

Information for House Agriculture and Forest Products Committee
Agency of Agriculture, Food and Markets
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This report is in response to the House Agriculture and Forestry Committee's request for the agency to review the Maple Law and Regulations, and discuss our enforcement.

The Consumer Protection Section consists of eight people, a chief, a weights and measures specialist and six field staff. Our duties include all aspects of weights and measures, including gas pump inspections, all sizes of scales — from small capacity to heavy duty truck scales, scanning systems in retail stores, package weights, unit pricing, labeling of packages, oil delivery trucks and propane delivery trucks.

Agricultural product inspections include apples, eggs, strawberries, potatoes, maple syrup, irradiated foods, cooler and freezer unit temperatures. Apiary duties include checking hives for disease, inspecting hives and nuclei returning to Vermont and being sold to other bee keepers, and assisting bee keepers with questions involving hive management and health. Our section is also responsible for USDA Good Agricultural Practices (GAP) inspections for produce growers and USDA Country of Origin (COOL) inspections at retail stores.

The Agency has prioritized its work to best safeguard the consumer, so emphasis has been placed on the inspection of petroleum delivery devices and price scanners. The Agency also prioritizes any consumer complaint received, whether for weights and measures or agricultural products.

Apiary work, as well as Good Agricultural Practices audits, are very important to Vermont Farmers for pollination from bees as well as market access for produce growers needing GAP certification and these are priority items for agricultural products.

Mounting an offensive to check for products that state "maple" that do not have real maple - This would require assigning one or two specialists to canvass the retail stores on a full time basis. The only way to accurately check a store is to look at all sections, row by row, and document each item with photos and detailed reports for follow up. At this time, the Agency does not have the staff or the time to take on a

task of this magnitude. This would also involve using our assigned Assistant Attorney General from the Attorney Generals' Office, who is tasked with all legal work for the Agency of Agriculture, has many priorities to juggle. Hiring a new employee for the Weights and Measures section would cost approximately \$120,000.00 per year for salary, benefits and operating. The Agency does not currently have the resources to take on this task unless we reassign existing employees.

Current Status at Agency for enforcement of Maple Law— Presently, if a complaint comes in regarding products that may or may not contain maple, staff from Consumer Protection will follow up, checking the product (in the case of a labeling complaint). An inspection report will be documented for this field action. If the complaint appears valid, the Consumer Protection Section Chief will send a letter to the company explaining the complaint, the importance of Vermont's maple law, and ask the company how they will comply with Vermont law. A copy of the letter goes to the Agency's assigned Assistant Attorney General, who shares it with the Attorney General's Consumer Fraud section.

Historically, compliance from out of state companies has been approximately 50%. If no response occurs from the offending company, the Attorney Generals' office (assigned Attorney General to Agriculture and Consumer Protection) will be notified, and will evaluate the situation.

One issue that causes concern is FDA's acceptance of "natural flavors". This may or may not be real maple. We cannot remove something from sale that may actually contain real maple. It is also a question if FDA regulation takes precedence over Vermont law.

Individuals or groups can also take private actions against mislabeled products. The Agency has also reached out to the Vermont Law School to consider taking the maple labeling question on as a project. Follow up is occurring with the Law School at this time.