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Governor

JOSH GREEN  
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER  
Acting Chairperson  
Board of Agriculture

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
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TESTIMONY OF THE DEPARTMENT OF AGRICULTURE  
BEFORE THE HOUSE COMMITTEES ON AGRICULTURE AND HEALTH

FEBRUARY 6, 2019  
8:35 A.M.  
CONFERENCE ROOM 312

HOUSE BILL NO. 536  
RELATING TO RAW MILK

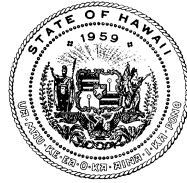
Chairpersons Creagan and Mizuno and Members of the Committees:

Thank you for the opportunity to provide testimony on House Bill 536, which proposes the sale of raw milk and raw milk products directly to consumers from the farm. The Department offers the following comments and defers to Department of Health.

Despite advances in animal health, milking hygiene, and processing technology, milk born disease outbreaks continue to occur. Since milk is derived from animals, it carries an inherent risk of being contaminated with pathogens from its source (cows, goats, sheep, and the farm environment). A key factor in the prevention of milk borne disease is the avoidance of raw milk consumption. This bill even states that a label is required that warns about the risks of consuming raw milk by stating that raw milk contains pathogens that may be unsafe to consume. The consumption of raw milk and raw milk products is a public health and milk safety issue. As such, the placement of this bill under Chapter 157 HRS is not appropriate. The Hawaii Department of Agriculture respectfully defers this bill to the Department of Health.

Thank you for the opportunity to testify on this measure.





**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
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**Testimony in OPPOSITION to HB 536**  
**RELATING TO RAW MILK**

REPRESENTATIVE RICHARD P. CREAGAN, CHAIR  
HOUSE COMMITTEE ON AGRICULTURE;  
REPRESENTATIVE JOHN M. MIZUNO, CHAIR,  
HOUSE COMMITTEE ON HEALTH

Hearing Date: January 31, 2019

Room Number: 329

1 **Fiscal Implications:** None

2 **Department Testimony:** The department opposes this bill.

3 The department opposes this bill, as does the United States Food and Administration's (FDA),  
4 and the Center for Disease Control and Prevention (CDC) due to the public health concerns  
5 surrounding the sale/consumption of raw milk. According to the CDC, between 1993 and 2006  
6 more than 1500 people have gotten ill from consuming raw milk, or raw milk cheese and other  
7 products containing raw milk. In addition, the CDC reported that consuming unpasteurized milk  
8 is 150 times more likely to cause foodborne illness and 13 times more hospitalizations than  
9 drinking pasteurized milk products.

10 The State of Hawaii currently prohibits the sale of raw milk in any form. Hawaii Administrative  
11 Rules, Title 11, Chapter 15, "Milk", Section 11-15-45, Milk and Milk Products which may be  
12 sold, states in part that "Only Grade "A" pasteurized milk and milk products shall be sold to the  
13 final consumer"...

14 Please be advised that FDA and other federal and state health agencies have documented a long  
15 history of the risks to human health associated with the consumption of raw milk. Clinical and  
16 epidemiological studies from FDA, state health agencies, and others have established a direct  
17 causal link between gastrointestinal disease and the consumption of raw milk. The microbial  
18 flora of raw milk may include human pathogens present on the cow's udder and teats. Further,  
19 the intrinsic properties of milk, including its pH and nutrient content, make it an excellent media  
20 for the survival and growth of bacteria.

21 On August 10, 1987, FDA published in 21 CFR Part 1240.61, a final regulation mandating the  
22 pasteurization of all milk and milk products in final package form for direct human consumption.

1 This regulation addresses milk shipped in interstate commerce and became effective September  
2 9, 1987.

3 In this Federal Register notification for the final rule to 21 CFR Part 1240.61, FDA made a  
4 number of findings including the following:

5 "Raw milk, no matter how carefully produced, may be unsafe."

6 "It has not been shown to be feasible to perform routine bacteriological tests on the raw  
7 milk itself to determine the presence or absence of all pathogens and thereby ensure that  
8 it is free of infectious organisms."

