

North Dakota Stockmen's Association
HB 1151
House Agriculture Committee
Room 327C
Jan. 16, 2025

Good afternoon, Chairman Beltz and members of the House Agriculture Committee. My name is Tim Erbele. I am a Streeter, N.D., cow-calf producer and feeder and currently serve as the North Dakota Stockmen's Association vice president. The Stockmen's Association was founded in 1929 and represents about 3,100 cattle producers across the state.

Fake meat, lab-grown meat, cell-cultured meat, imitation protein, Frankenfood or whatever you want to call it has been on our organizational radar and a priority for nearly a decade. Members established policy back in 2017 calling for 1) educational efforts to inform consumers about the differences between meat and these alternative products, and 2) truth-in-labeling rules that clarify the differences to protect both producers and consumers alike. Those policies served as the foundation for two pieces of legislation that passed in the 66th legislative session, including the code referenced in the bill before you. Since that time, the organization adopted a related policy opposing any state or federal government agency from investing in, creating a market for or subsidizing lab-grown products.

As you know, beef competes for the center of the plate every day and must win over the hearts and taste buds of consumers in restaurants and grocery stores. Unrivaled for taste, quality and nutrient-denseness, beef can hold its own, but needs a level playing field. That was the aim of establishing definitions to clarify that meat and meat products come from animals born and harvested, instead of from a lab process; prohibiting deceptive labeling, marketing and packaging that could mislead a person and allow cell-cultured protein to masquerade as something it is not; and adopting a holistic and equitable regulatory framework to prepare if these products come to the marketplace. While there are not so-called "beef" cell-cultured products available commercially now, so-called "poultry" cell-cultured products were first offered in the U.S. in Summer 2023.

The Stockmen's Association is passionate about this topic, because we have seen firsthand how misleading information created challenges for other foods and confusion for consumers – case in point, our friends in the dairy industry and the almond “milk” debacle.

We can be proud that North Dakota was among the first few in the nation to establish proactive measures regarding cell-cultured protein to get ahead of the issue. Today, 14 other states have adopted similar labeling language and four states have adopted bans. Some of those states, however, have faced Constitutional challenges, like Florida, where plaintiffs are currently arguing economic protectionism and a breach in free speech.

While we are grateful to the bill sponsors and appreciate the unified commitment to guard against cell-cultured products and protect the industry and consumers, as a free-enterprise organization, we are somewhat conflicted in the approach, knowing that an outright ban could 1) set a dangerous precedent that could be reversed and used against our own conventionally raised products, 2) impair the use of legitimate technologies in animal and food production, 3) invite a Constitutional challenge, 4) sacrifice protective and strategic language that dovetails with that in federal code, and 5) ultimately expose our North Dakota beef producers without those existing protections in place.

Make no mistake – by no means are we fans of cell-cultured protein. We must continue to be vigilant in our approach for the good of agriculture and consumers. That's why we'd appreciate the opportunity to build on this legislation and work with the Ag Committee and interested stakeholders on amendments to develop an iron-clad approach that accomplishes that purpose, while limiting producers' and the state's exposure.

Additionally, we would like to encourage interested parties to join in sharing concerns about the U.S. Food and Drug Administration's draft guidance on the labeling of fake meat products currently out for public comment. The guidance would allow “meat” to be used on alternative product labels. The NDSA does not agree with that approach and is adamant that the word “meat” should not be able to be used at all. Comments on that draft federal guidance will be accepted via the Federal Register until May 7.

Thank you for the opportunity to comment this afternoon, Mr. Chairman. We stand ready to work together on this critically important issue. I will stand for any questions.