

SB2554

Measure Title: RELATING TO FOOD SAFETY LABELING.

Report Title: Food Safety Labeling; Consumer Education

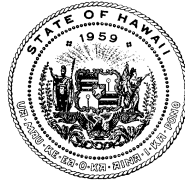
Description: Requires the department of health to publish information that encourages food manufacturers, processors, and retailers to use standard terminology that clarifies food safety and quality dates when labeling food products.

Companion:

Package: None

Current Referral: CPH, WAM

Introducer(s): GABBARD, Baker, Espero, Galuteria, Harimoto, Kim, Riviere



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in OPPOSITION to SB2554
RELATING TO FOOD SAFETY LABELING

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Hearing Date: February 8, 2018

Room Number: 229

Time: 8:30a.m.

1 **Fiscal Implications:** This bill has fiscal implications not included in the Governor's
2 Supplemental Budget Request for appropriations priorities.

3 **Department Testimony:** The department respectfully opposes this bill.

4 The Department opposes this bill as infant formula and baby food are the only food products that
5 are required to be labeled with a "Use By" date per the U.S. FDA (FDA) Code of Federal
6 Regulations 11CFR107. In addition, Hawaii Administrative Rules, Chapter 11-15, requires
7 Grade A milk and milk products to be labeled with a sell by date. There are no other
8 manufactured food products that legally require a "Sell By" date.

9 Many commercial food products are labeled with dates preceded by "best if used by," "sell by,"
10 "use by," "expires on," etc. Manufacturers determine quality dates based on factors including
11 the length of time and the temperature at which a food is held during distribution and offered for
12 sale, the characteristics of the food, and the type of packaging. Manufacturers and retailers will
13 consider these factors when determining the date for which the product will be of best quality as
14 they see fit.

15 These dates are voluntarily provided by manufacturers to guarantee product quality and should
16 not be used to determine product safety. According to United States Department of Agriculture
17 (USDA) Food Safety and Inspection Service (FSIS), even after a quality date has passed, the
18 food should still be safe and wholesome if the product had been handled properly, until spoilage
19 characteristics (off odors, off flavor, off texture) are evident. It is critical that food operations
20 watch for signs of spoilage as spoiled food products are considered to be adulterated and must be
21 discarded.

- 1 Labeling of food products involved in interstate or international commerce fall under the
- 2 jurisdiction of the FDA and the USDA.

- 3 Any additional labeling controls on a food industry in which over 90% or more of our food supply is
- 4 under interstate or international commerce would probably not be feasible.

- 5 Thank you for the opportunity to testify.



STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

WRITTEN ONLY
TESTIMONY BY LAUREL A. JOHNSTON
ACTING DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION,
AND HEALTH
ON
SENATE BILL NO. 2554

February 8, 2018
9:00 a.m.
Room 229

RELATING TO FOOD SAFETY LABELING

Senate Bill (S.B.) No. 2554 requires the Department of Health to publish information that encourages food manufacturers, processors, and retailers to use standard terminology that clarifies food safety and quality dates when labeling food products; establishes a Consumer Education Special Account; and appropriates funds in the account to educate consumers about the meaning of quality dates and food safety.

With regards to S.B. No. 2554, this bill appears to establish a Consumer Education Special Account, into which shall be deposited moneys received from public or private sources for consumer education of quality and safety dates; however, it is unclear what is intended as "special account."

While the Department of Budget and Finance does not take any position on the establishment of standardize food safety and quality dates terminology, the department does not support the creation of special funds which do not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining.

Thank you for your consideration of our comments.



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Paul Kosasa, ABC Stores, *Advisor*
John Shilf, Rainbow Sales & Marketing, *Advisor*
Barry Taniguchi, KTA Superstores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*

TO:

Committee on Commerce, Consumer Protection, and Health
Senator Rosalyn H. Baker, Chair
Senator Jill N. Tokuda, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: Thursday, February 8, 2018
TIME: 9am
PLACE: Conference Room 229

RE: SB 2554 Relating to Food Safety Labeling

Position: Comments

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

Food safety is a top priority and our member businesses adhere to the highest standards regarding safety and quality. Food businesses also follow a complicated and strict set of Federal regulations regarding food safety and labeling. Additional state-by-state labeling requirements can be expensive for local businesses to implement and may necessitate price increases for certain products.

Furthermore, state specific labels can actually confuse consumers because labels on food produced or packaged in one state will carry different information than labels for food packaged in another state, or the products may have to be labeled twice. Thank you for the opportunity to testify.



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
FEBRUARY 8, 2018**

Re: SB 2554 RELATING TO FOOD SAFETY LABELING

Good morning Chair Baker and members of the Senate Committee on Commerce, Consumer Protection and Health. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) is a statewide not-for-profit trade organization committed to supporting the retail industry and business in general in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

The Retail Merchants of Hawaii is opposed SB 2554 Relating to Food Safety Labeling. Retailers want to ensure the food safety of our consumers as well as having them be able to receive maximum use out of the products that they purchase. However, once the consumer purchases leaves the retailer, we cannot be certain as to the conditions that the foods are kept to ensure that they are not hazardous to consume after the expiration date.

While we understand the intent of this bill, there are already Federal food codes that are in affect. It is our understanding that the US Food and Drug Administration has strict food and labeling codes that manufactures and retailers must follow. We are concerned that consumers may be confused if locally made product labels contain verbiage that is different than the nationally made products or if both a local and a nationally worded label must be on the products that may send conflicting messages.

Again mahalo for this opportunity to testify.

SB-2554

Submitted on: 2/6/2018 5:28:20 PM

Testimony for CPH on 2/8/2018 8:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|----------------------------|---------------------------|---------------------------|
| Melodie Aduja | OCC Legislative Priorities | Support | No |

Comments:

**PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAII**

TO THE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND
HEALTH THE SENATE

TWENTY-NINTH LEGISLATURE

REGULAR SESSION OF 2018

Thursday, February 8, 2018

8:30 a.m.

Hawaii State Capitol, Conference Room 229

RE: Testimony in Support of SB 2554, RELATING TO FOOD SAFETY LABELING

To the Honorable Rosalyn H. Baker, Chair; the Honorable Jill N. Tokuda, Vice-Chair, and Members of the Committee on Commerce, Consumer Protection and Health:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on Senate Bill No. 2554 relating to food safety labeling and consumer education.

The OCC Legislative Priorities Committee is in support of Senate Bill No .2554 and is in favor of its passage.

Senate Bill No.2554 is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requires the department of health to publish information that encourages food manufacturers, processors, and retailers to use standard terminology that clarifies food safety and quality dates when labeling food products.

Specifically, the DPH Platform provides that we "support community health initiatives that provide opportunities for the overall health of communities through strategic projects and programs focusing on increased interaction and physical activities among all age groups, as well as on better nutrition." (Platform of the DPH, P. 7, Lines 378-380 (2016)).

Given that Senate Bill No. 2554 requires the department of health to publish information that encourages food manufacturers, processors, and retailers to use standard terminology that clarifies food safety and quality dates when labeling food products, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889

SB-2554

Submitted on: 2/7/2018 9:17:18 AM

Testimony for CPH on 2/8/2018 8:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-------------------|-------------------------|--------------------|--------------------|
| Jennifer Milholen | Kokua Hawaii Foundation | Support | Yes |

Comments:

Aloha, Committee Chair Baker, Vice Chair Tokuda and committee members. I'm submitting testimony on behalf of the Kokua Hawaii Foundation in support of this measure which promotes the adoption of uniform statewide standards for food date labels, that better communicate the difference between freshness and safety to consumers.

In Hawai'i, an estimated 237,000 annual tons of food waste enter our islands' waste streams for disposal. The vast majority, 65%, is estimated to occur at the consumer level and is still wholesome and fit for human consumption. In a state struggling with food security, shrinking waste disposal options, and tens of thousands of food insecure residents, rescuing wholesome food has to become a priority.

Misinterpretation of the date labels on food is a key factor leading to this waste. The lack of standardization around date labels makes it impossible to educate consumers on their meaning. In their report, ReFED, a collaboration of over 30 business, nonprofit, foundation, and government leaders committed to reducing food waste - A Roadmap to Reduce U.S. Food Waste by 20 Percent - ranked the standardization of food date labels as the number one most cost effective strategy to preventing food waste.