9 "Opportunities for the introduction and persistence of *Salmonella* on dairy premises are  
10 numerous and varied, and technology does not exist to eliminate *Salmonella* infection  
11 from dairy herds or to preclude re-introduction of *Salmonella* organisms. Moreover  
12 recent studies show that cattle can carry and shed *S. dublin* organisms for many years and  
13 demonstrated that *S. dublin* cannot be routinely detected in cows that are mammary gland  
14 shedders."

15 During this rulemaking process, the American Academy of Pediatrics and numerous others  
16 submitted comments in support of the proposed regulation.

17 In deciding upon mandatory pasteurization, FDA determined that pasteurization was the only  
18 means to assure the destruction of pathogenic microorganisms that might be present. This  
19 decision was science-based involving epidemiological evidence. FDA and the CDC have  
20 documented illnesses associated with the consumption of raw milk, including "certified raw  
21 milk" and have stated that the risks of consuming raw milk far outweigh any benefits.

22 In light of research showing no meaningful difference in the nutritional value of pasteurized and  
23 unpasteurized milk, FDA and CDC have also concluded that the health risks associated with the  
24 consumption of raw milk far outweigh any benefits derived from its consumption.

25 There are numerous documented outbreaks of milkborne disease involving *Salmonella* and  
26 *Campylobacter* infections directly linked to the consumption of unpasteurized milk in the past 20  
27 years. Since the early 1980's, cases of raw milk-associated campylobacteriosis have been  
28 reported in the states of Arizona, California, Colorado, Georgia, Kansas, Maine, Montana, New  
29 Mexico, Oregon, and Pennsylvania. An outbreak of Salmonellosis, involving 50 cases was  
30 confirmed in Ohio in 2002. Recent cases of *E. coli* O157:H7, *Listeria monocytogenes* and  
31 *Yersinia enterocolitica* infections have also been attributed to raw milk consumption.

32 In the court case *Public Citizen v. Heckler*, 653f. Supp. 1229 (D.D.C. 1986), the federal district  
33 court concluded that the record presents "overwhelming evidence of the risks associated with the  
34 consumption of raw milk, both certified and otherwise". The court stated that the evidence FDA

1 has accumulated concerning raw milk "Conclusively shows that raw and certified raw milk are  
2 unsafe" and "There is no longer any question of fact as to whether raw milk is unsafe".

3 State health and agricultural agencies routinely use the U.S. Public Health Service/FDA  
4 Pasteurized Milk Ordinance (PMO) as the basis for the regulation of Grade "A" milk production  
5 and processing. The PMO has been sanctioned by the National Conference on Interstate Milk  
6 Shipments (NCIMS) and provides a national standard of uniform measures that is applied to  
7 Grade "A" dairy farms and milk processing facilities to assure safe milk and milk products.  
8 Section 9 of the PMO specifies that only Grade "A" pasteurized milk be sold to the consumer.

9 In summary, since raw milk may contain human pathogens, the consumption of raw milk  
10 products increases the risk of gastrointestinal illness due to the likelihood that it may contain  
11 infective doses of human pathogens. Other pathogens known to be transmitted by raw milk  
12 consumption could lead to serious illness, or even death, in the segment of our population that is  
13 the most vulnerable. This includes children and infants, our elderly, and any person who is  
14 immunocompromised due to illness or treatment of illnesses. The only method proven to be  
15 reliable in reducing the level of human pathogens in milk and milk products is by those milk  
16 products being produced and processed under sanitary conditions and subsequently being  
17 properly pasteurized. The U.S. Food and Drug Administration; therefore, strongly advises  
18 against the consumption of raw milk.

19 References related to this subject may be found in the following documents:

- 20 • *American Journal of Public Health*, -- November 21, 1997
- 21 • *Journal of the American Medical Association* -- October 1984, May 1999, March 3, 1989
- 22 • *Journal of Public Health Policy, Inc.* -- September 1981
- 23 • *Morbidity and Mortality Weekly* -- June 28, 2002
- 24 • *Journal of Food Protection* -- Volume 61, Number 10, 1998
- 25 • *United States Department of Agriculture (USDA)* -- Fact Sheet -- July 1995

26  
27 Proposals to allow for both cow sharing and raw milk for animal/pet consumption are being  
28 proposed to "back-door" existing regulations and the intent is to divert consumption to humans.

