
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO
REVIEW THE STATE'S FOOD SECURITY AND FOOD SAFETY PRACTICES.

1 WHEREAS, according to data from the United States Centers
2 for Disease Control and Prevention, over 49,000,000 individuals
3 are sickened, 128,000 individuals are hospitalized, and 3,000
4 individuals die annually in the United States from foodborne
5 diseases; and

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7 WHEREAS, Hawaii's very young and very old are the most
8 susceptible and vulnerable to the harm caused by foodborne
9 diseases; and

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11 WHEREAS, the proper handling of food, in compliance with
12 the federal Food Safety Modernization Act, from source to sale
13 is the best way to protect Hawaii and its people; and

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15 WHEREAS, while there were once over forty dairy farms
16 across the islands of Hawaii, nearly all of them have shut down
17 due to the high cost of land, utilities, imported feed, and
18 labor and competition from mainland sources; and

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20 WHEREAS, in January 2020, Hawaii's last remaining dairy,
21 Clover Leaf Dairy on the Big Island, was forced into
22 foreclosure; and

23
24 WHEREAS, all milk sold in Hawaii today at retail is milk
25 imported from the mainland United States; and

26
27 WHEREAS, some of this imported milk is pasteurized and
28 placed in large unrefrigerated tanks on the West Coast; and

29
30 WHEREAS, this ocean crossing takes approximately one week,
31 and additional time is needed to re-pasteurize the milk in order



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1 to lower the amount of bacteria that increased during ocean
2 transportation, before being packaged and sent to stores; and

3
4 WHEREAS, when this re-pasteurized milk is packaged and
5 placed on store shelves and labeled as "fresh", it is often also
6 marketed as from "Hawaii's dairy" or under a store's own private
7 label brand as "fresh milk", thereby causing potential confusion
8 for consumers that the milk is indeed fresh and locally
9 produced; and

10
11 WHEREAS, section 486-119, Hawaii Revised Statutes,
12 prohibits the misrepresentation of the origin of products as
13 being from any place within Hawaii if the origin of the product
14 is not actually from the State; and

15
16 WHEREAS, a University of Hawaii study found that milk sold
17 on Oahu exceeded federal regulatory limits for bacterial counts
18 five days prior to expiration; and

19
20 WHEREAS, consumers frequently find that imported milk
21 spoils before the stamped expiration date; and

22
23 WHEREAS, re-pasteurization of milk for human consumption is
24 illegal in California; and

25
26 WHEREAS, Hawaii's Milk Control Act was enacted in 1967,
27 when the dairy industry in Hawaii was flourishing, to protect
28 the local dairy industry from the fluctuations of the market and
29 to ensure the availability of milk; however, it was not intended
30 to ensure that milk shipped over long distances was safe to
31 consume, especially for infants, toddlers, and young children
32 who are among the largest consumers of milk;

33
34 WHEREAS, in 2017, the Department of Health issued a cease-
35 and-desist order to the processing plant involved in the re-
36 pasteurization of imported milk because the levels of coliform
37 bacteria that existed in the processing plant's two-percent milk
38 testing exceeded by over ten times the legal limit for coliform
39 bacteria in three of five consecutive tests performed by the
40 Department of Health; and

41



1 WHEREAS, modern food-safe methods of transportation and
2 cold-chain logistics and controls required by the federal Food
3 Safety Modernization Act now exist and are available to all
4 importers of single-pasteurized, fresh milk, thus creating a
5 level playing field for all importers and distributors of milk
6 and making the re-pasteurization of milk and the potential
7 related issues an unnecessary risk for Hawaii consumers; and
8

9 WHEREAS, protecting the food safety and security of Hawaii
10 and its people is of utmost importance; now, therefore,
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12 BE IT RESOLVED by the House of Representatives of the
13 Thirtieth Legislature of the State of Hawaii, Regular Session of
14 2020, the Senate concurring, that the Department of Health is
15 requested to convene a task force to review the State's food
16 security and food safety practices; and
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18 BE IT FURTHER RESOLVED that the task force is requested to:
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20 (1) Review and recommend specific actions to ensure that
21 Hawaii's food imports, including meat, produce, and
22 all dairy products, are sourced, transported, stored,
23 and distributed to retailers, restaurants,
24 institutions, schools, or any place designated for
25 sale to the public, in compliance with the federal
26 Food Safety Modernization Act, including strict
27 adherence to proper temperatures and handling at every
28 control point from source to designated place of sale;
29 and
30

31 (2) Develop specific recommendations to ensure that all
32 foods and brands imported into Hawaii do not mislead
33 or confuse the public through name, pictures, artwork,
34 or statements in packaging or by advertising that the
35 imported food's origin is from Hawaii or has the same
36 freshness or qualities as food that is locally grown
37 or produced; and
38

39 BE IT FURTHER RESOLVED that the task force is requested to
40 consist of:
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42 (1) The Director of Health, or the Director's designee;



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- 2 (2) Two members of the Senate, to be selected by the
- 3 President of the Senate;
- 4
- 5 (3) The chairperson of the House of Representatives
- 6 Standing Committee on Agriculture;
- 7
- 8 (4) The chairperson of the House of Representatives
- 9 Standing Committee on Health;
- 10
- 11 (5) One professor, associate professor, or assistant
- 12 professor from the University of Hawaii College of
- 13 Tropical Agriculture and Human Resources; and
- 14
- 15 (6) Two private business owners of longstanding Hawaii-
- 16 owned businesses that are directly involved in food
- 17 distribution and are already operating in compliance
- 18 with the federal Food Safety and Modernization Act,
- 19 one to be invited by the task force member identified
- 20 in paragraph (2) and one to be invited by the task
- 21 force members identified in paragraphs (3) and (4);
- 22 and
- 23

24 BE IT FURTHER RESOLVED that the task force is requested to
25 submit a report of its findings and recommendations, including
26 any proposed legislation, to the Legislature no later than
27 twenty days prior to the convening of the Regular Session of
28 2021; provided that the Legislative Reference Bureau is
29 requested to provide drafting services and other necessary
30 support to the task force; and

31
32 BE IT FURTHER RESOLVED that the task force be dissolved on
33 June 30, 2021; and

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35 BE IT FURTHER RESOLVED that certified copies of this
36 Concurrent Resolution be transmitted to the Governor, Director
37 of Health, Dean of the University of Hawaii College of Tropical
38 Agriculture and Human Resources, and Director of the Legislative
39 Reference Bureau.

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