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# THOMAS WEATHERSTON

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STATE REPRESENTATIVE • 62<sup>ND</sup> ASSEMBLY DISTRICT

**Testimony on AB 637 before the Committee on Consumer Protection  
February 4, 2014**

Chairman Thiesfeldt and members, thank you for holding this hearing on AB 637.

AB 637 revises the statutes so that if a food is considered adulterated or misbranded under federal law, it is also considered so under state law. This bill removes the duplicative state statutes and the references to them.

The section of state law that deals with adulterated, misbranded and insanitary foods duplicate federal statutes. Wisconsin food manufacturers must comply with both state and federal laws, and having two sets of identical rules is at best redundant and often confusing. What this bill seeks to do is to reform the standards by adopting the federal regulations as it relates adulterated, misbranded and insanitary foods.

The bill also removes outdated prohibitions dealing with the production of margarine, such as the ban on using whale oil. Whale oil has not been used to make margarine in this county for nearly one hundred years. It seems very unlikely that it would ever be used again.

Modern and consistent laws related to quality and food safety are important to both food manufacturers and consumers in Wisconsin. Adopting national standards will ensure that Wisconsin stays at the forefront of regulating food safety.

## **TESTIMONY ON SB 489**

**Steve Ingham, Administrator**

**Division of Food Safety, Wisconsin Department of Agriculture, Trade  
and Consumer Protection**

**January 21, 2014**

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My name is Steve Ingham and I am the Administrator of the Division of Food Safety, Wisconsin Department of Agriculture, Trade and Consumer Protection. Thank you for the chance to speak about this bill. Our agency is the one most affected by this bill as we oversee more than 250 meat and poultry establishments, 1700 food processing plants, 425 dairy plants, 850 food warehouses, and several thousand retail food establishments and dairy farms across the state. Each of these firms is licensed under the authority of section 97 of the statutes, our primary food law.

Wisconsin's food industry is very diverse, and very dynamic. Therefore it is essential that the laws and rules regulating this industry keep up with the times. It is also important that our state law is consistent with the federal laws that the vast majority of our food and dairy processing plants must also follow. The nation's food safety regulatory system will work best when there is a strong integration of federal, state, and local agencies. Having a modern state food law that is consistent with federal law can only help this integration happen.

We are happy to support SB 489 because it provides a badly needed update of several parts of section 97. This bill removes several sections that are redundant with other state statutes or with federal statutes

that are already referenced in section 97. The bill also removes some extremely obsolete provisions.

For example, the bill eliminates definitions of “color additive” and “food additive” which are already defined in federal statutes which are cited elsewhere in section 97.

The bill deletes lengthy descriptions of “adulterated food” and “misbranding” which are essentially duplications of federal statutes. One set of definitions is enough.

The bill removes an unenforceable and obsolete provision related to margarine. This provision required the use of only domestic fats or oils in making margarine and banned the use of imported oils, including “whale oil.” Given the realities of today’s food industry, this bit of housecleaning makes sense.

The bill removes provisions prohibiting the sale or delivery of insanitary or adulterated milk and cream, prohibiting the sale of adulterated meat, and it deletes a section defining insanitary and adulterated milk and cream. These sections are redundant with existing sections of the statute which forbid the sale of adulterated food.

Finally, the bill also removes several sections dealing with substances that might be added to foods. These topics are already dealt with in the section which defines adulteration by referencing federal statute.

In summary, our food industry shouldn’t have to deal with different federal and state food laws, especially when the differences are historical artifacts. This bill will not in any way decrease what we do every day to protect public health – but it will definitely make the rules of the road a lot easier to understand.

On behalf of my agency, I urge your support of SB 489.

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