29 Thank you for the opportunity to testify on this measure.



# SUSTAINABLE AGRICULTURE COMMITTEE

HFUU Kaua'i Chapter Sustainable Agriculture Committee (SAC)  
HFUU Kaua'i Chapter Vice President, SAC Chair Don Heacock

## Hawai'i Farmers Union United Education Committee, Sustainable Agriculture Subcommittee

February 4, 2019

Aloha State of Hawai'i House Committee on Agriculture & House Committee on Health:

The Hawaii Farmers Union United Education Committee Sustainable Agriculture Subcommittee strongly **supports HB536**, conditional upon adoption of recommended amendments listed below, because it will allow consumers access to safe and nutritious unpasteurized (raw) milk and their products by legalizing the sale of raw milk and their products and enhancing food security in Hawai'i.

Unpasteurized, nutritious and healthful "real milk" contains beneficial digestive enzymes, beneficial probiotics, is high in vitamins C, B12, B6 and D. Pasteurization denatures these enzymes, destroys the vitamins, promotes the growth of pathogens, and is associated with human allergies, tooth decay, colic in infants, growth problems in children, osteoporosis, arthritis, heart disease and cancer.

Scientific, peer-reviewed, studies show that children fed raw milk have more resistance to tuberculosis than children fed pasteurized milk (Lancet, p 1142, 5/8/37; that raw milk is very effective in preventing scurvy and protecting against flu, diphtheria and pneumonia (Am. J. Dis. Child., Nov.2017); that raw milk prevents tooth decay, even in children who eat large amounts of sugar (Lancet, p 1142, 5/8/37); that raw milk is better than pasteurized milk in promoting growth and calcium absorption (Ohio Agric. Exper. Station Bull. 518, p 8, 1/33; that a substance present in raw cream (but absent in pasteurized cream) prevents joint stiffness and the pain of arthritis (Ann. Rev. Biochemistry, 18: 435, 1944); and that children who drink raw milk have fewer allergenic skin problems and far less asthma than do children who drink pasteurized milk (Lancet 2001, p 358; 1933, p. 1129).

Whitehead and Lake (2018) show that since 2005 there has been a 74% decline in unpasteurized (raw) milk associated illnesses in the USA, while at the same time there has been a 357% increase in raw milk producers and a significant increase in legal raw milk sales nationwide. Much of this advancement in food safety is believed to be a result of the work of the Raw Milk Institute's (RMI's) Dairy Farmer Training Program, and their associated development of "Common Standards" (Attached 1 below) that raw milk producers need to follow to assure the sanitation procedures necessary to produce safe raw milk.

### ***Finally, we recommend the following amendments to HB 536:***

1. Because HRS Title 11, Agriculture and Animals, Chapter 157, the Milk Control Act focuses only on regulating milk from cows, it may be better to establish a new Chapter 158, entitled "Raw Dairy Producers Enhancement Act" This new chapter 158 would include the sale of raw milk/products from domestic cows, goats, sheep and water buffalo.
2. On p.2, line 11-13, delete the phrase "two cows per farm" and amend to read: provided that the farm and its facilities from which raw milk or raw milk products originates has adopted and implemented the dairy farmer training program and the "Common Standards" developed by the Raw Milk Institute ([rawmilk institute.org](http://rawmilk institute.org)) which assure the safety and quality of raw milk; therefore please include language into HB 536 that includes incorporation of these "Common Standards" (Attached) as an amendment and include the "Raw Milk Producers Training Program", which was developed by the Raw Milk Institute ([rawmilk institute.com](http://rawmilk institute.com)) in California.
3. P. 3, line 4, (3), "Regulate sharing of cows...what does this mean? How will it prevent spread of cattle diseases? May want to delete this line, see reasons on page 4 and 5 of "Common Standards" attached below.
4. P. 3, line 16, amend to read: ...otherwise treated with heat not over 105 degrees F. Since it is necessary to produce "mozzarella di bufala", the original mozzarella made from raw milk from water buffalo, by warming it to 105 degrees F.
5. P. 3, line 17, add Ghee (clarified butter) to list of "Raw milk products".

