

LATE

January 28, 2011

The Honorable Doctor Joshua Green, Chair
The Honorable Clarence Nishihara, Vice-Chair
Senate Committee on Health

RE: SB 101- Relating to Health

Dear Chair Green, Vice-Chair Nishihara, and Members of the Senate Health Committee:

As a student at University of Hawaii William S. Richardson School of Law, I appreciate the opportunity to testify in **STRONG SUPPORT** of SB 101, but would like to support an **amended** version that would model the exemption on what local honey producers currently use.

Hawaii has seen a cultural resurgence in the practice of traditional methods of food preparation and the start up of Native Hawaiian old businesses related to cultural practices. As you may know, poi is hyper-allergenic, anti-bacterial, gluten free and very low in fat. Poi is a sustainable resource and can help to sustain our residents, especially in a time when the State Administration is seeking to ensure our own food security. At a 12 January 2011 information hearing before the Senate Ways & Means Committee, Interim Department of Agriculture Director Russell Kokubun testified that "we [Department of Agriculture] will continue to move forward to aid the agriculture and aquaculture industries in becoming an integral part of the State's economic recovery by starting the process of decreasing reliance on imported food and facilitating the export market. Also important will be increasing the self-sufficiency of the State by taking steps to ensure food security and develop alternative energy opportunities."

Hawai'i Department of Health (DOH), as an agency of the State of Hawai'i, is required to protect the rights of native Hawaiians. The current DOH laws that prohibit the sale of traditionally pounded poi should be amended because this product, once the staple food of native Hawaiians, is of paramount significance to the social, mental, physical, and spiritual health of Kānaka Maoli. DOH has not intentionally promulgated the regulations for the specific purpose of prohibiting traditional Hawaiian food preparation; rather, DOH adopted food code guidelines from the federal government, guidelines that were not written with Kānaka Maoli culture in mind. DOH and all visitors and citizens in Hawai'i need to be educated about the process and traditional protocol which results in wholesome, safe and sustainable food products. In a broader context, international law supports Indigenous Peoples self-determination on all matters, including the formulation of health and safety rules. Therefore, in an international context, Kānaka Maoli protocol is the proper source of guidance for any regulation of traditional Hawaiian food preparation.

Like honey producers, I believe that mandating that producers of pa'i'ai should be exempted from DOH food preparation guidelines if the producer: (1) Sells hand-pounded poi directly to consumers; and (2) Attends a food safety class; and (3) Abides by community best practices; and (4) Prepares hand-pounded poi adjacent to permanent or

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Feleai Tau

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 27, 2011 11:40 PM
To: HTHTestimony
Cc: thomaskhackett@gmail.com
Subject: Testimony for SB101 on 1/28/2011 2:45:00 PM

Testimony for HTH 1/28/2011 2:45:00 PM SB101

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Tom Hackett
Organization: Individual
Address: Honolulu, HI
Phone: 808 636 3599
E-mail: thomaskhackett@gmail.com
Submitted on: 1/27/2011

Comments:

I support SB101 because I think there must be a way to allow for traditional practices to be included in our modern society. Include a warning requirement of some kind if you must but we must allow the selling of traditionally pounded poi even it doesn't fit in with modern standards. We must allow people to preserve their cultural traditions.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 27, 2011 11:31 PM
To: HTHTestimony
Cc: kamuela_vance@yahoo.com
Subject: Testimony for SB101 on 1/28/2011 2:45:00 PM

Testimony for HTH 1/28/2011 2:45:00 PM SB101

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: kamuela vance
Organization: Individual
Address: 248 Elelupe Road
Phone: 808-450-0461
E-mail: kamuela_vance@yahoo.com
Submitted on: 1/27/2011

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 28, 2011 2:26 AM
To: HTHTestimony
Cc: amybrinker@mac.com
Subject: Testimony for SB101 on 1/28/2011 2:45:00 PM

Testimony for HTH 1/28/2011 2:45:00 PM SB101

Conference room: 229
Testifier position: support
Testifier will be present: Yes
Submitted by: Amy K. Brinker
Organization: Individual
Address: 248 Kaiulani Ave #4 HI
Phone: 808 230-0085
E-mail: amybrinker@mac.com
Submitted on: 1/28/2011

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 28, 2011 3:26 AM
To: HTHTestimony
Cc: cjileong@gmail.com
Subject: Testimony for SB101 on 1/28/2011 2:45:00 PM

Testimony for HTH 1/28/2011 2:45:00 PM SB101

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Christopher Leong
Organization: Individual
Address:
Phone:
E-mail: cjileong@gmail.com
Submitted on: 1/28/2011

Comments:

I wholeheartedly support this measure, especially given the underlying rationale for it which is based on the safe and sanitary traditional method of preparing pa'i'ai.

In particular, I support this measure with the amendments modeled on the honey exemption law.

Thank you for accepting my testimony in support of this measure.

