SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO REVIEW THE STATE’S FOOD SECURITY AND FOOD SAFETY PRACTICES.

WHEREAS, according to data from the United States Centers for Disease Control and Prevention, over 49,000,000 individuals are sickened, 128,000 individuals are hospitalized, and 3,000 individuals die annually in the United States from foodborne diseases; and

WHEREAS, Hawaii’s very young and very old are the most susceptible and vulnerable to the harm caused by foodborne diseases; and

WHEREAS, the proper handling of food, in compliance with the federal Food Safety Modernization Act, from source to sale is the best way to protect Hawaii and its people; and

WHEREAS, while there were once over forty dairy farms across the islands of Hawaii, nearly all of them have shut down due to the high cost of land, utilities, imported feed, and labor and competition from mainland sources; and

WHEREAS, in January 2020, Hawaii’s last remaining dairy, Clover Leaf Dairy on the Big Island, was forced into foreclosure; and

WHEREAS, all milk sold in Hawaii today at retail is milk imported from the mainland United States; and

WHEREAS, some of this imported milk is pasteurized and placed in large unrefrigerated tanks on the West Coast; and

WHEREAS, this ocean crossing takes approximately one week, and additional time is needed to re-pasteurize the milk in order to lower the amount of bacteria that increased during ocean transportation, before being packaged and sent to stores; and
WHEREAS, when this re-pasteurized milk is packaged and placed on store shelves and labeled as "fresh", it is often also marketed as from "Hawaii's dairy" or under a store's own private label brand as "fresh milk", thereby causing potential confusion for consumers that the milk is indeed fresh and locally produced; and

WHEREAS, section 486-119, Hawaii Revised Statutes, prohibits the misrepresentation of the origin of products as being from any place within Hawaii if the origin of the product is not actually from the State; and

WHEREAS, a University of Hawaii study found that milk sold on Oahu exceeded federal regulatory limits for bacterial counts five days prior to expiration; and

WHEREAS, consumers frequently find that imported milk spoils before the stamped expiration date; and

WHEREAS, re-pasteurization of milk for human consumption is illegal in California; and

WHEREAS, Hawaii's Milk Control Act was enacted in 1967, when the dairy industry in Hawaii was flourishing, to protect the local dairy industry from the fluctuations of the market and to ensure the availability of milk; however, it was not intended to ensure that milk shipped over long distances was safe to consume, especially for infants, toddlers, and young children who are among the largest consumers of milk;

WHEREAS, in 2017, the Department of Health issued a cease-and-desist order to the processing plant involved in the re-pasteurization of imported milk because the levels of coliform bacteria that existed in the processing plant's two-percent milk testing exceeded by over ten times the legal limit for coliform bacteria in three of five consecutive tests performed by the Department of Health; and

WHEREAS, modern food-safe methods of transportation and cold-chain logistics and controls required by the federal Food Safety Modernization Act now exist and are available to all
importers of single-pasteurized, fresh milk, thus creating a
level playing field for all importers and distributors of milk
and making the re-pasteurization of milk and the potential
related issues an unnecessary risk for Hawaii consumers; and

WHEREAS, protecting the food safety and security of Hawaii
and its people is of utmost importance; now, therefore,

BE IT RESOLVED by the Senate of the Thirtieth Legislature
of the State of Hawaii, Regular Session of 2020, that the
Department of Health is requested to convene a task force to
review the State's food security and food safety practices; and

BE IT FURTHER RESOLVED that the task force is requested to:

(1) Review and recommend specific actions to ensure that
Hawaii's food imports, including meat, produce, and
all dairy products, are sourced, transported, stored,
and distributed to retailers, restaurants,
institutions, schools, or any place designated for
sale to the public, in compliance with the federal
Food Safety Modernization Act, including strict
adherence to proper temperatures and handling at every
control point from source to designated place of sale; and

(2) Develop specific recommendations to ensure that all
foods and brands imported into Hawaii do not mislead
or confuse the public through name, pictures, artwork,
or statements in packaging or by advertising that the
imported food's origin is from Hawaii or has the same
freshness or qualities as food that is locally grown
or produced; and

BE IT FURTHER RESOLVED that the task force is requested to
consist of:

(1) The Director of Health, or the Director's designee;

(2) Two members of the Senate, to be selected by the
President of the Senate;
(3) The chairperson of the House of Representatives
Standing Committee on Agriculture;

(4) The chairperson of the House of Representatives
Standing Committee on Health;

(5) One professor, associate professor, or assistant
professor from the University of Hawaii College of
Tropical Agriculture and Human Resources; and

(6) Two private business owners of longstanding Hawaii-
owned businesses that are directly involved in food
distribution and are already operating in compliance
with the federal Food Safety and Modernization Act,
one to be invited by the task force member identified
in paragraph (2) and one to be invited by the task
force members identified in paragraphs (3) and (4);

BE IT FURTHER RESOLVED that the task force is requested to
submit a report of its findings and recommendations, including
any proposed legislation, to the Legislature no later than
twenty days prior to the convening of the Regular Session of
2021; provided that the Legislative Reference Bureau is
requested to provide drafting services and other necessary
support to the task force; and

BE IT FURTHER RESOLVED that the task force be dissolved on
June 30, 2021; and

BE IT FURTHER RESOLVED that certified copies of this
Resolution be transmitted to the Governor, Director of Health,
Dean of the University of Hawaii College of Tropical Agriculture
and Human Resources, and Director of the Legislative Reference
Bureau.

OFFERED BY: