Bill as Introduced

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HB 51 – AS AMENDED BY THE HOUSE

1999 SESSION

99-0007
08/09

HOUSE BILL ***51***

AN ACT providing for the voluntary registration of commercial maple producers and maple packers.

SPONSORS: Rep. Melcher, Hills 11; Rep. Owen, Merr 6; Rep. McRae, Hills 7

COMMITTEE: Environment and Agriculture

AMENDED ANALYSIS

This bill requires the commissioner of agriculture, markets, and food to design and implement a voluntary registration program for persons who produce or pack maple sap or maple products for sale.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 51 – AS AMENDED BY THE HOUSE

99-0007
08/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord One Thousand Nine Hundred and Ninety-Nine

AN ACT providing for the voluntary registration of commercial maple producers and maple packers.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Paragraph; Definitions; Commercial Sugarmaker. Amend RSA 429:13 by inserting after paragraph III the following new paragraph:

III-a. "Commercial sugarmaker" means a person who collects or purchases maple sap for maple production and sale.

2 New Paragraph; Definitions; Maple Packer. Amend RSA 429:13 by inserting after paragraph VII the following new paragraph:

VII-a. "Maple packer" means a person who purchases and packs or further processes maple syrup for sale.

3 New Section; Registration. Amend RSA 429 by inserting after section 13 the following new section:

429:13-a Registration.

I. The commissioner shall design and implement a voluntary registration program for persons who produce or pack maple sap or maple products for sale.

II. A commercial sugarmaker or maple packer who agrees to voluntarily register for a period of 6 years shall complete a registration form supplied by the commissioner. The information on the form shall be limited to the name of the owner or operator, the farm or business name, the address and phone number of the farm or business, and whether the registrant is a commercial sugarmaker or maple packer.

III. Commercial sugarmakers and maple packers agreeing to voluntarily register shall be placed on a list of voluntary registrants by the commissioner. Use of the voluntary registration list by the department shall be limited to disseminating information relative to the maple industry, conducting surveys on topics that are timely and important to the maple industry, and emergency notification to commercial sugarmakers and maple packers of conditions or practices found to adversely impact the quality of maple products.

4 Labels; Information Required. Amend RSA 429:14, I(a) to read as follows:

(a) The name, address, and zip code of the packer, ***distributor or producer***;

5 New Paragraph; Adulteration. Amend RSA 429:15 by inserting after paragraph II the following new paragraph:

III. Maple syrup and maple products which are labeled as being pure maple products and

which are produced, packaged, handled, or sold in this state shall not in any way be adulterated by the addition or introduction of any substance that would change the essential characteristics of the maple product or render the maple products unsafe.

6 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

Date: March 28, 2000
Time: 2:10 pm
Room: 101 LOB

The Senate Committee on Executive Departments Administration held a hearing on the following:

HB 51 (New Title) providing for the voluntary registration of commercial maple producers and maple packers.

Members of Committee present:
Senator Cohen
Senator Francoeur
Senator Brown
Senator D'Allesandro
Senator Larsen
Senator Roberge
Senator Trombly

The Chair, Senator Burt Cohen, opened the hearing.

Senator Burton J. Cohen, D. 24: Open the hearing on HB 51. Call on the prime sponsor Representative Melcher.

Representative Harold P. Melcher, Hillsboro, D. 11: For the record my name is Hal Melcher representing the town of Wilton, Hillsboro District 11. I am here as the main sponsor of HB 51, which is an act providing for the voluntary registration of commercial maple producers and maple packers. This bill was originally a request of the Agriculture Department and as originally filed last year it was a...measure requiring registration and directing the director to make rules regarding the whole industry.

We took this to the maple producers meeting and we got an eye opener of how the people felt about it and this amendment is the results. The amendment you will note makes the registration of maple producers and packers voluntary. Eliminates the rule making procedures. Its purpose is to let the Agriculture Department disseminate necessary information to the people who produce syrup.

Information about methods about safety, lead of course was the chief problem in the maple syrup industry, still is. We would like to attach that not in too draconian a way.

In the mean time there is another bill that we are working on to provide protection, liability protection, to maple producers who and many other agriculture producers by the way, who are found to be in violation, but not willingly or knowingly and so forth. When that comes through perhaps this whole effort can be tighten up some more.

