



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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**Testimony in OPPOSITION to SB 592  
RELATING TO AGRICULTURE**

SENATOR JOSH GREEN, CHAIR  
SENATE COMMITTEE ON HEALTH

SENATOR RUSSELL E. RUDERMAN, CHAIR  
SENATE COMMITTEE ON AGRICULTURE

Hearing Date: February 12, 2015  
Time: 3:40 P.M.

Room Number: 414

1 **Fiscal Implications:** This bill has significant fiscal implications not budgeted for in the  
2 Executive Budget.

3 **Department Testimony:** The department respectfully opposes this bill as a comprehensive food  
4 safety regulation was recently adopted that incorporates the most current science in controlling  
5 risk factors known to cause foodborne illness.

6 The proposal to create new food regulations under HRS 145 conflicts with and creates  
7 confusion with existing Hawaii Administrative Rules (HAR) Chapter 50, Food Safety Code.  
8 These rules were recently signed by the Governor in February of 2014 and already regulate  
9 “value added” foods produced in the State. The current rule already allows farmers the  
10 opportunity to produce non-potentially hazardous food items from their farms for direct sales to  
11 consumers.

12 The proposed measure also conflicts with the FDA Model Food Code, which is the  
13 national standard for regulating the food industry. One of the major conflicts is the proposal to  
14 allow the sale of potentially hazardous foods from a home kitchen. The FDA Model Food Code  
15 as well as HAR Chapter 50 explicitly prohibits the production of potentially hazardous foods  
16 from home kitchens. Potentially hazardous foods are those foods that are capable of transmitting  
17 life threatening diseases and toxins such as meats, poultry, eggs, dairy, seafood, bottling or  
18 canning of protein foods, and any cooked vegetables and starches. Allowing potentially  
19 hazardous foods to be prepared in unregulated home kitchens would put the health and safety of  
20 Hawaii’s citizens and visitors at undue risk for contracting potentially fatal foodborne illnesses.

1 Nearly all home kitchens in the state fall well short of requirements that permitted food  
2 establishments must adhere to. The environment of a home kitchen is also not conducive to the  
3 safe preparation of potentially hazardous foods that will be served to the public for profit. The  
4 required control of the home environment can be difficult with the presence of pets living in the  
5 home. In addition, infants, toddlers, children and adults with communicable diseases that live in  
6 these households and allowed unrestricted access to food preparers while convalescing can  
7 potentially expose everyone in the household to disease. Licensed and inspected facilities are  
8 required to exclude any person with a communicable disease, and also exclude any personnel  
9 that may have had vomiting or diarrhea within the last 72 hours and exclude anyone with open  
10 cuts or wounds on their hands/arms.

11 This measure also proposes that potentially hazardous food products be labeled, but  
12 simply labeling a potentially hazardous food does not make it safe for consumption. The sale of  
13 home-made potentially hazardous foods is considered to be a major violation, and is one of the  
14 five key food illness risk factors identified by the CDC and FDA as an unapproved source of  
15 food.

16 The proposed rule also explicitly prohibits inspections of home kitchens that produce  
17 non-potentially hazardous foods. This could potentially endanger public health as it would  
18 prevent the department from investigating food illness cases or complaints regarding the  
19 adulteration of food products. This bill does not address legal and constitutional issues  
20 regarding governmental entry and inspection of a person's domicile and the possible need for  
21 search warrants when inspections are refused or interfered with by the operator.

22 Pursuant to legislative resolution SCR 97 (2014), the department has been an integral part  
23 of the "Home Made" food industry working group which was tasked to address the "cottage food  
24 industry" issues as well as farmers market vendors and will make recommendations to this  
25 legislature regarding the progress made. The department is willing to modify existing  
26 administrative rules, as long as it does not increase the possibility of food illness risk-factors  
27 known to cause foodborne illness.

28 Thank you for the opportunity to testify.

29 **Offered Amendments:** None.

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**SB592**

Submitted on: 2/6/2015

Testimony for HTH/AGL on Feb 12, 2015 15:40PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cory	Individual	Support	No

Comments: Aloha legislators, Please support measures so people can buy with confidence at farmers' markets. Mahalo! .

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**Date:** Saturday, February 07, 2015 9:07:11 AM

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**SB592**

Submitted on: 2/7/2015

Testimony for HTH/AGL on Feb 12, 2015 15:40PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Doug Phillips	Individual	Support	No

Comments:

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**Date:** Monday, February 09, 2015 10:14:57 PM

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**SB592**

Submitted on: 2/9/2015

Testimony for HTH/AGL on Feb 12, 2015 15:40PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ano Hanamana	Individual	Support	No

Comments:

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**Date:** Monday, February 09, 2015 2:58:31 PM

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**SB592**

Submitted on: 2/9/2015

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sherri carden	Individual	Support	No

Comments:

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**SB592**

Submitted on: 2/9/2015

Testimony for HTH/AGL on Feb 12, 2015 15:40PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amara Karuna	Laakea community LLC	Support	No

Comments: Please support this measure. Amara Karuna

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**SB592**

Submitted on: 2/9/2015

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carlton York	Individual	Support	No

Comments:

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**SB592**

Submitted on: 2/9/2015

Testimony for HTH/AGL on Feb 12, 2015 15:40PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Support	No

Comments: Support

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**SB592**

Submitted on: 2/11/2015

Testimony for HTH/AGL on Feb 12, 2015 15:40PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rosemarie Patronette	Individual	Support	No

Comments:

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**Subject:** \*Submitted testimony for SB592 on Feb 12, 2015 15:40PM\*  
**Date:** Tuesday, February 10, 2015 9:04:01 PM

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**SB592**

Submitted on: 2/10/2015

Testimony for HTH/AGL on Feb 12, 2015 15:40PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
keri	Farmer's Marketeers	Support	No

Comments:

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**Subject:** Submitted testimony for SB692 on Feb 12, 2015 15:40PM  
**Date:** Tuesday, February 10, 2015 3:56:03 PM

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**SB692**

Submitted on: 2/10/2015

Testimony for HTH/AGL on Feb 12, 2015 15:40PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Corine Chang	Individual	Support	No

Comments: I am in support of SB692 relating to pesticides. Removes the warning notice for first violations of chapter 149A, Hawaii Revised Statutes, the Hawaii Pesticides Law. Makes it a class c felony for any person who causes physical harm to another person through the negligent application of a pesticide.

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**Date:** Tuesday, February 10, 2015 6:39:52 PM

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**SB692**

Submitted on: 2/10/2015

Testimony for HTH/AGL on Feb 12, 2015 15:40PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John R. Gordines	Individual	Oppose	No

Comments:

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February 12, 2015

HEARING BEFORE THE  
SENATE COMMITTEE ON HEALTH  
SENATE COMMITTEE ON AGRICULTURE

**TESTIMONY ON SB 592**  
RELATING TO AGRICULTURE

Room 414  
3:40 PM

Aloha Chair Green, Chair Ruderman, Vice Chair Wakai, Vice Chair Riviere, and Members of the Committees:

I am Christopher Manfredi, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,932 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

**HFB is in support SB 592**, which requires farmers market vendors that direct-market potentially hazardous value added products to obtain a permit from the department of health and exempts non-potentially hazardous value added products from the department of health permitting or inspection.

With the recent growth in farmers markets and the demand for local, fresh foods there has been a push to allow farmers to direct-market their produce without Department of Health regulation as well as to produce and sell specific non-potentially hazardous value-added agricultural products made in their homes. Farmers Market Vendors of agricultural products in Hawaii are currently required to apply to the Department of Health Sanitation Branch every 120 days under the Temporary Food Establishment law even to sell fresh, raw fruits and produce, allowing them to sell only twenty out of 120 days. The Temporary Food Establishment law was never intended to regulate farmers markets. This legislation will amend current law to create a new policy specifically to address Department of Health policy regarding Farmers Market Vendors.

Thank you for the opportunity to testify in support of this bill.