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Governor



State of Hawaii
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SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

DUANE K. OKAMOTO
Deputy to the Chairperson

WRITTEN TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE
FRIDAY, FEBRUARY 12, 2010
11:00 AM
ROOM 312

HOUSE RESOLUTION 31
HOUSE CONCURRENT RESOLUTION 72

URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AND
STATE DEPARTMENT OF HEALTH TO ASCERTAIN THE SAFETY OF THE REPASTEURIZED
UNREFRIGERATED MILK SHIPPED TO HAWAII FROM THE MAINLAND

Chairperson Tsuji and Members of the Committee:

Thank you for this opportunity to provide testimony on House Resolution 31 and House Concurrent Resolution 72 urging the U.S. Department of Health and the State Department of Health to determine the safety of repasteurized milk. The department offers comments.

On page 1 line 21 to 22, the resolution states that milk is close to a month from milking to placement on the store shelves, however, the DOA report indicated that the milk can be close to a month from milking to the expiration date on the carton. Milk might be 8 to 10 days old when it is placed on retail store shelves.

Page 1, line 28, states that the DOA study found that milk sold on Oahu exceeded federal regulatory limits for bacterial count five day prior to expiration. The DOA did not conduct this study. The study was conducted by the University of Hawaii.

Page 2, line 7 – It is true that the Milk Control Act does not contain any standards for the safety of milk shipped from the mainland, for the Act was established to protect the local dairy industry and regulate the price paid to the producers of local milk. The jurisdiction to monitor and regulated milk safety and quality lies with the State Department of Health.

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

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In reply, please refer to:
File:

Committee on Agriculture

HCR 72 / HR 31, Urging the United States Department of Health and Human Services and State Department of Health to Ascertain the Safety of Repasteurized Unrefrigerated Milk Shipped to Hawaii from the Mainland

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

February 12, 2010
11:00 a.m.

1 **Department's Position:** We respectfully oppose this measure

2 **Fiscal Implications:** None.

3 **Purpose and Justification:** This resolution asks that the United States Department of Health and
4 Human Services and State Department of Health ascertain the safety of re-pasteurized un-refrigerated
5 milk shipped to Hawaii from the mainland.

6 Present regulations and practices on pasteurized milk shipped to Hawaii from the mainland
7 already protect human health. To our understanding the state Milk Control Act only deals with the
8 financial interests and rules of commerce between the dairy farms and milk plants through a quota
9 system, and the amount of milk exported/imported into and out of the state. That act is not the only
10 relevant law. The United States Public Health Service (USPHS) and the U.S. Food and Drug
11 Administration's (FDA's) recommended Grade "A" Pasteurized Milk Ordinance (PMO) is the basic
12 standard governing the processing, packaging, and sale of grade "A" milk and milk products. Hawaii is
13 a voluntary participant of the National Conference on Interstate Milk Shippers (NCIMS) program and
14 uses the current PMO. The PMO is incorporated by reference in Federal specifications for procurement

1 of milk and milk products and is recognized by the Public Health Agencies, the milk industry, and many
2 others as the national standard for milk sanitation.

3 The PMO is used for interstate milk shipments, through the voluntary Cooperative State-
4 USPHS/FDA Program for the Certification of Interstate Milk Shippers; a program participated in by all
5 fifty states. The NCIMS biennially recommends changes and modifications to the Grade "A"
6 Pasteurized Milk Ordinance to FDA. The PMO represents a "grass roots" consensus of current
7 knowledge and experiences and is a practical and equitable milk sanitation standard for the nation. The
8 DOH has been an active participant in NCIMS program for decades.

9 In practice, the shipping of bulk milk from the mainland and the subsequent re-pasteurization
10 and packaging of the milk in Hawaii meets and follows all guidelines, rules and interpretations regarding
11 the safety of the milk. Temperature controls, and the required written records are in place that assure
12 that the temperature and integrity of the milk is maintained 100% of the time from when it leaves the
13 dairy farm on the mainland until it gets to the milk plant in Hawaii. Every single bulk tank of milk is
14 temperature checked and recorded by the milk plant. All bulk shipments that arrive to the local milk
15 plant are rejected if the temperature of the milk is above 45 degrees Fahrenheit. All holding and
16 processing temperatures of every drop of milk in production can be traced due to strict record keeping
17 requirements.