Thank you for our time and attention and for supporting HB536,

*Faith Chase*

HFUU Sustainable Agriculture Subcommittee Secretary

Faith@FarmersVoiceHawaii.com



## Common Standards

As a fundamental resource for both the producers and consumers of raw milk, RAWMI has carefully considered and published the following guidelines and raw milk production standards. These Common Standards took more than ten months to develop and were considered, commented on, and edited by an international group of medical doctors, PhDs, veterinarians, epidemiologists, scientists, food safety experts, nutritional consultants, researchers, raw milk producers, and finally consumers. A version of these Common Standards was adopted by the CDFA Small Herd Working Group and will be utilized as the standards basis for self-certification for California Micro Dairies.

These standards are not a guarantee of perfectly safe food. However, when followed diligently, these guidelines will dramatically reduce the risk of illness from consumption of raw milk and improve the safety of raw milk. The Common Standards serve as the basis for RAWMI farmer listing, and are a portal to a world of continued learning.

The production of safe raw milk is a long-term mission, never fully completed or fully perfected. There will always be something to learn and much to teach. As new information is discovered and technology evolves, these Common Standards may change to reflect that information and discovery.

### Mission

“The mission of the Raw Milk Institute is to improve human health and the immune system by training and mentoring farmers; educating consumers; establishing national raw milk guidelines; outreach to farmers, consumers, regulators, universities, the media, and other groups; listing producers, and supporting research.”

**There are three fundamental components to the Raw Milk Institute farmer mentoring program:**

- **Common Standards** that all Listed farmers follow
- **Risk Analysis and Management Program (RAMP)**, food safety program specific and appropriate to farm size
- **Training and Education**

The following Common Standards are guidelines used by dairy farmers in the production of raw milk. All farmers Listed with Raw Milk Institute make every effort to achieve these Common Standards with transparency and integrity.

### Common Standards for *Listed* Raw Milk farmers:

1. Have a Risk Analysis and Management Plan (RAMP) for raw milk production
2. Raw Milk shall not contain zoonotic pathogens including: Salmonella spp., E. coli 0157:H7, Campylobacter spp., and Listeria monocytogenes.
  - a. Testing and testing frequency will depend on each farmers individual RAMP
3. Test for coliform bacteria\*
  - a. Testing frequency will depend on each farmers individual RAMP
  - b. Target: a rolling three- month average of less than 10 coliforms per ml raw milk.
4. Test for Standard Plate Count (SPC)
  - a. Testing frequency will depend on each farmers individual RAMP
  - b. Target: a rolling three-month average of less than 5,000 per ml raw milk.
5. Sell raw milk for direct human consumption only from their own farm
  - a. Commingling of raw milk from other dairies is not permitted.
6. Provide documentation and assurance that herds are tuberculosis (TB) free and tested one time per year OR meet local TB requirements.
7. Provide documentation or assurance that herds are brucellosis free.

\* Bactoscan or other equivalent testing methods are also approved

## **RAMP Food Safety Plan (Risk Analysis and Management Program)**

All *Listed* farmers have a basic food safety plan- a **RAMP**- that assists them in the achievement of the Raw Milk Institute's Common Standards. With technical assistance provided by RAWMI, each Listed farmer develops their own specific RAMP with size appropriate frequency of monitoring, sampling and testing. This comprehensive plan identifies potential risks that are present at the farm. Management practices are set up to reduce, manage, or mitigate those potential risks.

### **Individual RAMPs include:**

#### **Risk assessment and mitigation measures for the following risks:**

1. Animal introduction onto farm (transportation and trade risks)
  - a. New animal risk introduction and risk mitigation
    - i. Health screening animals for potential bacterial hazards
    - ii. Segregating animals introduced into the herd
2. Milk handling and management
  - a. Training of milking team and milking protocols
  - b. Protection and security of raw milk after milking is complete.
  - c. Cleaning protocols and documentation
3. Environmental sources
  - a. Water sources
  - b. Water administration systems
  - c. Manure management
  - d. Bedding management
  - e. Wild animals/rodents
  - f. Land and soil issues
  - g. Weather
4. Feed sources
  - a. Purchased feed
  - b. Silage
  - c. Water feeder management
5. Human factors
  - a. Health of milking team
  - b. Risk introduction by people
6. Nutritional factors
  - a. Nutritional management of the cow
  - b. Nutritional plan for reduction of pathogen development or shedding in manure.

### **Procedures, protocols, documentation**

7. Testing procedures for indicator bacteria including: Coliforms and SPCs
8. Testing procedures (if utilized in specific RAMP) for potential zoonotic bacteria including *Salmonella*, *Listeria*, *Campylobacter* and *E. coli O157:H7*.
9. Checklists that document annual, monthly, weekly and daily management practices.
10. Protocols for action steps in the event of substandard results.

### **Additional RAWMI Training:**

1. Farm bio-security – how to protect your herd
2. Know your enemy- basic microbiology, bacteria, the good and the bad
3. Preventive herd health medicine
4. Consumer education and outreach
5. Media management and communication skills
6. Recall and critical incident management.

\* *Bactoscan or other equivalent testing methods are also approved*

**HB-536**

Submitted on: 2/4/2019 9:26:59 PM

Testimony for AGR on 2/6/2019 8:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
BODHI M ANDERSON	Sugar Hill Farmstead, LLC	Support	No

Comments:

Aloha,

I am submitting testimony for Bill HB536 pertaining to raw milk. I urge you to approve the sale of raw milk in Hawaii. Besides being a farmer myself, I also practice Medicine in 19 States. If children can drink soda without restrictions in Hawaii, there is no reason that raw milk should be considered unsafe. Diabetes and obesity from soda are a much bigger health concern than the rare occasion of food poisoning due to mishandling of raw milk. Please focus your attention on smoking bans or soda taxes and not on restricting educated consumers from purchasing raw milk if that is what they want to buy to feed their families.

Best,

Bodhi Anderson

Farm Manager, Sugar Hill Farmstead

Physican Assistant



**HB-536**

Submitted on: 2/4/2019 9:20:18 PM

Testimony for AGR on 2/6/2019 8:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Genevieve N Neumann	Lokoea Farms	Support	No

Comments:

**HB-536**

Submitted on: 2/1/2019 11:04:41 AM

Testimony for AGR on 2/6/2019 8:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shyla Moon	Individual	Support	No

Comments:

**HB-536**

Submitted on: 2/4/2019 8:14:40 PM

Testimony for AGR on 2/6/2019 8:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nicole Correa	Individual	Support	No

Comments:

**HB-536**

Submitted on: 2/4/2019 9:12:20 PM

Testimony for AGR on 2/6/2019 8:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Saturnino Doctor	Individual	Support	No

Comments:

As a farmer, I support this bill.

**HB-536**

Submitted on: 2/4/2019 9:32:47 PM

Testimony for AGR on 2/6/2019 8:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
nikki spencer	Individual	Support	No

Comments:

I support us being able to choose what we eat and drink and put in our bodies. Raw milk is essential.

Thank you Nikki Spencer

**HB-536**

Submitted on: 2/4/2019 9:36:05 PM

Testimony for AGR on 2/6/2019 8:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sylvia Cenzano	Individual	Support	No

Comments:

**HB-536**

Submitted on: 2/4/2019 10:11:20 PM

Testimony for AGR on 2/6/2019 8:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Maddy Smith	Individual	Support	No

Comments:

It is important for farmers to earn a living by providing a value added product to their community. Each person can make the informed decision to drink or not drink raw milk. This will also help people drink milk grown locally versus shipping it in from far away places.

