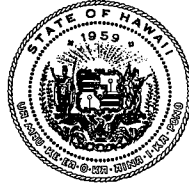


HB 2083



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Committee on Commerce and Consumer Protection

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

**March 23, 2010
9:45 a.m.**

1 **Department's Position:** Oppose.

2 **Fiscal Implications:** The new regulatory functions regarding labeling will require manpower to
3 administer, monitor and enforce, resources which are lacking.

4 **Purpose and Justification:** The bill requires milk and soy milk distributed or sold in Hawaii to be
5 labeled with the date of pasteurization or packaging.

6 The DOH opposes this bill for the following reasons: 1) the DOH currently lacks resources to
7 administer, monitor and enforce the provisions proposed. Our Sanitation Branch already must cover
8 about 9,000 restaurants statewide, plus other facilities and activities, with only 21 field sanitarians, and
9 2) the bill directly conflicts with existing definitions and rules governing milk and milk products,
10 pasteurization of milk, and the sale of unpasteurized milk in Hawaii. The current rules and laws
11 governing the milk industry are based on nationally accepted and recognized laws, and any changes to
12 the national models are done through a federal, state, and industry cooperative organization, the National
13 Conference of Interstate Milk Shippers (NCIMS), of which Hawaii is a voting member and delegate.
14 The existing HAR, Chapter 15, Milk, is based on the Pasteurized Milk Ordinance (PMO) adopted by the

1 NCIMS. Consistency with the PMO is important so any local dairies can sell to the military and
2 interstate business, such as cruise lines and airlines. For your information, the website address for the
3 National Conference of Intersate Milk Shippers is www.NCIMS.org and for the Pasteurized Milk
4 Ordinance is www.fda.gov under pasturized milk ordinanace.

5 Thank you for the oppportunity to testify.

LINDA LINGLE
Governor



SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

DUANE K. OKAMOTO
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512

**WRITTEN TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION
TUESDAY, MARCH 23, 2010
9:45 A.M.
ROOM 229
HOUSE BILL NO. 2083, HD1 SD1
RELATING TO MILK LABELING**

Chairperson Baker and Members of the Committees:

Thank you for this opportunity to provide testimony on House Bill No. 2083, HD1 relating to milk labeling. This bill proposes to require the date of pasteurization or packaging on milk or soy milk beverages. The department opposes this bill and has concerns that this bill inappropriately modifies our chapter.

The practice of indicating the "sell-by" date on milk containers notifies grocers when to remove products from shelves and generally informs consumers of product "freshness". Manufacturers and processors of dairy products follow strict in-house protocols to establish the shelf-life interval of various dairy products from pasteurization to the "sell-by" date. The shelf-life interval can range from a several days to several weeks. By indicating just the pasteurization date on milk cartons, the consumer will have no idea as to the shelf-life interval of a particular product. The proposed pasteurization dating being proposed will have little meaning to consumers. The onus will lie with consumers to judge the freshness of milk rather than industry set "sell-by" dates of dairy products which indicate when milk shall not be sold for human consumption.

Label requirements for milk containers and packages are under the jurisdiction of the Department of Health. Such a requirement is a public health issue. Administrative rules which address milk container labeling **already exists** and are set forth by the Department of Health; Section 11-15-39 (c) "Labeling". The placement of this bill under the jurisdiction of the Department of Agriculture inappropriately modifies Chapter 486, Hawaii Revised Statutes, which falls under the Measurement Standards program.

The Department of Health currently regulates milk processing and food processing. We defer to the Department of Health's extensive experience and expertise in this area.

HAWAII TEAMSTERS AND ALLIED WORKERS, LOCAL 996

Affiliated with the International Brotherhood of Teamsters
1817 Hart Street Honolulu, Hawaii 96819-3205
Phone 808-847-6633
Fax 808-842-4275

Sen. Rosalyn Baker, Chair
Sen. David Ige, Vice-Chair
Committee on Commerce and Consumer Protection

Tuesday, Mar. 23, 2010, at 9:45 AM
Conference room 229

Good Morning Chair Baker, Vice-Chair Ige and Members of the committee.

The Hawaii Teamsters Local 996 supports, HB2083, HD1, Relating to Milk Labeling. Local 996 represents the plant and distribution workers at Meadow Gold Dairies. I know when I see the Meadow Gold label that tells me that the product was made locally within about 30 days of the expiration date depending on the product.

Due to the advances in scientific processes to increase the shelf life of processed milk / dairy products and soy products, large processors are distributing to a large market share throughout the Country. Some processors that use ultra-pasteurization or ultra high temperature (UHT) claim that the shelf life can be up to six months without refrigeration. Pasteurization and homogenizing milk products affect nutritional values of processed milk.

The purpose of this bill is to inform the consumer when the product is packaged for consumption by requiring that the package have a "born on " date as well as the expiration date. Only then can the consumer make an educated determination of how fresh a product could be and if it should be given to their family. With the current labeling policies the consumer has no idea how long the milk products have been in the retail world before being bought.

The Soy product that I buy has an expiration date of Jan. 16, 2011. The package has no reference to the Company that made this product, the country of origin or the process used for preservation (Pasteurized or Homogenized). The label shows that it is calcium enriched and vitamin fortified because it is listed in the ingredient panel. The package bears the QAI seal and is labeled USDA organic. This Soymilk is third party certified organic by QAI (Quality Assurance International). At close inspection of the labeling, however, without a "Born on Date" there is no way of knowing how old this product actually is.

The Hawaii Teamsters Local 996 supports, HB 2083, HD1, Relating to Milk Labeling.

Thank you for allowing me to testify on this important matter.

Glenn Ida, 808-295-1280



Senator Rosalyn Baker, Chair
Senator David Ige, Vice Chair
Committee on Commerce and Consumer Protection

HEARING Tuesday, March 23, 2010
 9:45 am
 Conference Room 229
 State Capitol, Honolulu, Hawaii 96813

RE: HB2083, HD1, SD1 Relating to Milk Labeling

Chair Baker, Vice Chair Ige, and Members of the Committee:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii.

RMH opposes HB2083, HD1, S D1, which requires milk and soy milk beverages to be labeled with the date of pasteurization or the date of packaging.

As with most products for human consumption, milk products are comprehensively and stringently regulated at both federal and state levels to ensure safety and quality. Adding yet another requirement will result in increased costs: 1) to the bottler to produce a product specific to Hawaii; 2) to consumers because added costs must be passed on; and 3) to the State to enforce the new provision.

Milk products already are marked with a "produced by" date or "best by" date or "expiration" date on the labels, caps or shoulders. This information is far more critical for consumption than a "packaged by" date.

A milk labeling requirement unique to Hawaii discourages interstate and international commerce, as well as national labeling uniformity. A unique label for product sold in Hawaii would require completely separate Hawaii-only inventories at manufacturing and distribution levels, at a substantial additional cost to the manufacturers and distributors, and ultimately, consumers.

We urge you to hold HB2083, HD1, SD1. Thank you for your consideration and for the opportunity to submit testimony.

Carol Pregill, President

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