



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

In reply, please refer to:  
File:

**Committee on Health**

**Committee on Commerce and Consumer Protection**

**SCR 97, REQUESTING THE DEPARTMENT OF HEALTH TO PROVIDE FOOD SAFETY WORKSHOPS OR CLASSES FOR ALL PERSONS WITH TEMPORARY FOOD ESTABLISHMENT PERMITS, PROVIDE COPIES OF ITS FOOD SAFETY ADMINISTRATIVE RULES TO CONSUMERS AND INTERESTED STAKEHOLDERS, AND CONVENE A COTTAGE FOOD BUSINESS WORKING GROUP COMPOSED OF REPRESENTATIVES FROM THE DEPARTMENT AND THE COTTAGE FOOD INDUSTRY**

**Testimony of Linda Rosen, M.D., M.P.H.  
Director of Health**

**March 24, 2014  
1:45 pm**

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

2 **Fiscal Implications:** This measure has fiscal implications. The measure requires that the department  
3 convene a working group.

4 **Purpose and Justification:** The department opposes this resolution as it is unnecessary. Current  
5 Hawaii Administrative Rules (HAR) Title 11, Chapter 50, Food Code, which governs food safety  
6 already allows for non-potentially hazardous foods (Non-PHF) to be produced in a home kitchen and  
7 sold directly only to consumers.

8 Food safety workshops are already available on all islands and copies of the current HAR can be  
9 obtained at these workshops or requested separately through the Sanitation Offices on Oahu, Kauai,  
10 Maui and the Big Island or be viewed and downloaded from the DOH website.

1           The restriction that only allows the “cottage foods” to be sold for a maximum of 20 days of sale  
2 in any 120 day window at a specific location also reduces the public health risk of food illness or the  
3 consumption of possibly adulterated foods by reducing the volume that can be sold. It is a generally  
4 held principle in food safety that adverse risk increases with increased volume of food distributed.

5           The department is currently approving the following types of foods that originate from home  
6 kitchens: cookies, breads, jams, jellies, candies, chocolates, whole uncut fruits and produce, cotton  
7 candy, dry herbs, nuts, rubs, spices, re-packing of arare and other non-hazardous snacks, etc.

8           At present, the department reviews and approves an average of 106 non-potentially hazardous  
9 Temporary Food Establishment (TFE) permits a month (Cottage Food Businesses) for which the  
10 department does not charge any fees and another 418 potentially hazardous food (PHF) TFE permits  
11 monthly that we currently charge \$50-\$100 for 1 to 20 days of sale. The department’s food safety  
12 program generates over \$125,000 annually from these TFE permits. Potentially hazardous TFE are  
13 required to prepare all foods in a DOH permitted kitchen. No PHF foods are allowed to be produced for  
14 sale in a home kitchen.

15           The department may also not be able to conduct inspections in residences, if entry is denied by  
16 the homeowner. The department may be required to obtain search warrants for entry into private homes.  
17 The department would also have to craft separate cost estimates for the costs associated with enforcing  
18 violations of this proposal.

19           Hawaii has had an active cottage food industry for decades which has been successfully  
20 regulated by the department and the requirements remain basically unchanged under the newly adopted  
21 rules governing food sales of this type. Public hearings on the new rules recently adopted received no  
22 comments or suggestions that the department change how it regulates these cottage foods.

1           Even though the newly adopted HAR adjusts how we regulate the food service industry, it will  
2 not change the regulatory landscape at all with regards to how cottage foods are already regulated and  
3 will not negatively affect industry's growth.

4           The department has in the past, and will in the future, gladly meet with any industry group to  
5 discuss any proposed changes. The department, therefore respectfully considers the development of a  
6 working group as unnecessary.

7           Thank you for the opportunity to testify.

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**Subject:** \*Submitted testimony for SCR97 on Mar 24, 2014 13:45PM\*  
**Date:** Monday, March 24, 2014 6:58:28 AM

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**SCR97**

Submitted on: 3/24/2014

Testimony for HTH/CPN on Mar 24, 2014 13:45PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Manfredi	Hawaii Farm Bureau	Support	Yes

Comments:

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SENATE COMMITTEE ON HEALTH AND  
SENATE COMMITTEE ON COMMERCE & CONSUMER PROTECTION  
Monday, March 24, 2014 – 1:45 PM – Room 229