But at the moment we feel that this is a good thing to do and we hope that you will support it.

Senator Burton J. Cohen, D. 24: Questions from the committee? Senator Francoeur.

Senator Gary R. Francoeur, D. 14: Has it been a public out cry to start looking at registering people who produce maple sugar or syrup?

Representative Harold P. Melcher, Hillsboro, D. 11: The out cry did not come from the people who produce maple sugar or syrup, but from the Agriculture Department that was worried about the pollution of such products by lead through the equipment used. I use to produce maple syrup myself. Well I still do. I haven't done it this year. I have a lead solder pan that I evaporate my sap in and that is a no no. That is one of the reasons I didn't do it this year.

Senator Gary R. Francoeur, D. 14: Is their a method of testing the product?

Representative Harold P. Melcher, Hillsboro, D. 11: May I refer to Dick Uncles for the Agriculture Department for those sorts of detail.

Senator Burton J. Cohen, D. 24: Further questions? Seeing none thank you very much.

Representative Harold P. Melcher, Hillsboro, D. 11: Thank you.

Senator Burton J. Cohen, D. 24: David Scanlan.

David Scanlan: Thank you Mr. Chairman, members of the committee. I am David Scanlan from Canaan. I am here today as the President of the New Hampshire Maple Producers Association. I will speak to you on their behalf.

New Hampshire has a long history of maple syrup production in the state. Over that time the methods by which maple syrup has changed but no more significantly than in the last 15 to 20 years. Maple producers in general are very concerned about the quality of the product that they make and they are concerned about the image of the product that we produce in this state.

In the past there have been concerns about maple syrup and one that is in resent memory and was just described was the lead content that had been found in maple syrup. Given today's technology we were able to measure metals in very very small quantities. Something that couldn't be done even 10 or 15 years ago.

With that technology there were levels of lead that were starting to show up in the syrup. Some of that occurs naturally. However in the past and through the history of maple syrup we have gone from English tin pans with lead solder which had we been able to measure lead content in syrup would have measured tremendous amounts of lead by today's standards. Over time it is now recognized that it is important to use metals like stainless steel to maintain the quality of the food product.

So the trend has been that as technology changes and we are more aware of health issues that the industry is using the appropriate materials. Not only does that apply to production equipment but also the containers in which maple syrup is packaged. We are using plastics now that are approved grade. Syrup is stored for long term in stainless steel drums as opposed to galvanized and other metals where there might be some leaching into the syrup.

So the industry is very concerned. Has a long history of being receptive to health issues. New Hampshire Maple Producers want to make sure that they have a top quality product.

The bill that was described as it first came in was a very heavy blow if passed to the maple industry. There would have been a huge amount of regulation. Simply because it is a food item that most maple producers feel is unnecessary.

You have to understand to that most maple syrup is produced in this state is done in backyard operations. A lot of families going out in the backyard in the spring, if regulation that was mentioned in that bill were to apply to these individuals it would have had a severe impact on the small producers in this state to maintain their production.

The other important thing to remember about maple syrup is it is produced under very very hot temperatures. The boiling point of syrup is about 220 degrees Fahrenheit. Any pathogens that you might find will not be characteristics of other products are simply killed in the production process.

What this bill now dies is provide a voluntary registration program. So that the producers voluntarily register with the Department of Agriculture so that in the event that there are health issues or scares or initiative that need to be addressed those people can be notified very quickly and the problem can be addressed.

It is also...something that is being undertaken in the State of Vermont with a great deal of success. I think they are approaching total compliance with the voluntary registration program there. New Hampshire is about to duplicate that same program.

I would urge passage of this bill and be happy to answer any questions.

Senator Burton J. Cohen, D. 24: Any question from the committee? Senator Larsen.

Senator Sylvia B. Larsen, D. 15: The New Hampshire...Program made a New Hampshire label. Is that also kind of voluntary? Are you considering that you have a labeling on New Hampshire maple syrup that says made in New Hampshire and licensed? Considering that you would identify products that are produced by registered...

David Scanlan: There are already laws that apply to maple syrup standards. There are standards that have to be met to consider maple syrup a certain grade and it has to have a certain maple sugar density. So there are parameters within which maple syrup has to comply to be a sellable product.

