

**LINDA LINGLE**  
Governor



State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512

**SANDRA LEE KUNIMOTO**  
Chairperson, Board of Agriculture

**DUANE K. OKAMOTO**  
Deputy to the Chairperson

**TESTIMONY OF SANDRA LEE KUNIMOTO  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEES ON  
CONSUMER PROTECTION & COMMERCE  
AND  
JUDICIARY  
THURSDAY, FEBRUARY 18, 2010  
2:00 P.M.  
ROOM 325**

**HOUSE BILL NO. 2083, HD1  
RELATING TO MILK LABELING**

Chairperson Herkes, Chairperson Karamatsu and Members of the Committees:

Thank you for this opportunity to provide testimony on House Bill No. 2083, HD1 relating to milk labeling. This bill proposes to require the date of pasteurization or packaging on milk or soy milk beverages. The department has concerns that this bill inappropriately modifies our chapter.

The Department of Health currently regulates milk processing and food processing. We defer to the Department of Health's extensive experience and expertise in this area.

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

**Committee on Consumer Protection & Commerce**

**Committee on Judiciary**

**H.B. 2083 H.D. 1, RELATING TO MILK LABELING**

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

**February 18, 2010  
2:00 p.m.**

1 **Department's Position:** Oppose.

2 **Fiscal Implications:** The new regulatory functions regarding labeling will require manpower to  
3 administer, monitor and enforce, resources which are lacking.

4 **Purpose and Justification:** The bill requires milk and soy milk distributed or sold in Hawaii to be  
5 labeled with the date of pasteurization or packaging.

6 The DOH opposes this bill for the following reasons: 1) the DOH currently lacks resources to  
7 administer, monitor and enforce the provisions proposed. Our Sanitation Branch already must cover  
8 about 9,000 restaurants statewide, plus other facilities and activities, with only 21 field sanitarians, and  
9 2) the bill directly conflicts with existing definitions and rules governing milk and milk products,  
10 pasteurization of milk, and the sale of unpasteurized milk in Hawaii. The current rules and laws  
11 governing the milk industry are based on nationally accepted and recognized laws, and any changes to  
12 the national models are done through a federal, state, and industry cooperative organization, the National  
13 Conference of Interstate Milk Shippers (NCIMS), of which Hawaii is a voting member and delegate.

1 The existing HAR, Chapter 15, Milk, is based on the Pasteurized Milk Ordinance (PMO) adopted by the  
2 NCIMS. Consistency with the PMO is important so any local dairies can sell to the military and  
3 interstate business, such as cruise lines and airlines. For your information, the website address for the  
4 National Conference of Intersate Milk Shippers is [www.NCIMS.org](http://www.NCIMS.org) and for the Pasteurized Milk  
5 Ordinance is [www.fda.gov](http://www.fda.gov) under pasturized milk ordinance.

6 Thank you for the opportunity to testify.



## HAWAII FOOD INDUSTRY ASSOCIATION (HFIA)

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Thursday, February 18, 2010 @ 2:00 p.m. in CR 325

To: Committee on Consumer Protection & Commerce  
Rep. Robert N. Herkes, Chair  
Rep. Glenn Wakai, Vice Chair

Committee on Judiciary  
Rep. Jon Riki Karamatsu, Chair  
Rep. Ken Ito, Vice Chair

By: Richard C. Botti, President  
Lauren Zirbel, Government Relations

Re: HB2083, HD1 RELATING TO MILK LABELING

### Chairs & Committee Members:

The federal Interstate Commerce Act is a controlling component to the milk labeling regulations in the United States. Although each state is responsible for enforcing the law and regulations of the labeling requirements and is given leeway to expand upon them, that discretion can result in a patchwork of rules from state to state which ultimately may run in contradiction with the Interstate Commerce Act.

In serving the best interest for the State, if the Legislature doesn't like the current labeling of milk, they should adopt a joint resolution urging the federal Food and Drug Administration to revisit its labeling guidelines.

Based on this, we oppose this bill.



Representative Robert Herkes, Chair  
Representative Glenn Wakai, Vice Chair  
Committee on Consumer Protection & Commerce

Representative Jon Riki Karamatsu, Chair  
Representative Ken Ito, Vice Chair  
Committee on Judiciary

HEARING      Thursday, February 18, 2010  
                  2:00 pm  
                  Conference Room 325  
                  State Capitol, Honolulu, Hawaii 96813

**RE:    HB2083, HD1 Relating to Milk Labeling**

Chairs Herkes and Karamatsu, Vice Chairs Wakai and Ito, and Members of the Committees:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii.