18 The State DOH ensures compliance through quarterly physical plant inspections which require
19 the review of all documents and quality control measures previously stated. In addition, the Hawaii
20 DOH is required to do monthly final product testing of all milk and milk products produced in the State
21 to assure that the milk meets all chemical, physical, microbiological, and temperature standards. The
22 packaged mainland and local milk has always been part of the monthly testing required as a participant
23 in the FDA's NCIMS program. The FDA evaluates the State of Hawaii every three years with regards

1 to their milk safety program and the State of Hawaii has always been found to be in compliance with all
2 inspectional and testing protocols required under the program of the NCMIS.

3 Regarding specific findings in the resolution, we have concerns about the DOA study to which
4 the resolution refers. To the extent that retail milk was studied, it would have been subject to other
5 influences in addition to shipping from the mainland. We don't recall that the study found statistically
6 significant differences between mainland and local milk.

7 "Spoiled" milk is not defined, and even taken in a lay sense, "spoiled" milk is a quality issue and
8 not a safety issue. Spoilage organisms are typically not pathogenic or disease causing and merely cause
9 the milk to go sour, as in yogurt or buttermilk. In fact, pathogenic organisms have a difficult time
10 competing with spoilage organisms because as the milk goes sour, the pH lowers (becomes more acidic)
11 and the milk actually becomes safer from the standpoint of pathogen growth. From a health view, our
12 concern is with bacteria growth in milk that has been held outside safe temperatures ranges; it may have
13 high bacteria counts without appearing spoiled.

14 We ask that the measure be held.

15 Thank you for the opportunity to testify.



Hawaii Farm Bureau
F E D E R A T I O N

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HCR 72/HR 31, "Urging the State Dept. of Health to Ascertain the Safety of Pasteurized Milk Shipped to Hawaii From the Mainland."

Hse AGR, Friday, Feb. 12, 2010 – 11:00 am - Room 312

Testimony by: Lorie Farrell

Chair Tsuji and Members of the Committee,

The Hawaii Farm Bureau Federation is the largest general agriculture organization in the State of Hawaii with over 1600 members Statewide. We *"Oppose HCR 72/HR31"*.

We support Hawaii's Dairy Industry and are aware of the many challenges facing them. Milk production is declining in Hawaii. Although there have been efforts to stop this trend, we must be realistic in setting regulations and imposing additional burdens on the Industry as it exists today.

We oppose the concurrent resolutions based on the following.

- The transportation and processing of milk for fluid consumption is heavily regulated and monitored by many Federal & State Agencies including the United States Dept. of Agriculture, The Food & Drug Administration, State Dept of Health and the Federal Dept. of Health and Human Services. Additionally there are several Councils and National Milk/Dairy Organizations that help educate and enact new Safety guidelines.
- Ultra pasteurized and pasteurized milk is safe & heavily regulated, and includes oversight of the transportation of fluid milk as mentioned above.
- Milk that is pasteurized and bottled in Hawaii is transported in insulated tankers that are designed for exactly this purpose. The pasteurized milk is shipped and kept below 45 degrees, then re-pasteurized and bottled. The milk quality is tested and temperature is recorded, milk above 45 degrees cannot be used.
- The statement in the resolutions about consumers finding milk spoiling early is broad and undefined. Not all milk sold in Hawaii is bottled or processed here. Larger food chains import ultra pasteurized milk already bottled for consumption. Adding additional regulation to milk processed in Hawaii adds an unfair burden to the industry.
- It is true that the Hawaii's Milk Control Act's purpose did not include the standards for the safety of imported milk. However, it is a redundant expense and burden to have it do so, especially in these economic times. It is redundant because the DOH, USDA, FDA and DHHS already provide stringent standards and oversight regarding the safety of transporting milk.

We respectfully request that HCR 72/HR31 be held in committee. Thank you for the opportunity to present testimony.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 11, 2010 12:52 AM
To: AGRtestimony
Cc: shannonkona@gmail.com
Subject: Testimony for HR31 on 2/12/2010 11:00:00 AM

Testimony for AGR 2/12/2010 11:00:00 AM HR31

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Shannon Rudolph
Organization: Individual
Address: P. O. 243 Holualoa

Submitted on: 2/11/2010

Comments:

Please support HR31.

These resos are an excellent beginning to work on a long-standing food safety issue.
Mahalo.