

TESTIMONY
HB 2083 HD1

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
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In reply, please refer to:
File:

Committee on Water, Land, Agriculture, and Hawaiian Affairs

H.B. 2083 H.D. 1, RELATING TO MILK LABELING

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

**March 12, 2010
2:45 p.m.**

1 **Department's Position:** Oppose.

2 **Fiscal Implications:** The new regulatory functions regarding labeling will require manpower to
3 administer, monitor and enforce, resources which are lacking.

4 **Purpose and Justification:** The bill requires milk and soy milk distributed or sold in Hawaii to be
5 labeled with the date of pasteurization or packaging.

6 The DOH opposes this bill for the following reasons: 1) the DOH currently lacks resources to
7 administer, monitor and enforce the provisions proposed. Our Sanitation Branch already must cover
8 about 9,000 restaurants statewide, plus other facilities and activities, with only 21 field sanitarians, and
9 2) the bill directly conflicts with existing definitions and rules governing milk and milk products,
10 pasteurization of milk, and the sale of unpasteurized milk in Hawaii. The current rules and laws
11 governing the milk industry are based on nationally accepted and recognized laws, and any changes to
12 the national models are done through a federal, state, and industry cooperative organization, the National
13 Conference of Interstate Milk Shippers (NCIMS), of which Hawaii is a voting member and delegate.
14 The existing HAR, Chapter 15, Milk, is based on the Pasteurized Milk Ordinance (PMO) adopted by the

1 NCIMS. Consistency with the PMO is important so any local dairies can sell to the military and
2 interstate business, such as cruise lines and airlines. For your information, the website address for the
3 National Conference of Intersate Milk Shippers is www.NCIMS.org and for the Pasteurized Milk
4 Ordinance is www.fda.gov under pasturized milk ordinance.

5 Thank you for the opportunity to testify.

LINDA LINGLE
Governor



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SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

DUANE K. OKAMOTO
Deputy to the Chairperson

**TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON
WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS
FRIDAY, MARCH 12, 2010
2:45 P.M.
ROOM 229**

**HOUSE BILL NO. 2083, HD1
RELATING TO MILK LABELING**

Chairperson Hee and Members of the Committee:

Thank you for this opportunity to provide testimony on House Bill No. 2083, HD1 relating to milk labeling. This bill proposes to require the date of pasteurization or packaging on milk or soy milk beverages. The department opposes this bill as it inappropriately amends our chapter 486, Hawaii Revised Statutes, when in fact the Department of Health currently regulates milk processing and food processing. We defer to the Department of Health's extensive experience and expertise in the area of pasteurization.



HAWAII FOOD INDUSTRY ASSOCIATION (HFIA)

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Friday, March 12, 2010 @ 2:45 p.m. in CR 229

To: Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice Chair

By: Richard C. Botti, President
Lauren Zirbel, Government Relations

Re: HB2083, HD1 RELATING TO MILK LABELING

In opposition.

Chairs & Committee Members:

The federal Interstate Commerce Act is a controlling component to the milk labeling regulations in the United States. Although each state is responsible for enforcing the law and regulations of the labeling requirements and is given leeway to expand upon them, that discretion can result in a patchwork of rules from state to state which ultimately may run in contradiction with the Interstate Commerce Act, and may create an impediment to both local processors and importers, and claims of protectionism.

In serving the best interest for the State, if the Legislature doesn't like the current labeling of milk, they should adopt a joint resolution urging the federal Food and Drug Administration to revisit its labeling guidelines.

Milk products are currently labeled with "sell by" dates, based on the life expectancy of the products. A "pasteurized/ packaged on" date would leave that evaluation subject to law, without any scientific audit trail to back up the claim. Since the processor is legally liable for their products safety, they are best suited to determine the shelf life of their products.

Based on the above, we oppose this bill.



Senator Clayton Hee, Chair
Senator Jill Tokuda, Vice Chair
Committee on Water, Land, Agriculture and Hawaiian Affairs

HEARING Friday, March 12, 2010
 2:45 pm
 Conference Room 229
 State Capitol, Honolulu, Hawaii 96813

RE: **HB2083, HD1 Relating to Milk Labeling**

Chair Hee, Vice Chair Tokuda, and Members of the Committee:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii.

RMH opposes HB2083, HD1, which requires milk and soy milk beverages to be labeled with the date of pasteurization or the date of packaging.

As with most products for human consumption, milk products are comprehensively and stringently regulated at both federal and state levels to ensure safety and quality. Adding yet another requirement will result in increased costs: 1) to the bottler to produce a product specific to Hawaii; 2) to consumers because added costs must be passed on; and 3) to the State to enforce the new provision.

Milk products already are marked with a "produced by" date or "best by" date or "expiration" date on the labels, caps or shoulders. This information is far more critical for consumption than a "packaged by" date.

A milk labeling requirement unique to Hawaii discourages interstate and international commerce, as well as national labeling uniformity. A unique label for product sold in Hawaii would require completely separate Hawaii-only inventories at manufacturing and distribution levels, at a substantial additional cost to the manufacturers and distributors, and ultimately, consumers.

We urge you to hold HB2083, HD1. Thank you for your consideration and for the opportunity to submit testimony.

Carol Pregill, President

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HAWAII TEAMSTERS AND ALLIED WORKERS, LOCAL 996

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Sen. Clayton Hee, Chair
Sen. Jill Tokuda, Vice-Chair
Committee on Water, Land, Agriculture and Hawaiian Affairs

Friday, Mar. 12, 2010, at 2:45 PM
Conference room 229

The Hawaii Teamsters Local 996 supports, HB2083, HD1, Relating to Milk Labeling.

Due to the advances in scientific processes to increase the shelf life of processed milk / dairy products and soy products, large processors are distributing to a large market share throughout the Country. Some processors that use ultra-pasteurization or ultra high temperature (UHT) claim that the shelf life can be up to six months without refrigeration. Pasteurization and homogenizing milk products affect nutritional values of processed milk.

The purpose of this bill is to inform the consumer when the product is packaged for consumption by requiring that the package have a "born on " date as well as the expiration date. Only then can the consumer make an educated determination of how fresh a product could be and if it should be given to their family. With the current labeling policies the consumer has no idea how long the milk products have been in the retail world before being bought.

The Soy product that I buy has an expiration date of Jan. 16, 2011. The package has no reference to the Company that made this product, the country of origin or the process used for preservation (Pasteurized or Homogenized). The label shows that it is calcium enriched and vitamin fortified because it is listed in the ingredient panel. The package bears the QAI seal and is labeled USDA organic. This Soymilk is third party certified organic by QAI (Quality Assurance International).

There is, what I consider a warning statement on the package you can find only if you read almost every word on the entire carton. NOT TO BE USED AS INFANT FORMULA.

I know when I see the Meadow Gold label that tells me that the product was made locally within about 30 days of the expiration date depending on the product.

The Hawaii Teamsters Local 996 supports, HB 2083, HD1, Relating to Milk Labeling.

Thank you for allowing me to testify.

Glenn Ida, 808-295-1280

TESTIMONY
HB 2083 HD1
(END)