In addition to that there are labeling laws where certain information has to be provided on each container of maple syrup. That includes it is a pure product, that it is made in the State of New Hampshire, it has to have the name and the address of the producer on the container, and it has to have the grade of the syrup that is packaged in the container.

There may be some other information that I am not thinking of right now that applies to that. There is a section in here also addresses the issue of adulteration, which is a problem in some areas although not in New Hampshire. There are some individuals that try and adulterate the product.

They add sugar, some sugar content that is not maple to try and increase their profits in business.

In the past it has been a very difficult thing to try and identify because of the testing mechanisms that were available in the past. Again with today's technology and the cooperation and the aggressiveness of the maple industry. Not only in New Hampshire, but throughout North America there are some very good tests that are available now for testing for adulteration to make sure the maple product that is sold in this state and throughout the North East is totally pure maple product.

Senator Sylvia B. Larsen, D. 15: It is not anticipated the registered maple packer or sugar maker would identify themselves as such on the label?

David Scanlan: This bill defines a commercial maple syrup producer and packer which is basically anybody that produces syrup and then sells it. The requirements as labeling go already exist in the law and therefore they are absent in this legislation.

Senator Sylvia B. Larsen, D. 15: Yes but we are adding a new standard which is a voluntary registration program for sugar makers and the question is can they use that to identify themselves as...

David Scanlan: I guess that is up to the Department of Agriculture if they want to initiate the program to that degree.

Senator Burton J. Cohen, D. 24: Further questions? Seeing none that you very much.

David Scanlan: Thank you.

Senator Burton J. Cohen, D. 24: Call on Richard Uncles.

Richard Uncles: Good afternoon. Richard Uncles from the Department of Agriculture Markets and Food. The department supports bill. We recognize it is not what we originally asked for back in 99 but we support it nonetheless. We will do our best to implement it.

Would be happy to answer any other questions about what has transpired over the last 5 years with maple regulation, lead testing and all that.

Senator Burton J. Cohen, D. 24: Senator Roberge.

Senator Sheila Roberge, D. 9: I was just wondering if you could answer Senator Larsen's question.

Richard Uncles: Could you restate it please?

Senator Sylvia B. Larsen, D. 15: With the voluntary registration program would those maple producers then use that as part of their labels saying registered New Hampshire maple producer?

Richard Uncles: They would be free to do so. We would not be free to distribute a list of those who are registered.

Senator Sylvia B. Larsen, D. 15: It would be a confidential list?

Richard Uncles: More of less. We can distribute it under certain described circumstances that the bill mentions.

Senator Burton J. Cohen, D. 24: Further questions? Go ahead.

Senator Sylvia B. Larsen, D. 15: You brought in the bill apparently a couple of years ago that the department wanted to see. Are there any points that you still feel should have been addressed in maple production in New Hampshire that weren't or haven't been?

Richard Uncles: Well Commissioner Taylor and I both felt at the time that the correct thing to do was to take a proactive approach and to provide for uniform registration before some other government agency decided that maple leaves be regulated like other food products. We also had some difficulties with our own law as far as our authority.

The existing maple law was limited to labeling to requirements and grade standards for the product. It doesn't really give us the authority to deal with adulteration and food safety, issues that reside in public health. The particular point that we made at the earlier hearings was that the Bureau of Food Protection of Public Health licenses commercial food processes right now, which they define.

We feel and still do that if they chose to they could license maple producers as commercial food processors. However they have public health, we have worked pretty closely with them; they basically allowed us to be the lead agency on maple syrup regulation. We have taken that role. Our feeling is that we don't have the little tools to address some of the...

But none of the less the producers were very resistant to the mandatory registration. We recognize that we need their cooperation.

Senator Burton J. Cohen, D. 24: Further questions? Senator Francoeur.

Senator Gary R. Francoeur, D. 14: What was that other agency that does have control of food products?

Richard Uncles: The Department of Health and Human Services through their Bureau of Food Protection has general authority, responsibility in this state for food production, restaurant sanitation requirements, heath and safety of food. If we drew a line. We have some responsibilities with food production, but it is more oriented towards the production end of it. Much like the distinction of the USDA and the US Food and Drug Administration.

