



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

In reply, please refer to:  
File:

**Senate Committee on Agriculture**

**SCR 70, SR 37 SUPPORTING THE RIGHT OF HAWAII'S FARMERS TO SELL  
THEIR LOCALLY GROWN PRODUCE FREE OF DUPLICATIVE AND  
UNNECESSARY STATE AND LOCAL RULES AND REGULATIONS**

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

March 28, 2013  
3:00 p.m.

1 **Department's Position:** The department opposes this resolution.

2 **Fiscal Implications:** This resolution has no significant fiscal implications.

3 **Purpose and Justification:** The department opposes this resolution for the following reasons:

4 1) There are many "value-added" produce products that are now classified as potentially  
5 hazardous foods. This means food that has the ability to harbor, grow, and spread deadly pathogenic  
6 bacteria and viruses. Many of Hawaii's farmers do not have access to potable water, which would make  
7 the sale of their "value-added" produce very dangerous to consumers as non-potable water has a high  
8 potential to contain dangerous levels of disease-causing bacteria. Unprotected water supplies can  
9 introduce mammalian feces, urine, parasitic or viral pathogens and other physical contaminants into the  
10 local food supply if allowed to be sold unchecked.

1           2) Temporary food sale permits allow the department to evaluate the safety of the food being  
2 sold, and can be approved by the department in as little as five minutes if all the paperwork is in order  
3 and all public health requirements are met.

4           3) The provisions of the FDA Food Safety Modernization Act (FSMA) are designed to have the  
5 local health departments maintain regulatory control by the promulgation of local rules to comply with  
6 federal law. Since the FDA has no jurisdiction to inspect intra-state commerce or regulate locally sold  
7 produce, there will be no duplication of effort. “Value-added” produce is typically considered “ready-  
8 to-eat.” As such, some of these products can be potentially hazardous and require strict local oversight  
9 to protect public health.

10           4) Contrary to the resolution (page 1, lines 22-24), the majority of grocery stores or purveyors of  
11 produce in Hawaii, do not require their produce vendors to show proof of 3<sup>rd</sup> party quality control  
12 inspections or any other food safety certification documentation which specifically protects the produce  
13 supply from contamination.

14           It is critical for public health protection that purveyors of potentially hazardous value-added  
15 produce be inspected and monitored by DOH to prevent foodborne illness. Value-added produce is the  
16 cause of numerous deaths and illnesses throughout the United States due to E. coli, Salmonella, and  
17 other life-threatening food-borne illnesses.

18           Thank you for the opportunity to testify.

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**Subject:** Submitted testimony for SCR70 on Mar 28, 2013 15:00PM  
**Date:** Thursday, March 28, 2013 7:47:06 AM

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## SCR70

Submitted on: 3/28/2013

Testimony for AGL on Mar 28, 2013 15:00PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
chris kobayashi	Individual	Comments Only	No

Comments: aloha, scr70 may be a well intended bill to help small farms get their produce and value added product to market (farmers markets or stores), but more specific language needs to be inserted for that purpose so that there is no "puka" for abuse. support for small farms, family farms using organic, biodynamic, permaculture, certified natural and korean natural farming methods should be highly encouraged as they contribute to more fresh, healthy, locally grown foods and don't impact the land the way chemical farming does. we should look at having guidelines specifically for locally produced foods grown in these ways. conventional farming should be more regulated as the crops and lands are sprayed with chemicals that poison the food, the handling, the land, waters and the ocean and of course people and other living things. small farms presently don't have certain tax breaks that large corporate ag companies have. small farms should have incentives or breaks, encouragement and assistance which contribute to a healthy community, society - ecologically, economically and socially. mahalo for my sincere comments.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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SCR70

Submitted on: 3/28/2013

Testimony for AGL on Mar 28, 2013 15:00PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Puanani Rogers	Individual	Oppose	No

Comments: My name is Puanani Rogers, I live on the island of Kauai. I am testifying in strong opposition to SCR 70 and SR 37.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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