**HB-536**

Submitted on: 2/4/2019 11:14:23 PM

Testimony for AGR on 2/6/2019 8:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kai nishiki	Individual	Support	No

Comments:

We support raw dairy products!

Mahalo.



**HB-536**

Submitted on: 2/5/2019 4:47:29 AM

Testimony for AGR on 2/6/2019 8:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jean Brokish	Individual	Support	No

Comments:

Allowing producers to sell, and allowing consumers to purchase, raw milk is a viable way to increase (MUCH NEEDED) economic opportunities for local dairy producers.

Personal Testimony Presented before the  
House Committees on Agriculture and on Health  
February 6 at 8:35 am  
by  
Douglas L. Vincent, Ph.D., P.A.S.

HB 536 Relating to Raw Milk

Personal Testimony **Opposed to HB 536**

Chairs Creagan and Mizuno and Vice-Chairs DeCoite and Kobayashi and members of the committees

My name is Douglas L. Vincent and I am a retired Professor and Animal Scientist in the College of Tropical Agriculture and Human Resources in the Department of Human Nutrition, Food and Animal Sciences. I am also a former Department Chair and was a member of the faculty at the University of Hawaii at Manoa for over 30 years. This testimony does not represent the position of the University of Hawaii nor the College of Tropical Agriculture and Human Resources.

I have worked with the livestock industries in Hawaii for over 30 years and share concerns about the importance of increasing food security for Hawaii's citizens but **permitting the sale of raw, unpasteurized milk is wrong for so many reasons**. Despite provisions for registration and licensing, selling raw, unpasteurized milk is a bad idea. Raw milk, without the pasteurization step, provides an opportunity for bacteria such as E. coli, Listeria, Salmonella and Campylobacter to survive, grow and unfortunately, infect our citizens. Given our warm, moist tropical environment, **the risks are even greater**. The weakest among us, our keiki and kupuna, along with pregnant women, are particularly susceptible to these debilitating food borne illnesses.

Nationally, statistics from the US Centers for Disease Control and Prevention show at least 148 foodborne illness outbreaks traced to unpasteurized, raw milk from 1998 through 2011. The outbreaks caused 2,384 confirmed illnesses and 284 hospitalizations. In outbreaks where age related data was available **82% of the outbreaks included individuals under the age of 20 years**.

If there was an outbreak of disease due to raw milk it would hurt the credibility of other livestock producers. There are so many myths perpetuated by the raw milk proponents that raw milk is healthier, more nutritious, or cures disease. It's just not true. Please, do not put our keiki at risk by permitting raw milk to be sold in Hawaii.

I urge defeat of HB 536 for the safety of our keiki.

Thank you for the opportunity to provide testimony.

**HB-536**

Submitted on: 2/5/2019 8:03:45 AM

Testimony for AGR on 2/6/2019 8:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ihilani Coffee	Individual	Support	No

Comments:

Aloha kākou,

The raw milk issue is an important one from many standpoints. As a consumer, I know that the nutritional value of unpasteurized milk is far superior to any pasteurized product.

With the closing of the last remaining dairy on the Big Island, consumers deserve to have access to fresh milk products. Raw milk products by their very nature are the freshest available, offering the most flavorful and nutritious dairy products.

Small family farms need to be able to provide these products to their neighbors and communities. As a member of Hawai'i Farmer's Union United, I strongly support small family farms and microproducers of local products like dairy.

The restriction in this bill of no more than two cows in milk is severe. Five to ten is a more realistic number. This bill also does not address other species that produce marketable dairy products like chevre or roquefort cheeses which come from goat and sheep milk respectively. I was a member of the American Dairy Goat Association for over ten years. My goats were on official DHIA milk testing programs.

I have just been made aware that sales of goat milk in Hawai'i are prohibited for any reason, including sales to feed orphaned kid goats. This is ludicrous and needs to be addressed within the framework of this bill. Many children simply cannot tolerate cow's milk, and many pediatricians recommend goat milk for these babies. Dairy goats and sheep kept for milking are cleaner than a typical dairy cow.

Mahalo for your time.

