

MAR - 6 2020

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# SENATE CONCURRENT RESOLUTION

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

- 1           WHEREAS, according to data from the United States Centers  
2 for Disease Control and Prevention, over 49,000,000 individuals  
3 are sickened, 128,000 individuals are hospitalized, and 3,000  
4 individuals die annually in the United States from foodborne  
5 diseases; and  
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- 7           WHEREAS, Hawaii's very young and very old are the most  
8 susceptible and vulnerable to the harm caused by foodborne  
9 diseases; and  
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- 11           WHEREAS, the proper handling of food, in compliance with  
12 the federal Food Safety Modernization Act, from source to sale  
13 is the best way to protect Hawaii and its people; and  
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- 15           WHEREAS, while there were once over forty dairy farms  
16 across the islands of Hawaii, nearly all of them have shut down  
17 due to the high cost of land, utilities, imported feed, and  
18 labor and competition from mainland sources; and  
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- 20           WHEREAS, in January 2020, Hawaii's last remaining dairy,  
21 Clover Leaf Dairy on the Big Island, was forced into  
22 foreclosure; and  
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- 24           WHEREAS, all milk sold in Hawaii today at retail is milk  
25 imported from the mainland United States; and  
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- 27           WHEREAS, some of this imported milk is pasteurized and  
28 placed in large unrefrigerated tanks on the West Coast; and  
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- 30           WHEREAS, this ocean crossing takes approximately one week,  
31 and additional time is needed to re-pasteurize the milk in order



1 to lower the amount of bacteria that increased during ocean  
2 transportation, before being packaged and sent to stores; and  
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4 WHEREAS, when this re-pasteurized milk is packaged and  
5 placed on store shelves and labeled as "fresh", it is often also  
6 marketed as from "Hawaii's dairy" or under a store's own private  
7 label brand as "fresh milk", thereby causing potential confusion  
8 for consumers that the milk is indeed fresh and locally  
9 produced; and  
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11 WHEREAS, section 486-119, Hawaii Revised Statutes,  
12 prohibits the misrepresentation of the origin of products as  
13 being from any place within Hawaii if the origin of the product  
14 is not actually from the State; and  
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16 WHEREAS, a University of Hawaii study found that milk sold  
17 on Oahu exceeded federal regulatory limits for bacterial counts  
18 five days prior to expiration; and  
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20 WHEREAS, consumers frequently find that imported milk  
21 spoils before the stamped expiration date; and  
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23 WHEREAS, re-pasteurization of milk for human consumption is  
24 illegal in California; and  
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26 WHEREAS, Hawaii's Milk Control Act was enacted in 1967,  
27 when the dairy industry in Hawaii was flourishing, to protect  
28 the local dairy industry from the fluctuations of the market and  
29 to ensure the availability of milk; however, it was not intended  
30 to ensure that milk shipped over long distances was safe to  
31 consume, especially for infants, toddlers, and young children  
32 who are among the largest consumers of milk;  
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34 WHEREAS, in 2017, the Department of Health issued a cease-  
35 and-desist order to the processing plant involved in the re-  
36 pasteurization of imported milk because the levels of coliform  
37 bacteria that existed in the processing plant's two-percent milk  
38 testing exceeded by over ten times the legal limit for coliform  
39 bacteria in three of five consecutive tests performed by the  
40 Department of Health; and  
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# S.C.R. NO. 149

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

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

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

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

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

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

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

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



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- (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); and

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 Concurrent 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.



# S.C.R. NO. 149

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