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# HOUSE 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

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

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



1  
2 WHEREAS, when this re-pasteurized milk is packaged and  
3 placed on store shelves and labeled as "fresh", it is often also  
4 marketed as from "Hawaii's dairy" or under a store's own private  
5 label brand as "fresh milk", thereby causing potential confusion  
6 for consumers that the milk is indeed fresh and locally  
7 produced; and

8  
9 WHEREAS, section 486-119, Hawaii Revised Statutes,  
10 prohibits the misrepresentation of the origin of products as  
11 being from any place within Hawaii if the origin of the product  
12 is not actually from the State; and

13  
14 WHEREAS, a University of Hawaii study found that milk sold  
15 on Oahu exceeded federal regulatory limits for bacterial counts  
16 five days prior to expiration; and

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

20  
21 WHEREAS, re-pasteurization of milk for human consumption is  
22 illegal in California; and

23  
24 WHEREAS, Hawaii's Milk Control Act was enacted in 1967,  
25 when the dairy industry in Hawaii was flourishing, to protect  
26 the local dairy industry from the fluctuations of the market and  
27 to ensure the availability of milk; however, it was not intended  
28 to ensure that milk shipped over long distances was safe to  
29 consume, especially for infants, toddlers, and young children  
30 who are among the largest consumers of milk;

31  
32 WHEREAS, in 2017, the Department of Health issued a cease-  
33 and-desist order to the processing plant involved in the re-  
34 pasteurization of imported milk because the levels of coliform  
35 bacteria that existed in the processing plant's two-percent milk  
36 testing exceeded by over ten times the legal limit for coliform  
37 bacteria in three of five consecutive tests performed by the  
38 Department of Health; and

39  
40 WHEREAS, modern food-safe methods of transportation and  
41 cold-chain logistics and controls required by the federal Food



1 Safety Modernization Act now exist and are available to all  
2 importers of single-pasteurized, fresh milk, thus creating a  
3 level playing field for all importers and distributors of milk  
4 and making the re-pasteurization of milk and the potential  
5 related issues an unnecessary risk for Hawaii consumers; and  
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7 WHEREAS, protecting the food safety and security of Hawaii  
8 and its people is of utmost importance; now, therefore,  
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10 BE IT RESOLVED by the House of Representatives of the  
11 Thirtieth Legislature of the State of Hawaii, Regular Session of  
12 2020, that the Department of Health is requested to convene a  
13 task force to review the State's food security and food safety  
14 practices; and  
15

16 BE IT FURTHER RESOLVED that the task force is requested to:  
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18 (1) Review and recommend specific actions to ensure that  
19 Hawaii's food imports, including meat, produce, and  
20 all dairy products, are sourced, transported, stored,  
21 and distributed to retailers, restaurants,  
22 institutions, schools, or any place designated for  
23 sale to the public, in compliance with the federal  
24 Food Safety Modernization Act, including strict  
25 adherence to proper temperatures and handling at every  
26 control point from source to designated place of sale;  
27 and  
28

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

37 BE IT FURTHER RESOLVED that the task force is requested to  
38 consist of:  
39

40 (1) The Director of Health, or the Director's designee;  
41



# H.R. NO. 75

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

22

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

30

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

33

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

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40  
41



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