One mainly codes production of food on the farm to the point of manufacture and then once it leaves that point then the FDA picks up. Our food safety response is a much more narrowly defined. We have a maple law. We have a honey law. We have dealt with eggs. The example that Commissioner Taylor has used. We are one of the only states in the United States whose Department of Agriculture doesn't regulate milk safety and dairy farm inspections.

Many years ago the reason that came to be was when the milk safety laws were coming in and they were testing for brucellosis and other diseases that can get passed through milk. The commissioner at that time yielded to pressure from farmers not to regulate them further. As a result the Department of Agriculture ended up not doing. Public Health to this day does dairy farm inspections.

So we kind of saw the same situation here. Producers tell us that they want our department to regulate them because we have understanding about the process. One thing that is different about maples and other food production is it evolved on its own path over a hundred-year period. The equipment is very different than you would find in a yogurt plant or a milk processing facility.

So we recognize that and in fact most all maple sugar houses would have great difficulty meeting the standards for certain license classes at the Bureau of Food Protection. So we were proposing overtime gradually develop some rules that strengthen the sanitation standards.

Senator Burton J. Cohen, D. 24: Further question.

Senator Gary R. Francoeur, D. 14: Since their board doesn't seem to be doing much about it. Is that because there is a very few problems with the development of maple sugar? I can't remember anybody ever getting sick from maple syrup because of the production, the way they cook it. Today they are going to the plastic, the stainless steel pales and stuff it is almost becoming a mute point since they have taken care of the problems already.

Richard Uncles: Yes, we are moving that way. Part of what has been going on over the past 5 years. We have done some testing for lead. We have done some educational programs. People are aware of the sources so there is no question that it is getting better.

Public Health does not see, it is not a potentially hazardous food. As representative Scanlan mentioned it it doesn't support because of the way it is produced pathogenic organisms. Its metals and chemicals I guess and esthetic factors, cleanliness that we are concerned with.

Senator Burton J. Cohen, D. 24: Further questions? Senator Larsen.

Senator Sylvia B. Larsen, D. 15: How can the public of New Hampshire feel safe that there is not high lead content in maple syrup?

Richard Uncles: I believe that it can. We tested over 600 samples over a 40-year period. We did find a small number that was over what has been offered as a guideline limit. They tended to be very small producers. We have pretty well addressed them.

Senator Sylvia B. Larsen, D. 15: Can you encourage them to fix the problem?

Richard Uncles: Yes, we of course can't not knowing them and not having any listing of who actually produce this product we continue to find new people who were unaware of standards existing and what went on.

Maple syrup is essentially a condiment. Per capita consumption of 1.2 oz in the United States. So it certainly doesn't, we don't think that it needs to meet the standards that water or milk should because it is consumed...

Senator Burton J. Cohen, D. 24: Thank you. Any further questions? Seeing none thank you very much. Anyone else wishing to speak to HB 51? Seeing none we will close the hearing.

Respectfully Submitted
Zita-Maria Wescott, Committee Secretary

3-28-00

HB 51 2:10pm ①

MB, SR, GF, BC, SL, RT, LP

BC -

Rep. Nelson Maple producers meeting
amendment Result
Volunteer
Purpose is to let
Agriculture
Another Bill working on
liability protection failed to
be in vaccine
Whole effort
good thing to do

BC -

GF - Public out cry

Rep - from Ag Department
By road
equipment used

GF: testing Product

Rep= de fau

BC -

Scanlon - as presidents of
NH has long history
Methods has changed
15 - 20 yrs:
Quality of product + image.
Concerns about maple Syrup
lead Content.
Measure metals is very small
Quantities:
Show up in Syrup
english tin to lead Sander
Recognized
Stainless Steal
industry using appropriate
materials
Containers:
Stainless Steal tubs
Concerned.

Health issues
Top quality Product
Maple industry
unnecessary
Backyard operations.
would have Serious impact
200 degrees f°
production areas.
Voluntarily
Health issues
People can be notified
St. of Vermont
Total Compliance
duplicate same program

BC

SL- NH
Voluntary
labeling
licensed identified

Scanlon- Nape certain Grade
Suitable product

How to be
green
Also addresses issue of
adulterate product.
[illegible]
[illegible]
Good [illegible]
[illegible]
Pregnant [illegible]

SL- [illegible] red [illegible]
[illegible]
Identify on label

Scanlon- anyone produce & then
sell.
Absent

SL- New Standard can they
use this

Scanlon- Legend

BC -

Richard uncles - Supports this Bill. - Not what originally -

BC

SR - answer Carson

Richard -

SL - Maple producers - Registered

Richard - free to do so

SL - Confidential.

