

Personal Testimony Presented to the
House Committee on Agriculture
February 3, 2021, 10:00 am
By
Jenee S. Odani, DVM, DACVP

HB 685: relating to raw milk

Personal testimony

Chair Mark Hashem, Vice Chair Amy Perruso, and members of the committee:

My name is Jenee Odani, and I am the Extension Veterinarian with the University of Hawaii at Manoa's College of Tropical Agriculture and Human Resources. I am grateful for the opportunity to provide personal testimony on HB 685. This testimony does not represent the position of the University of Hawaii nor CTAHR.

The pasteurization process was developed in 1864 and has been credited with saving the lives of millions of people since that time. Pasteurization kills harmful bacteria that can be found in milk such as *Brucella* spp., *Salmonella* spp., *Campylobacter* spp., *E. coli*, *Listeria monocytogenes*, *Yersinia enterocolitica*, and *Mycobacterium* spp. (including tuberculosis). Infections with these pathogens can cause serious disease, possibly resulting in death or chronic conditions. Importantly, it is the most vulnerable of our population that is most susceptible to these infections: babies, children, pregnant women, older adults, and those with weakened immune systems.

In 2015, the Centers for Disease Control (CDC) published a scientific article that showed there were increasing numbers of outbreaks in the US caused by non-pasteurized milk: from 30 during 2007-2009 to 51 during 2010-2012.¹ **Most outbreaks occurred in states in which non-pasteurized milk sale was legal** (see Figure 1: Legal Status of the Sale of Raw Milk and Outbreaks Linked to Raw Milk, by State, 2007-2012). **The CDC advises that people should only consume pasteurized milk and milk products.**

Similarly, **the Food and Drug Administration also states that “unpasteurized milk can pose a serious health risk”** and considers foods such as non-pasteurized milk and many types of milk products made from non-pasteurized milk to be high risk choices.²

I would also like to see more details clarifying the intent of the bill to “regulate the sharing of cows in the production of raw milk.”

With these facts in mind, I oppose House Bill 685.

¹ Mungai EA, Behravesh C, Gould L. Increased Outbreaks Associated with Nonpasteurized Milk, United States, 2007–2012. *Emerging Infectious Diseases*. 2015;21(1):119-122. doi:10.3201/eid2101.140447.

² <https://www.fda.gov/food/buy-store-serve-safe-food/dangers-raw-milk-unpasteurized-milk-can-pose-serious-health-risk>, Accessed 01/31/2021.

Legal Status of the Sale of Raw Milk and Outbreaks* Linked to Raw Milk, by State, 2007-2012

