

103^D CONGRESS
2^D SESSION

H. R. 4618

To authorize the Secretary of Agriculture to impose labeling requirements for milk and milk products produced from cows which have been treated with synthetic bovine growth hormone, to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to reduce the price received by producers for milk that is produced by cows injected with synthetic bovine growth hormone, to direct the Secretary of Health and Human Services to develop a synthetic BGH residue test, and for other purposes

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 1994

Mr. SANDERS (for himself, Mr. ANDREWS of Maine, Miss COLLINS of Michigan, Mr. DEFazio, Mr. DELLUMS, Mr. ENGEL, Mr. FOGLIETTA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINCHEY, Mr. JOHNSTON of Florida, Mrs. KENNELLY, Mrs. MINK, Mr. MORAN, Mr. NADLER, Mr. OBERSTAR, Mr. OBEY, Mr. OWENS, Mrs. UNSOELD, Mrs. SCHROEDER, Mr. SHAYS, Ms. VELÁZQUEZ, Mr. VENTO, Mr. WASHINGTON, and Mr. YATES) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To authorize the Secretary of Agriculture to impose labeling requirements for milk and milk products produced from cows which have been treated with synthetic bovine growth hormone, to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to reduce the price received by producers for milk that is produced by cows injected with synthetic bovine growth hormone, to direct the Secretary of Health and Human Services

to develop a synthetic BGH residue test, and for other purposes

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bovine Growth Hor-
5 mone Milk Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Synthetic recombinant bovine growth hor-
9 mone (in this section referred to as “synthetic
10 BGH”) is a product of genetic engineering and is
11 the first food product of genetic engineering to be in
12 direct widespread use in the consumer marketplace
13 and to be ingested in significant amounts by infants
14 and children.

15 (2) Synthetic BGH injections in dairy cows re-
16 sult in a residue of synthetic BGH in the milk pro-
17 duced by injected cows.

18 (3) Synthetic BGH injections of dairy cows re-
19 sult in increased levels of bovine insulin-like growth
20 factor in the milk produced by injected cows. Ac-
21 cording to the American Medical Association and
22 others, further studies are required to determine
23 whether human ingestion of higher than normal lev-
24 els of bovine insulin-like growth factor is safe.

1 (4) Synthetic BGH injections result in a variety
2 of health problems in injected cows, including sig-
3 nificant increases in mastitis (an infection of the
4 cow's udder that results in visibly abnormal milk).

5 (5) The cow health problems resulting from
6 synthetic BGH injections will result in a significant
7 increased use of antibiotics in injected cows. Many
8 of the antibiotics used to treat mastitis in dairy cows
9 are not detected in the usual milk monitoring proc-
10 ess. The Food and Drug Administration determined
11 that synthetic BGH poses a "manageable risk" to
12 consumers because of the increased risk of anti-
13 biotics entering the consumer milk supply.

14 (6) Consumers are concerned about hormones
15 and antibiotics in their food and humane treatment
16 of animals and have shown overwhelming support
17 for labeling of milk and milk products produced with
18 synthetic BGH.

19 (7) According to the Office of Management and
20 Budget, synthetic BGH use will result in an increase
21 in Federal budget costs of over \$500,000,000 in the
22 next 5 years and a decrease in overall dairy farm in-
23 come of \$1.3 billion dollars in that same period.

24 (8) As of June 1994, the European Community
25 had a moratorium on the commercial use of syn-

1 thetic BGH and the Canadian Parliament had rec-
2 ommended a similar moratorium. Australia and New
3 Zealand, where one quarter of the world's milk is
4 produced, refused to approve synthetic BGH.

5 (9) Consumers have a right to know if the milk
6 they consume has been produced with synthetic
7 BGH.

8 (10) Both States and individual companies have
9 begun to take actions to label products produced
10 with synthetic BGH.

11 (11) Confusion surrounding label claims and
12 regulations have resulted in lawsuits against States
13 and companies who have implemented label pro-
14 grams.

15 (12) There is a need for a common label to pro-
16 vide consumers across the country with a simple and
17 accessible means of identifying milk produced with
18 synthetic BGH.