Date labels on food come in a dizzying variety of forms including "use by", "best before", "sell by", and "enjoy by" dates, yet these simple markers are poorly understood by consumers. The majority of foods are shelf stable or pasteurized in a way that maintains food safety so long as proper storage methods are used, yet many cautious individuals throw out food on "the date" even when that food is still good to eat. There is a small subset of foods that should bare a safety date label, after which consumers may choose to exercise caution when consuming those foods, but these safety date labels should be clearly different from freshness date labels. Promoting the use of standard phrases with definition is the foundation for educating consumers on the difference between freshness and safety date labels, leading to less wasted food and resources.

SB2554 will require the Hawai'i Department of Health to promote the use of statewide standardized phrases for the language of voluntary date labels on food. National industry leaders, including the Grocery Manufacturers Association and the Food Marketing Institute, recently opted to create voluntary date label guidelines using this exact model to date their products, but direction for food date label standardization is needed for the remaining market. These voluntary standards narrow the number of phrases down to just two, "BEST if Used by" or "BEST if Used or Frozen by" to indicate freshness date labels, and "USE by" or "USE by or Freeze by" to indicate safety date labels. In addition, SB2554 also discourages the use of consumer visible "sell by" dates, which are only meant for stock rotation at retail establishments.

"Sell by" dates are not an indication of either freshness or safety, but are often mistaken for an indication of spoilage. A survey referenced in The Dating Game: How Confusing Food Date Labels Lead to Food Waste in America found that 91% of consumers reported that they at least occasionally discarded food past its "sell by" date out of concern for food safety, and 25% reported always doing so. Using coded "sell by" dates allows stores to continue rotating stock without causing consumers to reject or discard foods prematurely, and also preserves the dignity of those who receive donated food.

The bill also gives the department the ability to accept nonstate funds to the Consumer Education Account in order to provide consumer education on the meaning and differences between food date labels. Consumer education will provide a more widespread understanding of food date labels, leading not only to less food going in the trash but also increased consumer confidence in the safety of their food.

We recognize that some transition will be required of businesses, but hope that the scope and scale of this issue necessitate that this measure be adopted. Kokua Hawai'i Foundation is dedicated to assisting in the education of businesses and consumers in order to smooth such a transition. Mahalo for your consideration.

Jennifer Milholen - Waste Reduction Coordinator

SB-2554

Submitted on: 2/6/2018 5:37:13 PM

Testimony for CPH on 2/8/2018 8:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ku'ulei Williams | Aloha Harvest | Support | Yes |

Comments:

I am the Executive Director of Aloha Harvest, the sole food rescue organization in the State of Hawai'i. I am in support SB2554 to help reduce the confusion around date labels which I believe will help to reduce food waste. Questions about all the different date labels is a common issues that is raised when I make presentations or site visits to our food donors. Reducing the date labels to two would provide better clarity by describing food freshness and safety; reduce unnecessary waste; and reduce confusion by standardizing language and clarifying the meaning of the labels. I whole heartedly support this SB2554.

SB-2554

Submitted on: 2/3/2018 3:19:55 PM

Testimony for CPH on 2/8/2018 8:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| jason graham | | Oppose | No |

Comments:

You are blatantly sharpshooting vape companies all small in hawaii. Upping the fees on already i can assume is ridiculous to small business who are already struggling to survive in the state. I dont argue doing illegal activites js wrong but legally bullying small business because the cut from big tobacco is hurting is not right

SB-2554

Submitted on: 2/7/2018 2:46:59 PM

Testimony for CPH on 2/8/2018 8:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Brianna Murray | Aloha Harvest | Support | No |

Comments:

SB-2554

Submitted on: 2/7/2018 2:48:10 PM

Testimony for CPH on 2/8/2018 8:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kayla Emineth | Aloha Harvest | Support | No |

Comments:

SB-2554

Submitted on: 2/8/2018 2:38:49 PM

Testimony for CPH on 2/8/2018 8:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Melekaufusi Latu | | Support | No |

Comments: