



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

In reply, please refer to:  
File:

**Committee on Agriculture**

**H.B. 1787, RELATING TO AGRICULTURE**

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.  
Director of Health**

**January 27, 2012  
8:30 a.m.**

1 **Department's Position:** The Department of Health opposes this bill in its current form. We  
2 suggest some amendments that, if adopted, would allow us to support this measure.

3 **Fiscal Implications:** This bill has substantial fiscal implications for the department. In addition  
4 to requiring new rules to be created and passed, an increase in staffing will be required to review  
5 building plans for physical structures for food processing, evaluate the farm water supply to ensure  
6 equivalence to municipal water systems, and inspect to ensure compliance with new administrative  
7 rules.

8 **Purpose and Justification:** We oppose the first section of this bill as it includes recommendations that  
9 are too costly to implement. This bill has two distinctive sections. The first section; §321-

10 **Agricultural producers without access to municipal water; exemption.**, is extremely broad and  
11 would allow for the sale of any and all agricultural products (including beef, poultry, pork, and fish in  
12 addition to produce) to be sold to consumers without any public health constraints. Our food safety laws  
13 and rules are designed to protect the public from fatalities or serious illness caused by pathogenic

1 disease and from exposure to environmental contamination. Exemption from the department of health  
2 permit requirements would place the public at unnecessary risk by eliminating our enforcement powers  
3 and inspections to ensure proper food safety practices are being adhered to.

4 The second section of the bill; **§328-79 Home-based agricultural producer of honey;**  
5 **exemption** is less problematic. The department offers the following changes, and would support only  
6 the second part of this bill if these changes are adopted:

7 §321-79 (3) (E) should be changed to: **The statement, "This product was not produced in a**  
8 **Department of Health inspected facility and may place you at greater risk of contracting a food-**  
9 **borne illness or being exposed to environmental contaminants."** in clear and conspicuous print;

10 (F) **Attends a department of health approved food safety workshop and passes the food safety**  
11 **certification exam; and**

12 (G) **Maintain records of honey production volume, and honey product distribution for a**  
13 **period of not less than two years, and makes these records available to the department**  
14 **upon request.**

15 Thank you for the opportunity to testify.

January 25, 2012

Dear Agriculture Committee Chair Tsuji,  
Vice Chair Hashem  
and Honorable Committee Members,

I am submitting this testimony in support of HB1787, which is before you today.

I am a resident of remote Southeast Maui, and with my wife and helpers I have been raising honeybees and producing high grade raw artisan honey on our farm in a remote area of Southeast Maui for the past several years. Our farm and residence are off the grid, with a well developed infrastructure that utilizes solar energy and rain water that is filtered, purified and UV treated. My family has been living on renewable resources and growing food at this location since 1972.

We are currently not able to sell our honey to retail establishments, although there is an intense demand for our high grade of pure, local honey. This is due to State DOH regulatory requirements that require honey in Hawaii to be extracted and bottled in a certified kitchen or processing facility. It is practically impossible for us to create a certified facility on our farm, because a certified facility requires access to Municipal treated water.

Neither water, or any other substance is ever added to our honey. Honey is plant nectar that has had water removed from it by the honeybees, until it is below 17% moisture content. As long as honey remains below 17% moisture, it is antiseptic, antibiotic, anti-fungal and antibacterial. It never spoils and cannot host harmful bacteria. The blanket requirement for water certification is non-sensical in regards to honey, and indeed is unique to Hawaii.

Our honeybees are thriving, vibrant and healthy, and we have great concern about the predators and bee diseases that are decimating bee colonies around the world. For this reason, we do not wish to have to transport our frames of honey in wax combs off our property to a certified kitchen for extraction. Good beekeeping practice calls for the frames to be replaced in the hives as quickly as possible after the honey is removed so that nothing can nest in them.

I wish to ask for your support for the amendment of the existing Home-based agricultural producer of honey exemption (Section 328-79 HRS) as underlined in HB1787. This will allow us to safely sell the honey produced at our apiary to local retail establishments for consumption by the local community. It will similarly help the many other small apiaries throughout the State that cannot currently market their honey, or are forced to sell it directly to consumers or in bulk to go-betweens who export it or sell it on the grey market.

I can support the removal from the bill of the amendment to HRS Chapter 321, if it complicates the issue at this time. Also, I would be happy to support additional language

calling for a training program in food safety for apiarists intent on selling honey to stores, and also a record keeping requirement that would help keep track of batches of honey in case there ever is a problem with a batch. I believe DOH may propose such wording for inclusion.

I thank you for your consideration and assistance in our attempt to make our honey available to consumers in our communities. Passage of this bill would allow us to continue our beekeeping, and expand our operation far beyond our current 36 thriving colonies.

With Aloha,

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**hashem1 - Julie**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 25, 2012 7:04 PM  
**To:** AGRtestimony  
**Cc:** gypsieme@hotmail.com  
**Subject:** Testimony for HB1787 on 1/27/2012 8:30:00 AM

Testimony for AGR 1/27/2012 8:30:00 AM HB1787

Conference room: 312  
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Submitted on: 1/25/2012

**Comments:**

Food producers should be exempt from all regulations that make it prohibitive for them to provide fresh healthy food to the people.