



HAWAII BEEKEEPERS' ASSOCIATION

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LATE
Testimony

*fax*MEMORANDUM

To: The House Committee on Agriculture: Rep. Clift Tsuji Chair, and Members of the Committee

From: Michael M. Kliks, President

RE: Testimony in Support of SB2584, SD2 (SSCR2796), As Amended

Aloha na hooa:

Reference is made to an to my email to you today to which was attached our industry's petition to the FDA for a **Revised Codex Standard of Identity** for honey. This document is the result of twenty years' work by the National Honey Board and the honey trade associations. This Codex is scientifically and legally sound and is the only rational standard of identify (SOI) that should be adopted by states by statute or by rule, or both.

Therefore, we herewith ask that the existing SB 2584, SD2 (SSCR2796) be amended as follows:

A. To include, in Section 3, by reference, the Revised Codex SOI for honey as the state's SOI for this commodity, a new Subsection 1, to whit:

"1. By adopting, by reference herein, and by rules to be developed by the State Department of Agriculture, the Revised Standard 12-1981, Rev.1 (1987), and Rev.2 (2001) (subject to the requested deviations identified in the letter to the Docket Management Branch, dated March 3, 2006), as the Standard of Identity for Honey within the State of Hawai'i."

2. By changing the number of Subsection 1 to Subsection 2

"3. By amending the definition of "agricultural commodity to read: ""Agricultural commodity" means" as is in existing subsection 2, but deleting the words "raw unprocessed" before the word "honey"."

B. To include, in Section 5, by reference, the Revised Codex SOI for honey as the state's SOI for this commodity, a new Subsection 1, to whit:

"1. By adopting, by reference herein, and by rules to be developed by the State Department of Agriculture, the Revised Standard 12-1981, Rev.1 (1987), and Rev.2 (2001) (subject to the requested deviations identified in the letter to the Docket Management Branch, dated March 3, 2006), as the Standard of Identity for Honey within the State of Hawai`i."

2. By changing the number of Subsection 1 to Subsection 2

"3. By amending the definition of "agricultural commodity to read: ""Agricultural commodity" means" as is in existing subsection 2, but deleting the words "raw unprocessed" before the word "honey" ".

C. To include, in Section 6, by reference, the Revised Codex SOI for honey as the state's SOI for this commodity by adding an new subsection 1, to whit:

"1. By adopting, by reference herein, and by rules to be developed by the State Department of Agriculture, the Revised Standard 12-1981, Rev.1 (1987), and Rev.2 (2001) (subject to the requested deviations identified in the letter to the Docket Management Branch, dated March 3, 2006), as the Standard of Identity for Honey within the State of Hawai`i."

2. By changing the number of Subsection 1 to Subsection 2.

3. By changing the number of Subsection 2 to Subsection 3.

D. To include an additional Section 7 that will require that **rules will be adopted by the State Department of Agriculture** that will recognize the Revised Codex Standard of Identity for honey as the SOI in force within the state of Hawai`i; and

E. To include an additional Section 8 that will **give citizens the right to bring civil suits in courts** to enforce adherence to the state's SOI for honey, and

F. To renumber Sections 7 and 8 as Sections 9 and 10, respectively.

MMK

ADDITIONAL SOURCES OF INFORMATION: please refer to existing statutes and current actions undertaken in the State of Florida (Florida Statutes 586 [Honey Certification and Honey Bee Protection] and Florida Statutes 504.012 [COOL law] and Honeybees: www.flsenate.gov/index).

NOTES OF INTEREST: In 2001, the Revised Codex Standard for Honey was adopted by the 24Th Session of the Codex Alimentarius Commission as the international standard of honey, and the United States participated fully in the proceedings; however,

the Codex passed by the Commission in 2001 did not apply to the U.S. because there was no identity for honey in U.S. law. In 2006 the five honey trade associations petitioned the FDA to adopt the Revised Codex (with certain deviations, so as to make it compliant with already existing laws pertaining to hygiene, etc. as you will note in the introduction to the attached copy of Codex. Note also that the FDA refused to act because of "other agency priorities."

The "Revised Codex Standard of Identity for Honey" is what the Codex Commission passed in 2001. It is said to be "revised" only because a requirement by Codex is they review all international laws under their purview every eight years. The above referenced document that was submitted to the FDA, and subsequently denied in August 2006, is properly referred to as "The Revised Codex Standard of Identity for Honey (with certain deviations.)" The reference to the deviations must be acknowledged since the "Codex" as passed by the Commission cannot be used in the US without some specific deviations as will become clear upon reading the first six pages of the attached Codex. It is the Revised Codex Standard of Identity for Honey (with certain deviations) that we request be adopted by the state. Our industry believes that as states adopt the Codex as their state's standard for honey, the FDA will have no choice but to adopt the Codex as the national standard.

Our industry understands that, even though passage of SB2584, as amended, will provide statutes and rules defining honey, this does not mean that the State will have the resources to initiate enforcement actions against someone dealing in adulterated honey or fake honey. The honey industry in Hawai'i, and elsewhere, because it will have Codex SOI as a rule, can use it to pursue legal remedies. We, as beekeepers here in Hawai'i, will be able to allege in civil court that a particular product does not meet the established SOI for honey and these allegations can be readily proven by commercially available analytic tests for adulteration. Therefore, to guarantee a citizen's right to sue in civil court to enforce violations of the Codex SOI we have requested that such a clause be added to this Bill as Section 8. MMK