**HB-536**

Submitted on: 2/5/2019 8:04:32 AM

Testimony for AGR on 2/6/2019 8:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sean Jennings	Individual	Support	No

## Comments:

I am in Support of bill HB536. Having the honor of being one of the world's most remote island chains, Hawai'i needs to focus on increasing local food security. This bill is a great start to accomplish that goal. Please let the people of Hawai'i feed themselves again.

**HB-536**

Submitted on: 2/5/2019 8:23:13 AM

Testimony for AGR on 2/6/2019 8:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dayna Robertson	Individual	Support	No

Comments:

**HB-536**

Submitted on: 2/5/2019 12:38:26 PM

Testimony for AGR on 2/6/2019 8:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Hattie Gerrish	Individual	Support	No

Comments:

Aloha Chair and members of the Committee,

I am grateful for the opportunity to testify in support of HB536 before you today. I regret that I could not testify in person, as this issue is deeply important to me.

I believe that consumers should have the right to decide for themselves what kind of milk they want to buy. The majority of states allow some form of raw milk sales, and I think it is high time that Hawai`i allow it too. There are two points that I would like to make today.

The first point is that raw milk has been misrepresented as unsafe, when in fact it is not less safe than other foods. The problem lies with large scale dairy production, not the milk itself.

The bias of agencies like the Department of Health against raw milk stems from out-dated information that does not take into account the differences between industrial scale milk production and other methods. In the early 20th century, dairies expanded in size, leading to new struggles to avoid contamination. Larger dairies necessitated finding ways to clean equipment and transport milk safely. There were many opportunities for contamination, and pasteurization was eventually adopted as the answer to food safety problems. Conventional dairies are far larger today, and although the technology has changed over the decades, the challenges remain the same. Due to the huge distribution networks that supply the country with milk, a slip-up at a single dairy could lead to contaminated milk being mixed into vast amounts of milk. Dairy products produced in this way are decidedly not safe without some sort of treatment, but it is an unfortunate trade-off that sacrifices, freshness, flavor, and some of the nutritional value, while failing to guarantee safety all of the time.

Between 1984 and '85, 200, 000 people in the U.S. were sickened by contaminated pasteurized milk, and in 2007 three residents of Massachusetts died from drinking contaminated pasteurized milk. (See <http://www.realmilk.com/safety/fresh-unprocessed-raw-whole-milk/>) Meanwhile, the danger of drinking raw milk has been overstated. The

Weston A. Price Foundation finds that: “In an analysis of reports on 70 outbreaks attributed to raw milk, we found many examples of reporting bias, errors and poor analysis resulting in most outbreaks having either no valid positive milk sample or no valid statistical association.” ([www.realmilk.com](http://www.realmilk.com) accessed Feb. 5, 2019)

However, a “micro dairy” with two, five, or ten cows does not face the same opportunities for contamination, and has no need for pasteurization when properly handled. Measures developed to address the issues of large operations, are as a rule, irrelevant to small operations, and should not be forced on them. I have said that raw milk is not less safe than other foods, but it actually has an advantage over other foods, being one of the few things that humans consume that was designed by nature to be a food. Think about this for a moment. Milk is designed to nourish young, vulnerable animals. Rather than being a medium for dangerous pathogens as the Department of Health says, milk in its natural state has anti pathogen and immune boosting properties to protect those who consume it. Unfortunately, pasteurization reduces or destroys these protective properties (British J of Nutrition, 2000:84(Suppl. 1):S3-S10, S75-S80, S81-S89).

By the time conventionally produced milk arrives in the supermarket, it is not fresh and has been processed in ways that make it unpalatable or even unhealthy to some. I myself had to quit drinking store bought milk as a young child when my family doctor correctly identified conventional pasteurized milk as the source of a health problem I suffered from. Fortunately for me, my parents got some cows from my grandparents and began milking, so that I was not deprived of milk while growing up. Unfortunately, many people can't milk their own cows, and as a result are denied access to raw milk by the laws of this state. Many people in the community have shared their struggles with me to obtain raw milk, for congenital heart disease, for an infant who was “failing to thrive” due to an allergy to formula, or digestive ailments. (The baby did well on raw goat milk and is now a healthy little girl.) Sometimes raw milk had been recommended by a doctor, but others simply enjoy the flavor or superior cheese making qualities.

