

**SB 2332**

Late

Testimony



State of Hawaii  
DEPARTMENT OF AGRICULTURE  
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**LATE**

TESTIMONY OF RUSSELL KOKUBUN  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES ON AGRICULTURE AND WATER, LAND,  
AND HOUSING  
February 2, 2012  
2:45 P.M.

SENATE BILL NO. 2332  
RELATING TO AGRICULTURE

Chairpersons Nishihara and Dela Cruz and Members of the Committee:

Thank you for the opportunity to provide testimony on SB 2332. This bill proposes to exempt producers of agricultural products with a focus on honey in areas without access to municipal water for processing the product in a certified food-processing establishment or from obtaining a permit from the Department of Health (DOH).

The Hawai'i Department of Agriculture has concerns regarding portions of SB 2332. Regarding Section 2, §321, which pertains to an exception to agricultural producers without access to municipal water, the currently proposed language is too general and may create a food safety risk for any agricultural product, not just honey. Raw unprocessed honey has an extremely low risk for impacts on human health; the only caveat being that it should not be fed to infants less than one year of age to prevent a rare but serious form of food poisoning. In general, honey does not present a



food safety issue unless it is adulterated, i.e., sugar water is added to the honey. The Department would like to point out that a process is available through the DOH's Safe Drinking Water Branch that allows producers without access to municipal water to operate appropriately permitted facilities.

In regards to Section 3, §328-79, the Department of Agriculture would like to request that with this increase in volume, honey producers receive appropriate training as specified by the Department of Health. We support that appropriate and clear labeling is maintained as outlined and that the Department of Health has the right to inspect the honey producer. This proposed amendment also specifies that honey producers affected may only sell to consumers or retail stores on the same island; the Department suggests removing this limitation to increase available markets.

Finally, this bill emphasizes the Department's belief that clear honey standards need to be created. Hawai'i is one of only a few states that does not have such standards. Adulteration of honey is the addition of additives such as corn syrup, water, starch, chalk, and gelatin; this is generally done to reduce production costs. Diluting honey in any way dramatically increases the risks honey may pose to human health. While we support the intent of this bill, we would like to see the language of this bill modified to reflect the above concerns and those identified by the Hawai'i Department of Health.

Thank you for the opportunity to submit testimony.

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



LATE

LORETTA J. FUDDY, A.C.S.W., M.P.H.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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In reply, please refer to:  
File:

**Committee on Agriculture**  
**Committee on Water, Land, and Housing**  
**S.B. 2332, RELATING TO AGRICULTURE**  
**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.**  
**Director of Health**  
**February 2, 2012**  
**2:45 p.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

1 and rules are designed to protect the public from fatalities or serious illness caused by pathogenic  
2 disease and from exposure to environmental contamination. Exemption from the department of health  
3 permit requirements would place the public at unnecessary risk by eliminating our enforcement powers  
4 and inspections to ensure proper food safety practices are being adhered to.

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

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

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

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

16 Thank you for the opportunity to testify.



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

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FEBRUARY 2, 2012

**LATE**

HEARING BEFORE THE  
SENATE COMMITTEE ON AGRICULTURE  
SENATE COMMITTEE ON WATER, LAND, AND HOUSING

TESTIMONY ON SB 2332  
RELATING TO AGRICULTURE

Room 229  
2:45 PM

Chair Nishihara, Chair Dela Cruz, and Members of the Committees:

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 supports the intent of SB 2332, which proposes to exempt certain producers of agricultural products from processing the product in a certified honey house or food-processing establishment, or obtaining a permit from the department of health.

HFBF recognizes that honey bees play a critical role in Hawaii agriculture. Honey bee problems are problems for all of us since many local crops are pollinated by bees. Hawaii produces some of the finest quality honey and there is a growing demand for artisan Hawaiian honeys.

While HFBF supports the continued viability of honey bee stocks and the growth of Hawaii's honey industry, we do have a concern with SB 2332. We believe that there are options available to beekeepers that do not have access to a municipal water supply. There are water treatment options that are already being used which can provide clean water for food safety needs in areas with only non-potable water. The Department of Health's food-processing establishment requirements are quite extensive and comprehensive. We don't believe that inaccessibility to a municipal water supply is

Committee of Agriculture, Chair Senator Clarence K. Nishihara and Vice Chair Gilbert Kahele

I am Glenn Martinez, President of Hawaii Farmers Union United and Board of Director of Hawaii Aquaculture and Aquaponics Association and owner of Olomana Gardens, a Certified Organic Farm.

Please accept my written testimony and I do intend to be present to testify in person at the hearing on Feb 2, 2012.

SB 2332 , Relating to Agriculture. I SUPPORT this bill. As a bee farmer myself and owner of Olomana Gardens and a member of the bee keepers Association, I feel for the plight of the bee keepers of Hawaii.

Bee keepers are suffering terrible losses. At Olomana Gardens we are down from 12 hives to one....due to the invasion of the bee mite and other pests. This is attributed to the ineffective protection invasive species by the Dept of Ag (that have suffered layoffs and reduction of staff in recent years).

Now this industry is handicapped by a DOH enforced law that requires bee keepers and all agriculture producers to have municipal water to WASH their hands. Yet, food trucks and food stands are allowed to wash with bottled water or municipal water carried to mobile locations.

Bee keepers and other remote agriculture producers need the ability to provide clean water via bottle or container to satisfy the DOH standards for sanitation.

Direct sale exemptions are given to egg producers and to farmers that sell directly to consumers.

This is a reasonable bill that unties the DOH from the draconian rule requires every agriculture producers to be hard plumbed to a municipal water supplies.