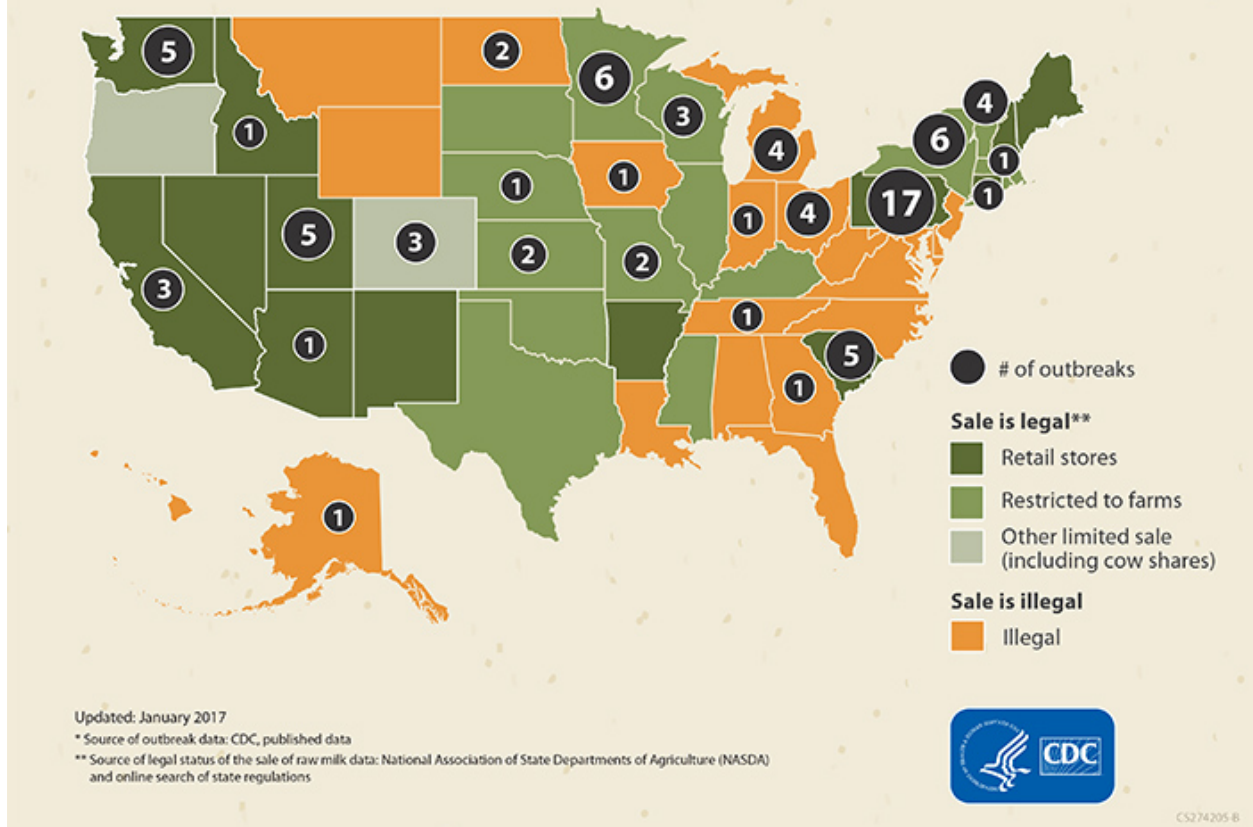
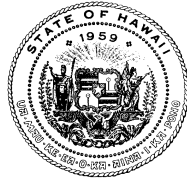


Figure 1: Legal Status of the Sale of Raw Milk and Outbreaks Linked to Raw Milk, by State, 2007-2012.
<https://www.cdc.gov/foodsafety/rawmilk/nonpasteurized-outbreaks-maps.html>



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**Testimony in OPPOSITION to HB0685
RELATING TO RAW MILK**

REPRESENTATIVE MARK J. HASHEM, CHAIR
HOUSE COMMITTEE ON AGRICULTURE

Hearing Date: 2/3/2021

Room Number: VIDEO

1 **Fiscal Implications:** This measure will impact the priorities identified in the Governor's
2 Executive Budget Request for the Department of Health's (Department) appropriations and
3 personnel priorities.

4 **Department Testimony:** The Department opposes this measure.

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

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

16 Please be advised that FDA and other federal and state health agencies have documented a long
17 history of the risks to human health associated with the consumption of raw milk. Clinical and
18 epidemiological studies from FDA, state health agencies, and others have established a direct

1 causal link between gastrointestinal disease and the consumption of raw milk. The microbial
2 flora of raw milk may include human pathogens present on the cow's udder and teats. Further,
3 the intrinsic properties of milk, including its pH and nutrient content, make it an excellent media
4 for the survival and growth of bacteria.

5 On August 10, 1987, FDA published in 21 CFR Part 1240.61, a final regulation mandating the
6 pasteurization of all milk and milk products in final package form for direct human consumption.
7 This regulation addresses milk shipped in interstate commerce and became effective
8 September 9, 1987.

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

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

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

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

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

23 In deciding upon mandatory pasteurization, FDA determined that pasteurization was the only
24 means to assure the destruction of pathogenic microorganisms that might be present. This
25 decision was science-based involving epidemiological evidence. FDA and the CDC have

1 documented illnesses associated with the consumption of raw milk, including "certified raw
2 milk" and have stated that the risks of consuming raw milk far outweigh any benefits.