The second point which I urge you to consider is that many people want to be allowed to be responsible for their own food choices. Many foods we commonly enjoy are safe only as long as consumers and producers both handle them properly. We understand that meat, chicken, and eggs are not safe unless they are cooked properly, but we eat them anyway and the government allows us to decide whether we wish to buy them or not. Anyone who enjoys wild pig knows that the meat must be cooked properly to avoid trichinosis and other serious diseases, but we are permitted to hunt and eat pig if we want to. There are other substances, such as tobacco and alcohol, which we know for certain are harmful to health, and yet we as adults are given the responsibility by our government to make our own decisions about using these things.

Although we should all endeavor to keep food safe, legally produced foods are, regrettably, not always safe. Last year, I became ill with salmonella, apparently from cut melon served at a hotel. Later in the year, my aunt was infected with E. coli from eating at a restaurant. A few years ago, my mother got sick from the salmonella peanut outbreak. A study found that a single serving of deli meat is ten times more likely than a serving of raw milk to make us sick with Listeria, but deli meat is legal and we may buy it if we want. (Intrepretive Summary – Listeria Monocytogenes Risk Assessment, Center for Food Safety and Applied Nutrition, Sept. 2003, page 17).

Today, I am a young farmer on the Hamakua Coast of Hawai`i Island, and it is my wish to remain here and make a living from feeding my community using sustainable farming practices. My family has been milking and hand crafting cheese for four generations, three of them in Hawai`i. I look forward to the day when my family, and other "micro dairies" are able to supply delicious, locally produced, milk and milk products to consumers, who like me, prefer milk un pasteurized for health reasons or taste preferences.

Thank you for your consideration, and please give your support to this bill.



**LATE**

**HB-536**

Submitted on: 2/5/2019 7:18:33 PM  
Testimony for AGR on 2/6/2019 8:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Axel Kratel	Individual	Comments	No

Comments:

**I am a farmer in Hilo, and I believe farmers should be allowed to sell raw milk directly from the farm to informed consumers who are familiar with how to handle raw milk. But I would like the State to go a step further and loosen the regulatory hurdles in place that prevent small dairy farms from running legal PMO micro dairies. The current dept of ag and health dept rules have already decimated the dairy industry in Hawaii. The milk act of 1967 should not be amended, it should be eliminated before the last Hawaiian dairy disappears and we have to import all our milk. We cannot trade in all our freedoms for food safety.**

**The milk choices for Hawaiian residents are horrible: only ultra pasteurized, homogenized milk is allowed. No one can buy glass bottled pasteurized cream top milk, or raw milk, or goat milk. When the Big Island dairy closes, local milk will be mostly unavailable.**

**If the aim of this bill is to regulate raw milk production from two cows or less, then by default it will regulate such small farmers out of existence. No farmer with only two cows can afford to navigate the health dept and the ag dept to be compliant to countless rules that are already driving larger dairies out of existence.**

**Small micro-dairies should be allowed to sell their milk directly to consumers without the overhead of health dept regulations if they choose the framework of a herd share where the consumer is well aware of the risks around raw milk consumption and signs appropriate legal documents which release the State from any liabilities. The Farm-to-Consumer Legal Defense Fund already deems herd shares to be legal in Hawaii since they don't involve the sale of milk but the sharing of costs of keeping a dairy herd.**

**However, those micro dairy farmers who wish to make the investment in sanitary milking equipment and PMO equipment and in health dept approved facilities should be allowed to sell raw milk and PMO milk directly to consumers via farmers markets and local food outlets with the proper food labeling and with exemption from the milk act of 1967, and should not burden the dept of agriculture with oversight.**

**HB-536**

Submitted on: 2/6/2019 2:54:41 AM

Testimony for AGR on 2/6/2019 8:35:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Simon Russell	Farm Maui LLC	Support	Yes

Comments: