

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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In reply, please refer to:  
File:

## Committee on Health

### H.B. 2076, Relating to Milk

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

January 24, 2012  
10:00 a.m.

1 **Department's Position:** The Department of Health opposes this bill.

2 **Fiscal Implications:** None

3 **Purpose and Justification:** This bill is unnecessary and the purpose of the bill is confusing. The  
4 Department of Health is responsible for regulating the holding, preparation and sale of all foods in  
5 Hawaii to ensure that it is done in a manner to protect public health. There are no laws in Hawaii,  
6 however, that regulates what a person can or cannot consume. The department does not regulate the  
7 personal consumption of any food products, including milk.

8 The inclusion of the term "milk producer" in this bill is confusing and possibly misleading, as  
9 all "milk producers" in the State are already permitted and regulated by the department and may only  
10 sell, or distribute their raw milk to a permitted milk plant which must pasteurize the milk prior to  
11 distribution or sale within the State. If the intent of this bill is to increase the consumption of raw milk  
12 in Hawaii, then it is unnecessarily endangering the health of consumers of raw milk by exposing them to  
13 potentially fatal or severe infections from pathogens that may be present in raw milk. This would

1 especially be dangerous to the health of our kupuna, keiki, and immuno-compromised individuals, as  
2 this population group is especially susceptible to any food or milk borne diseases.

3 Thank you for the opportunity to testify.



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

**LATE TESTIMONY**

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JANUARY 24, 2012

HEARING BEFORE THE  
HOUSE COMMITTEE ON HEALTH

TESTIMONY ON HB 2076  
RELATING TO MILK

Room 329  
10:00 AM

Chair Yamane, Vice Chair Morikawa and Members of the Health Committee:

I am Brian Miyamoto, Chief Operating Officer and Government Affairs Liaison for the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

HFBF opposes HB 2076 which proposes to allow the consumption of raw milk if it is intended for personal consumption or personal use by any person, including a milk producer.

The FDA and other federal and state health agencies have documented a long history of the risks to human health associated with the consumption of raw milk. Clinical and epidemiological studies from the FDA, state health agencies, and others have established a direct causal link between gastrointestinal disease and the consumption of raw milk.

On August 10, 1987, FDA published in 21 CFR Part 1240.61, a final regulation mandating the pasteurization of all milk and milk products in final package form for direct human consumption. This regulation addresses milk shipped in interstate commerce and became effective September 9, 1987.

In this Federal Register notification for the final rule to 21 CFR Part 1240.61, the FDA made a number of findings including the following:

"Raw milk, no matter how carefully produced, may be unsafe."

"It has not been shown to be feasible to perform routine bacteriological tests on the raw milk itself to determine the presence or absence of all pathogens and thereby ensure that it is free of infectious organisms."

"Opportunities for the introduction and persistence of *Salmonella* on dairy premises are numerous and varied, and technology does not exist to eliminate *Salmonella* infection from dairy herds or to preclude re-introduction of *Salmonella* organisms. Moreover recent studies show that cattle can carry and shed *S. dublin* organisms for many years and demonstrated that *S. dublin* cannot be routinely detected in cows that are mammary gland shedders."

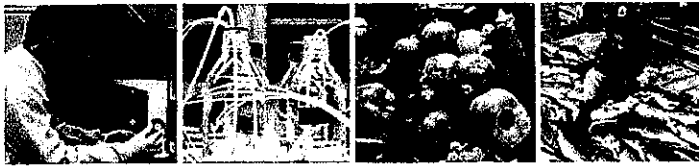
During this rulemaking process, the American Academy of Pediatrics and numerous others submitted comments in support of the proposed regulation.

Cornell University Food Science Department Position Statement on Raw Milk Sales and Consumption:

1. Strongly recommend that raw milk not be served to infants, toddlers, pregnant women or any person suffering from a chronic disease or suppressed immune system. Strongly recommend that raw milk not be provided to the general public at farms; raw milk consumption could expose consumers to unnecessary and/or extremely costly and painful risks for which a milk producer may be held legally responsible. Pasteurization offers protection, both for the consumer and the producer, from the consequences of foodborne infection by pathogens that can be found in raw milk.
2. Milk is a natural food. It is nutrient –rich: it contributes high-quality protein, essential vitamins and minerals including calcium to the diet. (Scott, 2002). Milk in its raw state contains a number of bacteria, some of which may be pathogenic such as enterotoxigenic *Staphylococcus aureus*, *Campylobacter*, *Escherichia coli*, *Listeria*, *Salmonella*, *Yersinia*, *Brucella* and *Mycobacterium tuberculosis* (Headrick, et al. 1998). The process of pasteurization has been used for a hundred years to destroy pathogenic bacteria that are present in raw milk. The organizations that endorse pasteurization of milk as a public health control measure include: International Association for Food Protection, USDA, FDA, World Health Organization. Prior to the use of pasteurization in 1938, milk borne deaths represented 25% of all foodborne illness outbreaks. Through the requirement of mandatory pasteurization of milk, milkborne illness represents less than 1 percent of foodborne illness outbreaks. The FDA and CDC continue to note outbreaks of foodborne illness from consumption of raw milk or cheese made from raw milk.

Organizations that have issued position papers about the dangers associated with raw milk include: American Public Health Association, American Medical Association, IAFP, US-FDA, Association of Food & Drug Officials, National Environmental Health Association and more.

I can be reached at (808) 848-2074 if you have any questions. Thank you for the opportunity to testify.



# FOODFACTS

From the U.S. Food and Drug Administration

## LATE TESTIMONY

# The Dangers of Raw Milk

## *Unpasteurized Milk Can Pose a Serious Health Risk*



Milk and milk products provide a wealth of nutrition benefits. But raw milk can harbor dangerous microorganisms that can pose serious health risks to you and your family. According to the Centers for Disease Control and Prevention, more than 800 people in the United States have gotten sick from drinking raw milk or eating cheese made from raw milk since 1998.

Raw milk is milk from cows, sheep, or goats that has not been pasteurized to kill harmful bacteria. This raw, unpasteurized milk can carry dangerous bacteria such as *Salmonella*, *E. coli*, and *Listeria*, which are responsible for causing numerous foodborne illnesses.

These harmful bacteria can seriously affect the health of anyone who drinks raw milk, or eats foods made from raw milk. However, the bacteria in raw milk can be especially dangerous to **pregnant women, children, the elderly, and people with weakened immune systems.**

### "Pasteurized Milk" Explained

Pasteurization is a process that kills harmful bacteria by heating milk to a specific temperature for a set period of time. First developed by Louis Pasteur in 1864, pasteurization kills harmful organisms responsible for such diseases as listeriosis, typhoid fever, tuberculosis, diphtheria, and brucellosis.

Research shows no meaningful difference in the nutritional values of pasteurized and unpasteurized milk. Pasteurized milk contains low levels of the type of nonpathogenic bacteria that can cause food spoilage, so storing your pasteurized milk in the refrigerator is still important.

### Raw Milk & Pasteurization: Debunking Milk Myths

While pasteurization has helped provide safe, nutrient-rich milk and cheese for over 120 years, some people continue to believe that pasteurization harms milk and that raw milk is a safe, healthier alternative.

Here are some common myths and proven facts about milk and pasteurization:

- Pasteurizing milk **DOES NOT** cause lactose intolerance and allergic reactions. Both raw milk and pasteurized milk can cause allergic reactions in people sensitive to milk proteins.
- Raw milk **DOES NOT** kill dangerous pathogens by itself.
- Pasteurization **DOES NOT** reduce milk's nutritional value.
- Pasteurization **DOES NOT** mean that it is safe to leave milk out of the refrigerator for extended time, particularly after it has been opened.
- Pasteurization **DOES** kill harmful bacteria.
- Pasteurization **DOES** save lives.

### Raw Milk and Serious Illness

#### Symptoms and Advice

Symptoms of foodborne illness include:

- Vomiting, diarrhea, and abdominal pain
- Flulike symptoms such as fever, headache, and body ache

While most healthy people will recover from an illness caused by harmful bacteria in raw milk — or in foods made with raw milk — within a short period of time, some can develop symptoms that are chronic, severe, or even life-threatening.

If you or someone you know becomes ill after consuming raw milk or products made from raw milk — or, if you are pregnant and think you could have consumed contaminated raw milk or cheese — see a doctor or healthcare provider immediately.

#### The Dangers of Listeria and Pregnancy

Pregnant women run a serious risk of becoming ill from the bacteria *Listeria*, which can cause miscarriage, fetal death, or illness or death of a newborn.

If you are pregnant, consuming raw milk — or foods made from raw milk, such as Mexican-style cheese like Queso Blanco or Queso Fresco — can harm your baby even if you don't feel sick.



Safety □ Health □ Science □ Nutrition

October 2006