
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY ON THE
LONG-STANDING CULTURAL HAWAIIAN PRACTICE OF SUN-DRYING FISH
TO DETERMINE WHAT CAN BE DONE TO PRESERVE THIS CULTURAL
PRACTICE WHILE PROTECTING THE PUBLIC HEALTH.

1 WHEREAS, the ancient Hawaiian practice of sun-drying fish
2 by first salting, then laying the fish out in the sun, is still
3 used today to prepare fish for consumption and sale; and
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5 WHEREAS, the traditional practice of sun-drying fish, as it
6 has been done in Hawaii for thousands of years, requires salting
7 the fish to remove as much moisture as possible before any
8 drying by the sun occurs, then after the salting of the entire
9 fish is complete, placing the fish in covered drying boxes that
10 are constructed with screens to protect the fish from outside
11 debris; and
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13 WHEREAS, a number of small commercial fishing businesses in
14 Hawaii encourage the preservation and appreciation for
15 traditional sun-drying methods by producing and distributing
16 fish dried by this method to stores and customers throughout the
17 State and beyond; and
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19 WHEREAS, the demand for traditionally sun-dried fish is so
20 great that many small or family businesses depend upon the sale
21 of sun-dried fish for the majority of their income; and
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23 WHEREAS, the United States Food and Drug Administration and
24 the Hawaii State Department of Health consider the practice of
25 keeping fish between the temperatures of 46 and 139 degrees
26 Fahrenheit for longer than four hours to be potentially
27 dangerous; and
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29 WHEREAS, the United States Food and Drug Administration
30 requires the water activity in fish to be below 0.85 to prevent



1 the possibility of microbiological contamination, in addition to
2 ensuring that fish are properly protected from any outside
3 contaminants while they are in the drying process; and
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5 WHEREAS, the Department of Health has noted that the
6 traditional Hawaiian practice of sun-drying fish, such as
7 locally caught opelu, does not comport with federal regulations,
8 specifically, full drying of fish using the sun requires more
9 time than the four-hour time limit allowed for certain
10 temperatures; and
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12 WHEREAS, local small businesses producing and selling sun-
13 dried fish have been unable to renew their food establishment
14 permits at the time of their permit's expiration based upon the
15 noted position of the Department of Health; and
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17 WHEREAS, in 2011, exemptions were made for the production
18 of hand-pounded pa'i'ai following the decision that cultural
19 Hawaiian practices should be recognized and encouraged and that
20 the State of Hawaii should contribute to the renaissance of
21 Native Hawaiian cultural practices; and
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23 WHEREAS, this exemption for hand-pounded pa'i'ai applies if
24 producers sell directly to consumers, prepare the poi adjacent
25 to permanent or temporary hand-washing facilities, and comply
26 with rules adopted by the Department of Health to protect the
27 health and safety of the public; and
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29 WHEREAS, the significant cultural relevance of the practice
30 of sun-drying fish for both cultural preservation and as a
31 legitimate means to prepare food for consumption as it has been
32 done for thousands of years should be recognized by the State
33 and federal governments; now, therefore,
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35 BE IT RESOLVED by the House of Representatives of the
36 Twenty-seventh Legislature of the State of Hawaii, Regular
37 Session of 2014, the Senate concurring, that the Department of
38 Health is requested to conduct a study on the long-standing
39 cultural Hawaiian practice of sun-drying fish to determine what
40 can be done to preserve this cultural practice while protecting
41 the public health; and



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1 BE IT FURTHER RESOLVED that the Department of Health is
 2 requested to extend relevant food establishment permits for
 3 affected sun-dried fish businesses while this study is being
 4 conducted; and

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 6 BE IT FURTHER RESOLVED that the Department of Health submit
 7 a report of its findings and recommendations, including any
 8 proposed legislation, to the Legislature no later than 20 days
 9 before the convening of the Regular Session of 2015; and

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 11 BE IT FURTHER RESOLVED that certified copies of this
 12 Concurrent Resolution be transmitted to the Commissioner of the
 13 United States Food and Drug Administration, Director of Health,
 14 Chief Executive Officer of the Office of Hawaiian Affairs, and
 15 the President of the Retail Merchants of Hawaii.

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OFFERED BY: Richard Lujan
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[Signature]

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