19 (13) A synthetic BGH residue test is needed to
20 validate label claims in order to ensure consumers
21 that the labels are truthful and not misleading.

22 (14) A residue test is generally required when
23 a drug is found to leave a residue in a human food
24 product.

1 (15) Scientific organizations, including the
2 American Medical Association and the Consumers
3 Union, have stated that a synthetic BGH residue
4 test can be devised. Much of the preliminary re-
5 search for a test has already been completed. Claims
6 have been made that a test already has been suc-
7 cessfully developed in a lab.

8 TITLE I—LABELING

9 **SEC. 101. LABELING.**

10 (a) IN GENERAL.—The Secretary of Agriculture shall
11 require the following labeling of milk and milk products:

12 (1) If it is milk that—

13 (A) is intended for human consumption;

14 and

15 (B)(i) is produced by cows that have been
16 injected with synthetic BGH; or

17 (ii) has been commingled with milk pro-
18 duced by such cows,

19 the labeling of the milk shall bear the following
20 statement: “This milk was produced by cows in-
21 jected with synthetic BGH.”.

22 (2) If it is a milk product that is intended for
23 human consumption and is derived from milk de-
24 scribed in paragraph (1), the labeling of the milk
25 product shall bear the following statement: “This

1 milk product was derived from milk produced by
2 cows injected with synthetic BGH.”.

3 **SEC. 102. RECORDS.**

4 (a) RECORDS.—A person who sells synthetic BGH,
5 purchases the hormone, distributes the hormone, or injects
6 the hormone into a cow shall prepare and maintain records
7 that comply with the regulations issued by the Secretary
8 of Agriculture under subsection (b).

9 (b) REGULATIONS REGARDING RECORDS.—

10 (1) PERSONS COVERED.—Not later than 30
11 days after the date of enactment of this Act, the
12 Secretary of Agriculture shall issue regulations that
13 require—

14 (A) persons who sell synthetic BGH;

15 (B) persons who purchase synthetic BGH;

16 (C) persons who distribute synthetic BGH;

17 and

18 (D) persons who inject synthetic BGH into

19 cows,

20 to create and maintain records that contain the ap-
21 plicable information specified in paragraph (2).

22 (2) INFORMATION.—Regulations issued under
23 paragraph (1) shall require records to contain a de-
24 scription of—

1 (A) the quantity and source of the syn-
2 thetic BGH obtained (by manufacture, pur-
3 chase, or any other means);

4 (B) the date on which the hormone was
5 obtained; and

6 (C) the identity of each person to whom
7 the hormone was sold or otherwise distributed,
8 the cows into which any portion of the hormone
9 was injected, and each person who has an oper-
10 ator or ownership interest in the cows.

11 (c) OTHER REGULATIONS.—Not later than 30 days
12 after the date of enactment of this Act, the Secretary of
13 Agriculture shall issue regulations that establish—

14 (1) requirements with respect to the sale, dis-
15 tribution, and administration of synthetic BGH; and

16 (2) such other requirements with respect to the
17 use of synthetic BGH as the Secretary may deter-
18 mine to be necessary to carry out the objectives of
19 this Act.

20 **SEC. 103. DEFINITIONS.**

21 As used in this section—

22 (1) The term “synthetic BGH” means—

23 (A) a substance described as bovine
24 somatotropin, bST, BST, bGH, or BGH; and

1 (B) a growth hormone, intended for use in
2 bovine animals, that has been produced through
3 recombinant DNA techniques.

4 (2) The term “cow” means a bovine animal.

5 **SEC. 104. ENFORCEMENT.**

6 (a) **IN GENERAL.**—If any person fails to label milk
7 or a milk product in accordance with section 101, fails
8 to comply with the recordkeeping requirements of section
9 102, or otherwise fails to comply with the requirements
10 of this title (or any regulation prescribed under this title),
11 the person shall be liable to the Secretary of Agriculture
12 for a civil penalty in an amount not to exceed \$10,000
13 per violation.

14 (b) **JUDICIAL ENFORCEMENT.**—The Secretary may
15 enforce subsection (a) in the courts of the United States.

16 **TITLE II—REDUCTION IN PRICE**

17 **SEC. 201. REDUCTION IN PRICE RECEIVED FOR MILK PRO-**
18 **DUCED BY COWS INJECTED WITH SYNTHETIC**
19 **BOVINE GROWTH HORMONE.**

20 (a) **REDUCTION IN PRICE.**—Section 204 of the Agri-
21 cultural Act of 1949 (7 U.S.C. 1446e) is amended—

22 (1) by redesignating subsections (i) through (k)
23 as subsections (j) through (l), respectively;

24 (2) by inserting after subsection (h) the follow-
25 ing new subsection:

1 “(i) REDUCTION IN PRICE RECEIVED FOR MILK
2 PRODUCED BY COWS INJECTED WITH SYNTHETIC BO-
3 VINE GROWTH HORMONE.—

4 “(1) IN GENERAL.—Beginning January 1,
5 1995, in addition to any reduction in price required
6 under subsections (g) and (h), the Secretary shall
7 provide for a reduction in the price received by pro-
8 ducers who inject cows with synthetic BGH for
9 milk—

10 “(A) produced in the 48 contiguous States;

11 “(B) marketed by producers for commer-
12 cial use; and

13 “(C) produced by cows that are injected
14 with synthetic BGH.

15 “(2) AMOUNT.—The amount of the reduction
16 under paragraph (1) in the price received by produc-
17 ers shall be the amount, determined by the Sec-
18 retary, that is equal to the increased cost of pur-
19 chasing milk and the products of milk under this
20 section as the result of the injection of cows with
21 synthetic BGH. The increased milk supplies shall be
22 determined as the amount of milk in excess of the
23 amount of milk purchases projected in baseline for
24 Federal purchases without the introduction of syn-
25 thetic BGH.

1 “(3) DEFINITIONS.—As used in this subsection:

2 “(A) SYNTHETIC BGH.—The term “syn-
3 thetic BGH” means—

4 “(i) a substance described as bovine
5 somatotropin, bST, BST, bGH, or BGH;
6 and

7 “(ii) a growth hormone, intended for
8 use in bovine, that has been produced
9 through recombinant DNA techniques.

10 “(B) MILK.—The term ‘milk’ includes—

11 “(i) milk produced by cows that have
12 been injected with synthetic BGH; and

13 “(ii) milk that has been commingled
14 with milk produced by cows that have been
15 injected with synthetic BGH.”; and

16 (3) in subsection (j) (as redesignated by para-
17 graph (1)), by striking “subsection (g) or (h)” both
18 places it appears and inserting “subsection (g), (h),
19 or (i)”.

20 (b) CONFORMING AMENDMENT REGARDING EXCESS
21 PURCHASES.—Subsection (g) of such section is amend-
22 ed—

23 (1) in paragraph (2)(A), by inserting after “un-
24 restricted use” the following: “and purchases whose

1 costs are covered by the reduction in price required
2 by subsection (i)”; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(4) CONDITION ON ESTIMATION OF PUR-
6 CHASES.—In estimating the level of Commodity
7 Credit Corporation purchases of milk and the prod-
8 ucts of milk for purposes of this subsection, the Sec-
9 retary shall exclude those Commodity Credit Cor-
10 poration purchases whose costs are covered under
11 subsection (i) by the reduction in price received by
12 producers who inject cows with synthetic BGH.”.

13 TITLE III—RESIDUE TEST

14 **SEC. 301. RESIDUE TEST.**

15 At the earliest possible date, the Secretary of Health
16 and Human Services shall develop a scientifically valid
17 synthetic BGH residue test to—

18 (1) detect the presence of the residue of syn-
19 thetic BGH in milk produced from cows injected
20 with such hormone, and

21 (2) assure compliance with labeling laws.

22 After the test is developed the Secretary shall make the
23 test available to public health and agricultural agencies of
24 the States and commercially available at the lowest pos-
25 sible cost to dairy producers and processors.