Richard discussed Section Stats.

SL - Department want to see should be discussed.

Ridard - proactive approach
uniform Regulation
difficulties w/ own law
Limited to labeling
Reside in Public Health
Burow of
Define
If the chose to
license more
Public Health
Allowed us as
lead agency
address issues
Need Coop

BC

OF: other agency

Richard - PH + HS
Some Responsibility
distinction
once leaves FDA pickup
Taylor on Family States

Doesn't Reg. Milk.
Safety laws.
Commissioner
Dept of Ag.
PH does dairy
Recognize that
great difficulty.
Anytime grad.

BC-

GF- Board doesn't
very few problems.
Milk point.

Richard- moving that were
aware of sources
NOT potentially Hazardous
food
Meats + Chemicals

BC-

SC- How can pub fed / Safe

Richard - Small number
very small pounds

SL - fix problem

Richard - continue to file
NEW people
Maple Sugar 1.22.12
Meet Stefanelo & Mike

BC -
Close Hearing 2:30pm

Speakers

SENATE EXECUTIVE DEPTS. & ADMIN. COMMITTEE

Date 3-28-00 Time 1:40pm Public Hearing On HB 51

Appearing in **FAVOR**: *(Please print)* ***Please check box at left to speak.***

Speaking?	*Name*	*Address*	*Representing*
☒	Hal Metcher (rep)	Milton, NH	EDA comm
☒	DAVID SCANLAN	CANAAN NH	NH MAPLE PROD. ASSOC
☒	RICHARD UNCLES	CONCORD	NH DEPT. AGRICULTURE
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Appearing in **OPPOSITION**: *(Please Print)* ***Please check box at left to speak.***

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Voting Sheets

Senate Executive Depts. & Admin. Committee
EXECUTIVE SESSION

HB 51

Hearing date: 3-28-06 Room: 101

Motion of: OTP

Made by Senator:		*Seconded by Senator:*	
	Cohen ☐		Cohen ☐
	Francoeur ☐		Francoeur ☐
	M. Brown ☐		M. Brown ☐
	D'Allesandro ☐		D'Allesandro ☐
	S. Larsen ☐		S. Larsen ☐
	S. Roberge ☐		S. Roberge ☐
	Trombly ☐		Trombly ☐

5-1

Committee Member	*Present*	*Vote*	*Reported out by*
Senator Burton J. Cohen, Chairman	☐	✓	
Senator Gary Francoeur, Vice-Chair	☐	–	
Senator Mary E. Brown	☐		
Senator Lou D. Allesandro	☐	✓	
Senator Sylvia B. Larsen	☐	✓	—
Senator Sheila Roberge	☐	✓	
Senator Rick A. Trombly	☐	✓	

*Amendments:

NOTES:

Committee Report

Date: March 28, 2000 Time: 2:10 pm

The Senate Committee on Executive Departments Administration held its hearing in Room 101 LOB, Concord, New Hampshire.

BILL NO.: HB 51 TITLE: (New Title) providing for the voluntary registration of commercial maple producers and maple packers.

Members of the Committee present:

Senator Cohen
Senator Francoeur
Senator Brown
Senator D'Allesandro
Senator Larsen
Senator Roberge
Senator Trombly

Those appearing in favor:

Name and Address	Representing
See Attached.	

Those appearing in opposition:

Name and Address	Representing
See Attached.	

REPORT OF THE COMMITTEE:

- ☒ Ought to Pass
- ☐ Ought to Pass w/ Amendment
- ☐ Inexpedient to Legislate
- ☐ Interim Study
- ☐ Continued Hearing
- ☐ Postponed Hearing

☐ Rereferred

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Executive Departments Administration

to which was referred House Bill 51

AN ACT (New Title) providing for the voluntary registration of commercial maple producers and maple packers.

VOTE: 5-1

Having considered the same, report the same without amendment and recommend that the bill: **OUGHT TO PASS.**

Senator Sylvia B. Larsen
For the Committee