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

6 There are numerous documented outbreaks of milkborne disease involving Salmonella and
7 Campylobacter infections directly linked to the consumption of unpasteurized milk in the past
8 20 years. Since the early 1980's, cases of raw milk-associated campylobacteriosis have been
9 reported in the states of Arizona, California, Colorado, Georgia, Kansas, Maine, Montana, New
10 Mexico, Oregon, and Pennsylvania. An outbreak of Salmonellosis, involving 50 cases was
11 confirmed in Ohio in 2002. Recent cases of E. coli O157:H7, Listeria monocytogenes and
12 Yersinia enterocolitica infections have also been attributed to raw milk consumption.

13 In the court case Public Citizen v. Heckler, 653f. Supp. 1229 (D.D.C. 1986), the federal district
14 court concluded that the record presents "overwhelming evidence of the risks associated with the
15 consumption of raw milk, both certified and otherwise." The court stated that the evidence FDA
16 has accumulated concerning raw milk "Conclusively shows that raw and certified raw milk are
17 unsafe" and "There is no longer any question of fact as to whether raw milk is unsafe."

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

24 In summary, since raw milk may contain human pathogens, the consumption of raw milk
25 products increases the risk of gastrointestinal illness due to the likelihood that it may contain
26 infective doses of human pathogens. Other pathogens known to be transmitted by raw milk

1 consumption could lead to serious illness, or even death, in the segment of our population that is
2 the most vulnerable. This includes children and infants, our elderly, and any person who is
3 immunocompromised due to illness or treatment of illnesses. The only method proven to be
4 reliable in reducing the level of human pathogens in milk and milk products is by those milk
5 products being produced and processed under sanitary conditions and subsequently being
6 properly pasteurized. The U.S. Food and Drug Administration; therefore, strongly advises
7 against the consumption of raw milk.

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

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

15 Proposals to allow for both cow sharing and raw milk for animal/pet consumption are being
16 proposed to “back-door” existing regulations and the intent is to divert consumption to humans.

17 **Offered Amendments:** None

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



LATE

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February 3, 2021

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE

TESTIMONY ON HB 685
RELATING TO RAW MILK

Conference Room 325
10:00 AM

Aloha Chair Hashem, Vice Chair Perruso, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawaii Farm Bureau opposes HB 685, which authorizes the direct sale of raw milk and raw milk products to consumers, with certain restrictions and specifies labeling requirements for raw milk and raw milk products.

Farm Bureau policy states: "We support only pasteurized fluid milk being sold or distributed for human consumption"

Farm Bureau policy was developed after intense discussion. Ultimately the decision was made based on FDA's website on raw milk, and studies conducted by the Centers for Disease Control and Prevention showing that the majority of dairy-related disease outbreaks have been linked to raw milk.

We recognize the niche market opportunities associated with raw milk. However, we also have a responsibility to protect the public. The FDA reports that the risk of getting sick from drinking raw milk is greater for infants and young children, the elderly, pregnant women, and people with weakened immune systems, such as people with cancer, an organ transplant, or HIV/AIDS, than it is for healthy school-aged children and adults. The CDC finds that foodborne illness from raw milk especially affects children and teenagers. But, it is important to remember that healthy people of any age can get very sick or even die if they drink raw milk contaminated with harmful germs."

Food safety is a priority for Farm Bureau. We have seen serious health consequences and successful enterprises fail when food safety issues arise.

Thank you for the opportunity to comment on this measure.

LATE

HB-685

Submitted on: 2/2/2021 8:20:41 PM

Testimony for AGR on 2/3/2021 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Emma-Lei Gerrish | Individual | Support | No |

Comments:

Aloha Chair, Vice Chair, and members of the committee,

I support HB 685, and the legal sale of raw milk directly from farm to customer.

I was born and raised on a farm on the Hamakua Coast of the Big Island. I currently work full time on my family's small, diverse farm, also on the Hamakua Coast. I have been drinking fresh raw milk from our own grass fed milk cow, and I would love to be able to share this delicious milk with the people of Hawaii.