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Feleai Tau

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 28, 2011 7:29 AM
To: HTHTestimony
Cc: sterlingw@oha.org
Subject: Testimony for SB101 on 1/28/2011 2:45:00 PM
Attachments: SB101 Handpounded Poi.pdf

Testimony for HTH 1/28/2011 2:45:00 PM SB101

Conference room: 229
Testifier position: comments only
Testifier will be present: No
Submitted by: Sterling Wong
Organization: Office of Hawaiian Affairs
Address: 711 Kapiolani Blvd Ste 500 Honolulu, HI
Phone: 594-1834
E-mail: sterlingw@oha.org
Submitted on: 1/28/2011

Comments:

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SB 101
RELATING TO HEALTH
Senate Committee on Health

January 28, 2011

2:45 p.m.

Room 229

The Office of Hawaiian Affairs (OHA) offers the following comments on SB101, which exempts the preparation of poi using traditional Hawaiian cultural food preparation practices from Department of Health (DOH) regulation regarding food safety.

The OHA Administration will recommend that the OHA Board of Trustees support SB101 with amendments. OHA staff will ask our Board to support the proposed bill language offered by the community, which is modeled after a honey producers exemption enacted as Act 63, Session Laws of Hawai'i 2005. The proposed language would exempt producers of hand-pounded pa'i 'ai from having to use certified kitchens or getting a DOH permit if they comply with product labeling and other conditions. The bill would also subject producers of pa'i 'ai, which is hand-pounded kalo undiluted with water, to inspection by DOH.

Our traditions hold that kalo is the elder sibling of the Native Hawaiian people. Poi, which is made from kalo, is the staple of our traditional diet. While poi mills have provided our communities with poi for many years, the traditional practice of hand pounding poi is enjoying a powerful resurgence today. We must nurture this movement, as it supports our local agricultural industry, ensures food security and promotes a healthier diet, all while encouraging one of our most important Native Hawaiian cultural practices.

OHA understands and appreciates DOH's sanitation concerns relating to the preparation of pa'i 'ai that will be sold. Many of our beneficiaries are consumers of pa'i 'ai, and we want to ensure that their health is protected.

We believe that the community's proposed bill represents a reasonable compromise that allows for hand-pounded pa'i 'ai to be sold; provides DOH with the authority to inspect pa'i 'ai producers; and informs consumers about the product. We understand that poi mills may have concerns regarding how they will be impacted by this bill. We fully believe, however, that solutions can be developed that will be fair for all stakeholders.

The OHA Administration will make this recommendation to our Board at its meeting on Feb. 3, 2011. Mahalo for the opportunity to testify.

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Feleai Tau

From: jrodwell@gmail.com on behalf of Jen Rodwell [jrodwell@hawaii.edu]
Sent: Friday, January 28, 2011 9:12 AM
To: HTHTestimony
Subject: Bill SB101

Dear Sir/Madame,

I am sending this email to register my support for Bill SB 101 and the amendments that are modeled after the Honey exemption.

Myself and my family have participated in the traditional pounding of kalo as well as buying and eating pa'i'ai and poi on a regular basis as part of what I consider to be healthy and safe food source for myself and my family and I consider the traditional sanitation practices to be more than adequate. As a consumer I wish to have the choice and right to buy this traditionally hand-pounded cultural food.

Thank you for the consideration.

Aloha,
Jennifer Rodwell

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Feleai Tau

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 28, 2011 10:26 AM
To: HTHTestimony
Cc: hawaiianstyle@rocketmail.com
Subject: Testimony for SB101 on 1/28/2011 2:45:00 PM

Testimony for HTH 1/28/2011 2:45:00 PM SB101

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Robert "Kealoha" Domingo
Organization: Individual
Address: 51-312 Kamehameha Hwy. Ka'a'awa HI
Phone: 808 753-3132
E-mail: hawaiianstyle@rocketmail.com
Submitted on: 1/28/2011

Comments:
Aloha kākou,

As a man of Hawaiian ancestry, an active Hawaiian cultural practitioner, a poi maker who utilizes the traditional techniques and implements and a voting citizen, I strongly support SB101. I do not feel that it is the kūleana of any state agency or otherwise to determine the regulatory protocols of traditional food production. I can say with confidence that the practices and precautions taken by the traditional style poi maker is more than adequate to assure safety for the consumer. For generations upon generations these techniques have been utilized without notable consequence. As a practitioner who has been sharing the art of ku'i 'ai for several years and has had the opportunity to reintroduce many students and kānaka throuout the island chain, I am also confident that these safe practices will be continued as the art itself has been.

Once again, I WHOLEHEARTEDLY SUPPORT the language of SB101 without ammendments.

Me ka ha'a ha'a,
Robert Kealoha Domingo
O'ahu ka mokupuni, Ko'olauloa ka moku, Ka'a'awa ke 'Ahupua'a

LATE

Jeri Di Pietro
Hawai`i SEED
PO Box 1177
Koloa, HI 96756
808 652 5286

In support of SB101
HTH Friday, January 28, 2011 at 2:45pm

Hawai`i SEED supports SB 101 with amendments.

We support small scale taro growers and the hand pounding of poi and direct sale to consumers.

Please exempt the producers of hand-pounded poi from the department of health processing and permitting requirements.

Mahalo nui loa for your support of this important cultural practice, for now and for future generations.

Jeri Di Pietro
Hawai`i SEED