the National Technical Information Service. If you have any questions concerning the data in this report or need additional information or order forms for agriculture publications, please call the National Agricultural Statistics Service at 1-800-523-3215 or 1-800-727-9540.



1997 CENSUS OF AGRICULTURE
Figure 4 Land Use: 1997

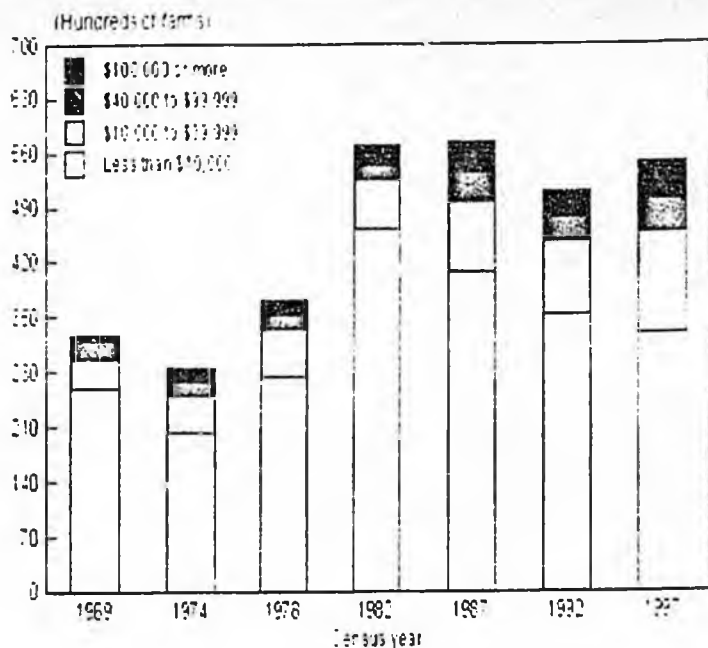


1997 CENSUS OF AGRICULTURE
Figure 6 Value of Livestock, Poultry, and Their Products Sold: 1997

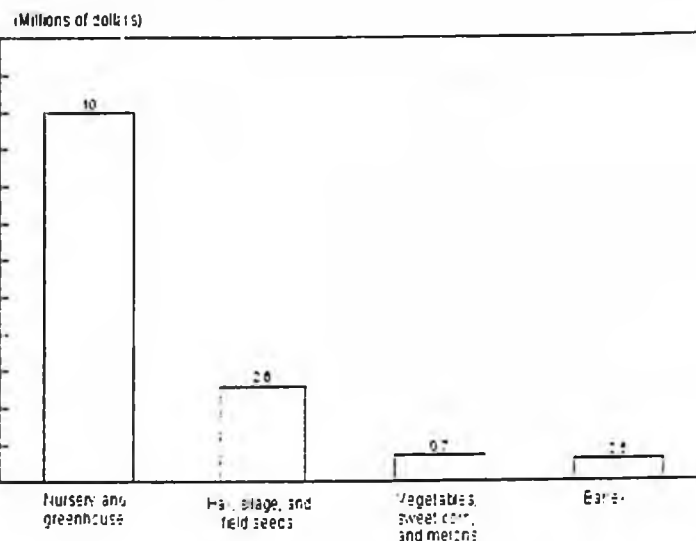


1997 CENSUS OF AGRICULTURE

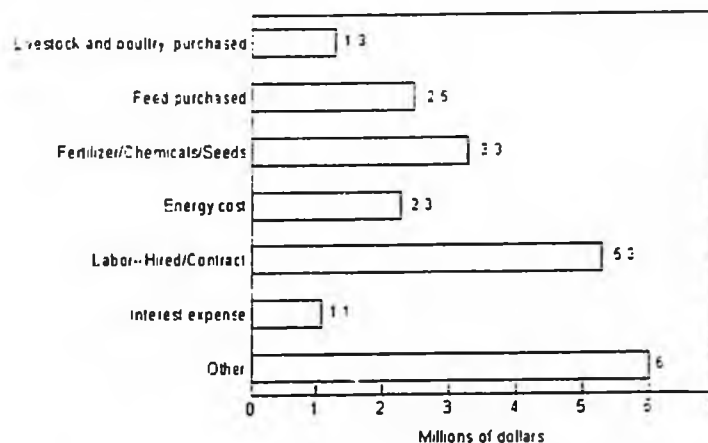
ALASKA ALASKA



ALASKA
Figure 5 Value of Selected Crops Sold: 1997



ALASKA
Figure 7 Production Expenses: 1997



1997 CENSUS OF AGRICULTURE



Alaska State Legislature

Please enter into the record my testimony to the House L & C
committee name
 committee on HB 110, dated 3/15/99.
bill/ subject

I, Jess McNeill, owner of Shaw
Creek Dairy, support HB 110.

Signed:

[Signature]
Testifier
Shaw Creek Dairy
Representing (Optional)
PO Box 1253
Address
907-895-1936
Phone No.

MONSANTO

Food · Health · Hope



Michael J. Diamond
Associate Director

15 March 1999

Representative Norman Rokeberg
Alaska House of Representatives
State Capitol Bldg.
Juneau, AK 99801

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CELLULAR (916) 947-9772
michael.j.diamond@monsanto.com
<http://www.monsanto.com>

Re: HB 110

Dear Representative Rokeberg:

On behalf of Monsanto, I am pleased to provide you with some additional information concerning the voluntary labeling of milk, dairy and other meat products as proposed by HB 110. While Monsanto does not oppose voluntary labeling, we do express our concerns over the way in which labeling is addressed.

Attached, please find some information which I think you will find helpful in discussing the issue of milk/dairy safety. I would, however, like to point out the following points, which I believe merit serious consideration:

1. The federal Food and Drug Administration determined there is no significant difference between dairy products produced by cows administered with rBGH and cows not administered with rBGH. The products are essentially the same, and in fact, no differentiation can be made.
2. In a 1997 court ruling in Illinois, Ben & Jerry's Homemade Inc. was prohibited from placing a "no rBGH" label on their product because it was deemed "misleading" to consumers.
3. The FDA has reaffirmed its 1993 finding that rBGH is safe for human consumption. A letter from Health Secretary Donna Shalala to House Minority Leader Gephardt stated that "the lack of oral activity of rBST/rBGH and insulin growth factor 1 (IGF-1) and the low level and non-toxic nature of the residues of these compounds, even at exaggerated doses, results in an extremely large margin of safety for humans consuming dairy produced from rBST-treated cows. In 1998, the Joint Food and Agricultural Organization/ World Health Organization Expert Committee on Food Additives (JECFA) reaffirmed the safety of milk and meat from treated cows.
4. Current law already permits producers to engage in voluntary labeling, provided their claims are truthful and not misleading, nor do they make a claim they cannot support.

Additional concerns, which should be considered, include:

1. Are the state's Agriculture Department or Health agencies capable of testing milk, meat, or dairy products for the presence of rBGH? Unlikely, since the products are essentially identical and BST is a naturally occurring protein found in cows - hence, it would be impossible to support a claim that any product is, in effect, "BST-Free."
2. What kind of affidavit would be needed to guarantee compliance by dairy producers?
3. Finally, who is liable in a situation where a producer sells a milk/dairy product from a treated cow, despite claiming that his product is rBGH free? The producer? The packager? Or the State?