

LATE

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GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
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In reply, please refer to:
File:

House Committee on Health

HB 1932, RELATING TO FOOD LABELING

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

**February 2, 2010
10:00am**

1 **Department's Position:** We respectfully oppose the bill's amendment of HRS Chapter 328.

2 **Fiscal Implications:** The amount of penalties to be collected from enforcement is unknown, and the
3 administrative costs of enforcement are unquantified.

4 **Purpose and Justification:** The bill amends HRS Chapter 328 by requiring fines for the misbranding
5 (mislabeling) of fish and fish products that have caused illness, and depositing these fines into a special
6 fund to cover costs of implementation of this measure.

7 We are concerned that some people have become ill after eating fish or fish products that may
8 have been misbranded. We have been informed that the fish walu can cause diarrhea and has been sold
9 as butterfish, though we have not been notified of specific sales. From what we know so far, the
10 problem is more practical than legal.

11 The department does respond to complaints of such illness and checks for misbranding as part of
12 its routine inspections. We seek correction by any firm that is misbranding. The challenge is to get
13 timely enough information of misbranding to take enforcement action. Under the bill, we would also
need sufficient proof of causation of illness to collect the proposed added penalties.

1 HRS Section 328-10 already requires the proper labeling of food products, and HRS Section
2 328-30 already provides administrative penalties up to \$10,000 for each separate offense. Sellers of
3 misbranded food already face civil liability to people they make ill. Added penalties in HRS for causing
4 illness are of questionable deterrent value.

5 We note that the department covers other food safety issues, such as (1) sources of possible
6 adulteration and contamination during food processing and (2) the removal of recalled food products
7 from sale. Illnesses from the misbranding of fish and fish products have generated few complaints to
8 DOH so far. As we learn more about the extent of the problem, we will look at giving it higher priority.

9 We are living within our means and not seeking more resources. Any proposed funding should
10 not adversely impact the proposed Governor's Executive Supplemental Budget for FY 2011.

11 Education of the industry and public can help. Even if walu is correctly labeled, people need to
12 be aware of its high fat and oil content and possible results of eating too much.

13 We thank you for the opportunity to testify.

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WRITTEN ONLY

TESTIMONY BY GEORGINA K. KAWAMURA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON HEALTH
ON
HOUSE BILL NO. 1932

February 2, 2010

RELATING TO FOOD LABELING

House Bill No. 1932 provides penalties for the misbranding of fish or fish products that result in consumer illness and creates the Food Misbranding Special Fund to support the Department of Health inspectors investigating incidents of fish or fish products misbranding.

We are opposed to this bill. As a matter of general policy, this department does not support the creation of any special fund which does not meet the requirements of Section 37-52 of the Hawaii Revised Statutes. Special funds should demonstrate the capacity to be financially self-sustaining. It is difficult to determine whether the fund will be self-sustaining.

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**HAWAII TEAMSTERS AND ALLIED WORKERS,
LOCAL 996**

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Rep. Ryan Yamane, Chair
Rep. Scott Nishimoto, Vice-Chair
Committee on Health

Glenn Ida
Representative

Tuesday, Feb. 2, 2010, at 10 AM
Conference Room 329

The Hawaii Teamsters Local 996 supports, HB1932, Relating to Food Labeling.

The Teamsters believes that anyone who causes another to get ill by intentionally misbranding a food product to make a profit, should be punished to the full extent of the Law.

Therefore the Hawaii Teamsters Local 996 supports, HB1932, Relating to Food Labeling.

Thank you for allowing me to testify.

Glenn Ida
Representative