Legalizing raw milk sales is another way to support small farms and agricultural diversification in Hawaii. It will also improve food security by providing consumers with fresh local milk. Many people, such as myself, prefer raw milk because of it's delicious taste and health benefits.

Raw milk is already legal in many states and countries. With proper safeguards, raw milk can be just as safe or safer than pasteurized milk.

Please support and pass HB 685.

Mahalo for your consideration.

Emma Gerrish

LATE

HB-685

Submitted on: 2/2/2021 8:55:58 PM

Testimony for AGR on 2/3/2021 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Hattie Gerrish | Individual | Support | No |

Comments:

Aloha Chair Hashem, Vice-Chair Perruso, and members of the committee,

I support this bill because I am a young farmer born and raised on the Big Island, and it is my dream to continue farming in Hawai'i and providing food for my community. There are a lot of obstacles to making a living from farming in this state. I support this bill and all sensible ideas for authorizing small raw milk dairies. Nearly every state in the country has found a satisfactory way to allow the sale of unpasteurized dairy products. Every food we eat, from meat and eggs to fruits and vegetables, must be handled properly to be safe. Farmers like me who have milked cows for years to give our families the freshest and most delicious milk, butter, cheese, and ice cream to be found in Hawai'i, know how to provide milk that is healthy.

I support direct farm to consumer sales because I believe we should know where our food comes from. Customers could form a relationship with the farmer, visit the facility, and even meet the cows. Consumers have a right to make informed choices about what we eat.

Everyone agrees that we need to produce more food in Hawai'i, diversify our economy, and make new jobs. How are we going to make this happen? I urge our representatives to consider new opportunities, for nothing will change unless we think creatively and start doing things differently. Therefore, I am grateful to my representative, Rep. Mark Nakashima, for introducing this bill and I am hopeful for your support. Thank you for your consideration.

LATE

HB-685

Submitted on: 2/2/2021 9:07:39 PM

Testimony for AGR on 2/3/2021 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Grant Gerrish | Individual | Support | No |

Comments:

I support this bill for two principal reasons: 1) The right of people to choose the food they wish to consume; and 2) a step towards food security in Hawaii.

Many people prefer to eat unprocessed food. Unpasteurized milk is different in flavor and nutrient content than pasteurized and homogenized milk. Many people find that raw milk is more flavorful and easier to digest than processed milk. There is no acceptable reason to stop people from choosing the kind of food they want. The proposed bill allows people to go to a farm and purchase raw milk. Only people who freely make a choice for raw milk will be consuming it.

Hawaii, especially Hawaii Island, has an abundance of pasture land suitable for grazing. Dairy cows convert grass that is inedible for humans into high quality food, sold as "dairy products." Small farms can earn needed income selling dairy products from their farms to customers who are aware of what they are purchasing. Allowing farmers to sell milk from their farms without expensive processing equipment will expand and decentralize the supply of milk in Hawaii. Further the added income from on-farm milk sales will make some small farms more viable. Many small farms produce a number of different food products in order to make sufficient income. Milk sales gives farmers one more avenue to be successful in food production.

I request considering an amendment to this bill to remove or raise the limit of cows that can be milked on the farm. The current bill states a maximum of two cows. This limit is unnecessarily low and reduces the value of this proposal to small farmers. I suggest the limit be raised to no more than eight cows.

Thank you for your attention.

LATE

HB-685

Submitted on: 2/2/2021 10:26:30 PM

Testimony for AGR on 2/3/2021 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------------|---------------------|---------------------------|---------------------------|
| Fern Anuenue Holland | Individual | Support | No |

Comments:

Mahalo representatives for hearing this bill.

My family and I completely support HB685 and direct sale of raw milk products. There are lots of great resources and organizations working to return raw milk as an option but here is one particularly that has lots of information and resources. <https://www.realmilk.com>

Thank you for your consideration, please pass HB685.

Mahalo!