



1050 Bishop St. PMB 235 | Honolulu, HI 96813
P: 808-533-1292 | e: info@hawaiiifood.com

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TO:
Committee on Judiciary
Rep. Chris Lee, Chair
Rep. Joy A. San Buenaventura, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 22, 2019
TIME: 2:05pm
PLACE: Conference Room 325

RE: HB854 Relating to Food Donation

Position: Support

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

This is a common sense measure with a range of benefits for our state. Most importantly food donations help direct good food into the hands of people who need it. Donating food also makes sure that it doesn't unnecessarily take up space in our state's waste stream. Educating eligible businesses about food donations, and making sure that we have strong liability protections in place for those that do donate food, are important ways to support and grow food donations in Hawaii. We ask that you approve this measure and we thank you for the opportunity to testify.

**TESTIMONY OF NAHELANI WEBSTER FOR THE HAWAII ASSOCIATION
FOR JUSTICE (HAJ) IN OPPOSITION TO H.B. 854 HD1**

February 22, 2019
2:05 p.m.
Room 325

To: Chair Lee and Members of the House Committee on Judiciary:

My name is Nahelani Webster and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) in **opposition** to **H.B. 854 HD1**, Relating to Food Donation.

H.B. 854 HD1, seeks to discourage food waste and encourage food donation. We strongly support the provisions in Section 2 directing the Department of Health (DOH) to promote information on the current exceptions to liability by publishing and distributing materials to food establishments. However, we oppose the amendments to the liability exception as it is overly broad and places the health and safety of the recipients of the donated food at risk.

Sections 3 and 4, beginning at page 3, line 18, create a broad exception to liability for those who donate the food directly to a needy person or to charitable organizations. Respectfully ask the committee to remove these sections and let the bill move forward directing DOH to promote the current exception to liability in order to encourage food donation, before amending the statute which could lead to unnecessary risk to our consumers. Enhanced immunity has the potential to subject consumers to substandard health measures, defeating the purpose of this bill.

Health inspectors are used for the purpose of ensuring health and safety standards are met so that food is safe for public consumption. Those in need should still be afforded

the same protections that the rest of the public enjoy. Therefore, our suggestion is rather than mandating health inspectors to only educate donors on exceptions to liability, it would also be beneficial for them to educate potential donors on how to donate food in a reasonable and safe manner as well. This could be added into Section 2 of the bill, creating a “safe food donation procedure”, to improve the delivery of donated items to those in need.

In addition, there are concerns with placing such a broad exception to liability to all forms of perishable or nonperishable food and further discussion should be had in order to determine if packaged and unpackaged foods should be differentiated along with removing poultry and livestock products from the meaning of “farm produce” in order to provide a basic level of protection to the recipients in need. Therefore, we ask that these concerns be addressed if the bill progresses.

Finally, there is a concern when you donate directly to an individual you thereby remove any of the protections that are present when donating through an organization. An organization is more likely to have the knowledge and resources to ensure the food is safe for consumption. We respectfully ask that you take into consideration removing direct donations and include only donations to and from organizations.

Thank you for allowing us to testify regarding this measure. Please feel free to contact us should you have any questions or desire additional information.

HB-854-HD-1

Submitted on: 2/20/2019 11:02:05 PM

Testimony for JUD on 2/22/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anonymous	Individual	Support	No

Comments:

At Starbucks I see the workers throwing away their pastries, paninis, lunch boxes, and sandwiches, which they are allowed to take home and eat. Perfectly fine to consume and yet the managers never think to donate them or seem unconcerned or the labor costs. I suggest that it be added that businesses that serve food excluding residential areas to have a separate bin for food donations. Give the bin a color code. The workers are allowed to go and drop them off if they have a car. I would also like to include leftover coffee pourover grinds that can be donated and is prohibited from being thrown away.

I hope next year we can have a bill to deal with food waste management and disposal and energy.