

MAR 0 6 2020

SENATE 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

23
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
32 to lower the amount of bacteria that increased during ocean
33 transportation, before being packaged and sent to stores; and



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2 WHEREAS, when this re-pasteurized milk is packaged and
3 placed on store shelves and labeled as "fresh", it is often also
4 marketed as from "Hawaii's dairy" or under a store's own private
5 label brand as "fresh milk", thereby causing potential confusion
6 for consumers that the milk is indeed fresh and locally
7 produced; and

8
9 WHEREAS, section 486-119, Hawaii Revised Statutes,
10 prohibits the misrepresentation of the origin of products as
11 being from any place within Hawaii if the origin of the product
12 is not actually from the State; and

13
14 WHEREAS, a University of Hawaii study found that milk sold
15 on Oahu exceeded federal regulatory limits for bacterial counts
16 five days prior to expiration; and

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

20
21 WHEREAS, re-pasteurization of milk for human consumption is
22 illegal in California; and

23
24 WHEREAS, Hawaii's Milk Control Act was enacted in 1967,
25 when the dairy industry in Hawaii was flourishing, to protect
26 the local dairy industry from the fluctuations of the market and
27 to ensure the availability of milk; however, it was not intended
28 to ensure that milk shipped over long distances was safe to
29 consume, especially for infants, toddlers, and young children
30 who are among the largest consumers of milk;

31
32 WHEREAS, in 2017, the Department of Health issued a cease-
33 and-desist order to the processing plant involved in the re-
34 pasteurization of imported milk because the levels of coliform
35 bacteria that existed in the processing plant's two-percent milk
36 testing exceeded by over ten times the legal limit for coliform
37 bacteria in three of five consecutive tests performed by the
38 Department of Health; and

39
40 WHEREAS, modern food-safe methods of transportation and
41 cold-chain logistics and controls required by the federal Food
42 Safety Modernization Act now exist and are available to all



1 importers of single-pasteurized, fresh milk, thus creating a
2 level playing field for all importers and distributors of milk
3 and making the re-pasteurization of milk and the potential
4 related issues an unnecessary risk for Hawaii consumers; and
5

6 WHEREAS, protecting the food safety and security of Hawaii
7 and its people is of utmost importance; now, therefore,
8

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

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

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

35 BE IT FURTHER RESOLVED that the task force is requested to
36 consist of:
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38 (1) The Director of Health, or the Director's designee;
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40 (2) Two members of the Senate, to be selected by the
41 President of the Senate;
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- 1 (3) The chairperson of the House of Representatives
- 2 Standing Committee on Agriculture;
- 3
- 4 (4) The chairperson of the House of Representatives
- 5 Standing Committee on Health;
- 6
- 7 (5) One professor, associate professor, or assistant
- 8 professor from the University of Hawaii College of
- 9 Tropical Agriculture and Human Resources; and
- 10
- 11 (6) Two private business owners of longstanding Hawaii-
- 12 owned businesses that are directly involved in food
- 13 distribution and are already operating in compliance
- 14 with the federal Food Safety and Modernization Act,
- 15 one to be invited by the task force member identified
- 16 in paragraph (2) and one to be invited by the task
- 17 force members identified in paragraphs (3) and (4);
- 18 and
- 19

20 BE IT FURTHER RESOLVED that the task force is requested to
 21 submit a report of its findings and recommendations, including
 22 any proposed legislation, to the Legislature no later than
 23 twenty days prior to the convening of the Regular Session of
 24 2021; provided that the Legislative Reference Bureau is
 25 requested to provide drafting services and other necessary
 26 support to the task force; and

27
 28 BE IT FURTHER RESOLVED that the task force be dissolved on
 29 June 30, 2021; and

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

OFFERED BY:

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Clarence W. Reichert

[Signature]
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