**RE: SCR 97/SR 48 - REQUESTING THE DEPARTMENT OF HEALTH TO PROVIDE FOOD SAFETY WORKSHOPS OR CLASSES FOR ALL PERSONS WITH TEMPORARY FOOD ESTABLISHMENT PERMITS, PROVIDE COPIES OF ITS FOOD SAFETY ADMINISTRATIVE RULES TO CONSUMERS AND INTERESTED STAKEHOLDERS, AND CONVENE A COTTAGE FOOD BUSINESS WORKING GROUP COMPOSED OF REPRESENTATIVES FROM THE DEPARTMENT AND THE COTTAGE FOOD INDUSTRY – IN SUPPORT**

Dear Chairs Green and Baker, Vice Chair Taniguchi and Members of the Committees:

4 Ag Hawai'i

Hawai'i Aquaculture &  
Aquaponics Association

Hawai'i Association of  
Independent Schools

Hawai'i Cattlemen's Council

Hawai'i Farm Bureau  
Federation

Hawai'i Farmers' Union  
United

Hawai'i Food Industry  
Association

Hawai'i Food  
Manufacturers Association

Kohala Center

Malama Kaua'i

Maui School Garden  
Network

Ulupono Initiative

My name is Kyle Datta and I am General Partner of the Ulupono Initiative, a Honolulu-based impact investment firm, which is working to improve the quality of life for Hawai'i residents by investing in projects that create more locally grown food, increase renewable energy and reduce/recycle waste. We are representing on behalf of the Local Food Coalition, which is an organization comprising of farmers, ranchers, livestock producers, investors and other organizations working to provide Hawai'i's food supply.

**The Local Food Coalition is in support of SCR 97/SR 48** and welcome the opportunity to participate in the cottage food business working group.

The ability to work in home kitchens will increase the use of local foods in small-scale value-added production and allow for start-up operations that could grow into larger commercial ventures.

A 2008 research paper prepared by UH economists suggests that increasing the amount of food produced and distributed within the state by 10% could translate into \$94 million of farm gate income, \$188 million in economy-wide sales, and more than 2,300 jobs. The largest portion of what we import and consume is processed food. Furthermore, local fresh food distributors buy only the best looking, most uniform fruit and vegetables. Many farmers report that any item that is irregular or bruised – even if it's perfectly nutritious – stays on the ground or goes in the compost. This is because we have insufficient infrastructure for collection and large-scale food processing along with regulations that unduly restrict on-farm, smaller-scale processing.

Local retailers such as Down to Earth strongly indicate they would love to be able to buy more local value-added products from farmers and other small cottage-style industries. There are many great home bakers and cooks who cannot sell their products, as they do not have access or resources for a certified kitchen. Down to Earth estimates they would purchase at least \$10,000 per week of cottage food for their five stores.

*The Local Food Coalition Supports All Forms of Agriculture.*

The Local Food Coalition came together last year with one common goal: to promote the local production of food in a sustainable and economically sound manner to benefit Hawai'i's people through the revitalization and expansion of our state's agricultural sector. This year, the Coalition is continuing to pursue this comprehensive approach because it is the most effective way for Hawai'i to develop its resources for diversified food production, as well as lessen its dependence on importing that which can be grown, raised and processed locally.

We believe that working together we can help produce more local food, support an economically strong homegrown agriculture industry, which strengthens our community with fresh, healthy food. Thank you for this opportunity to provide comments and we look forward to contributing to the cottage food business working group.

Respectfully,

Kyle Datta  
General Partner  
Ulupono Initiative

Email: [communications@ulupono.com](mailto:communications@ulupono.com)

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**Subject:** Submitted testimony for SCR97 on Mar 24, 2014 13:45PM  
**Date:** Friday, March 21, 2014 3:16:33 AM

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**SCR97**

Submitted on: 3/21/2014

Testimony for HTH/CPN on Mar 24, 2014 13:45PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ken Love	Individual	Support	No

Comments: In most states an online class, <http://www.hifoodhandlers.com/>. is used to insure food safety instruction to farmers market sellers, buss and wait staff and others who are involved in the foods to consumer industry. This class is mandatory there and with the Hawaii Master Food Preservers Program. (MFP) -- Developing a cottage industry foundation and legalizing sales from well trained individuals is essential for small farm sustainability.

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**SCR97**

Submitted on: 3/23/2014

Testimony for HTH/CPN on Mar 24, 2014 13:45PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Katarina Culina	Individual	Support	No

Comments:

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