**RMH opposes HB2083, HD1**, which requires milk and soy milk beverages to be labeled with the date of pasteurization or the date of packaging.

**As with most products for human consumption, milk products are comprehensively and stringently regulated at both federal and state levels to ensure safety and quality.** Adding yet another requirement will result in increased costs: 1) to the bottler to produce a product specific to Hawaii; 2) to consumers because added costs must be passed on; and 3) to the State to enforce the new provision.

Milk products already are marked with a "produced by" date or "best by" date or "expiration" date on the labels, caps or shoulders. This information is far more critical for consumption than a "packaged by" date.

A milk labeling requirement unique to Hawaii discourages interstate and international commerce, as well as national labeling uniformity. A unique label for product sold in Hawaii would require completely separate Hawaii-only inventories at manufacturing and distribution levels, at a substantial additional cost to the manufacturers and distributors, and ultimately, consumers.

We urge you to hold HB2083, HD1. Thank you for your consideration and for the opportunity to submit testimony.

Carol Pregill, President

RETAIL MERCHANTS OF HAWAII  
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February 18, 2010

Representative Robert Herkes, Chair  
House Committee on Consumer Protection & Commerce

Representative Jon Riki Karamatsu, Chair  
House Committee on Judiciary

Thursday, February 18, 2010  
Conference Room 325; 2:00 p.m.

**Re: HB 2083 HD1 - Relating to Milk Labeling**

Chairs Herkes and Karamatsu, Vice Chairs Wakai and Ito, and members of the Committees:

My name is Gary Yoshioka, Vice President & General Manager of The Pepsi Bottling Group of Hawaii ("Pepsi"), testifying in opposition to HB 2083 HD1, which requires milk and soy milk beverages to be labeled with the date of pasteurization or the date of packaging. The additional milk labeling requirement set forth in this legislation is unnecessary and would be unnecessarily costly and burdensome to milk producers and the beverage manufacturers that bottle milk products.

Through a joint venture between Starbucks and PepsiCo, Pepsi has bottled Starbucks Frappuccino coffee drink since 1996. The coffee drink is blended with milk.

Milk products are currently labeled with "sell by" dates, which consumers use to determine the freshness of their beverage. "Sell by" dates are based on and reflect our expertise as to the life of our products. A "pasteurized/ packaged on" date would leave that evaluation subject to someone else. As the bottler for Starbucks Frappuccino and hundreds of other beverages enjoyed around the world, Pepsi is best suited to determine the shelf life of its products.

On behalf of The Pepsi Bottling Group Hawaii, thank you for the opportunity to testify.

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

Affiliated with the International Brotherhood of Teamsters  
1817 Hart Street Honolulu, Hawaii 96819-3205  
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Rep. Robert Herkes, Chair  
Rep. Glenn Wakai, Vice-Chair  
Committee on Consumer Protection and Commerce

Rep. Jon Riki Karamatsu, Chair  
Rep. Ken Ito, Vice-Chair  
Committee on Judiciary

Thursday, Feb. 18, 2010, at 2 PM  
Conference room 325

The Hawaii Teamsters Local 996 supports, HB2083, HD1, Relating to Milk Labeling.

Due to the advances in scientific processes to increase the shelf life of processed milk / dairy products and soy products, large processors are distributing to a large market share throughout the Country. Some processors that use ultra-pasteurization or ultra high temperature (UHT) claim that the shelf life can be up to six without refrigeration. Pasteurization and homogenizing milk products affect nutritional values of processed milk.

The purpose of this bill is to inform the consumer when the product is packaged for consumption by requiring that the package have a "born on " date as well as the expiration date. Only then can the consumer make an educated determination of how fresh a product could be and if it should be given to their family. With the current labeling policies the consumer has no idea how long the milk products have been in the retail world before being bought.

The Soy product that I buy and use in cereal has an expiration date of Dec. 1, 2010. The package has no reference to the process used for preservation, but is considered organic by a third party.

I know when I see the Meadow Gold label, that tells me that the product was made locally within about 30 days of the expiration date.

The Hawaii Teamsters Local 996 supports, HB 2083, HD1, Relating to Milk Labeling.

Thank you for allowing me to testify.

Glenn Ida Representative