

JAN 22 2008

A BILL FOR AN ACT

RELATING TO AGRICULTURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that organic farming
2 practices are beneficial to human health and the preservation of
3 environmental quality because these practices emphasize
4 sustainability, enhance soil health, and promote the practice of
5 growing agricultural products without the use of toxic
6 substances, such as pesticides and fertilizers. While organic
7 farming is an important building block for maintaining and
8 preserving the State's scenic and environmental resources, it is
9 also an essential element in creating economic viability and
10 preserving the quality of life in rural and agricultural
11 communities.

12 The Organic Foods Production Act (7 U.S.C. chapter 94)
13 establishes national standards governing the marketing of
14 certain agricultural products as organically produced products;
15 assures consumers that organically produced products meet a
16 consistent standard; and facilitates interstate commerce in
17 fresh and processed food that is organically produced. The



1 federal regulations under the National Organic Program (7 C.F.R.
2 part 205) provide that each state may implement an organic
3 program for agricultural products that have been produced and
4 handled within the state, using organic methods that meet the
5 requirements of the Organic Foods Production Act and the
6 National Organic Program. Due to the sensitive nature of
7 Hawaii's environment and the unique challenges that Hawaii
8 organic farmers face, it is necessary to develop a state organic
9 program pursuant to the National Organic Program, develop and
10 implement a state organic plan, and conduct oversight of all
11 organic agricultural activities statewide.

12 According to a national study, approximately two per cent
13 of the United States food supply is grown using organic methods
14 and the nationwide retail sales of organic food and beverages in
15 2005 totaled approximately \$12,800,000,000. Currently, there
16 are close to two hundred farms in Hawaii, which produce organic
17 products, such as coffee, macadamia nuts, bananas, pineapples,
18 ginger, mangos, citrus fruits, avocados, tomatoes, and salad
19 greens. The Hawaii Organic Farmers Association, an accredited
20 third party certification agency for the United States
21 Department of Agriculture's National Organic Program, estimates



1 that organic farming in Hawaii is a \$5,000,000 to \$10,000,000
2 per year industry.

3 There is currently a high and increasing demand for organic
4 produce that exceeds Hawaii's local supply. In order to meet
5 this demand, local produce markets and large mainland chain
6 stores must import organic produce from the mainland and other
7 countries. The importation of organic produce can result in a
8 higher number of invasive species inadvertently brought into the
9 State, and can impact the State's agricultural sector, economy,
10 and sustainable food supply.

11 The purpose of this Act is to:

- 12 (1) Establish a state organic program under the direction
13 of the department of agriculture;
- 14 (2) Require the department of agriculture to develop and
15 implement a plan for the state organic program; and
- 16 (3) Appropriate funds to the department of agriculture to
17 establish and implement this program.

18 SECTION 2. Chapter 141, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:

21 "§141- State organic program. (a) There is established
22 within the department of agriculture a state organic program,



1 pursuant to the United States Department of Agriculture's
2 National Organic Program that shall:

3 (1) Register all United States Department of Agriculture
4 third party certifying agents conducting certification
5 services in the State;

6 (2) Collect production and certification data and
7 requirements from third party certifying agents for
8 analytical purposes;

9 (3) Develop and provide local enforcement procedures for
10 the National Organic Program regulations and the state
11 organic program rules;

12 (4) Maintain cognizance of actions taken by industry and
13 by federal, state, county, and private agencies in
14 activities relating to organic agriculture, and
15 promote and support worthwhile organic agriculture
16 activities;

17 (5) Serve as an information clearinghouse for organic
18 agriculture activities;

19 (6) Actively seek federal funding for organic agriculture
20 activities;

21 (7) Undertake activities required to develop and expand
22 the organic agriculture industry;



1 (8) Conduct other activities as necessary to promote and
2 protect Hawaii's organic industry; and

3 (9) Perform other functions and activities as may be
4 assigned by law.

5 (b) The department may employ additional staff, prescribe
6 their duties and qualifications, and fix their salaries to
7 assist in establishing and implementing the organic agriculture
8 program without regard to chapter 76.

9 (c) The department shall adopt rules pursuant to chapter
10 91 to carry out the purposes of this section.

11 (d) For purposes of this section, "organic" means a
12 labeling term that refers to an agricultural product produced or
13 handled in accordance to 7 U.S.C. chapter 94 and 7 C.F.R. part
14 205."

15 SECTION 3. The department of agriculture shall establish a
16 detailed plan to further develop and coordinate all the purposes
17 and responsibilities of the state organic program by
18 November 30, 2008. The department of agriculture shall
19 implement the detailed plan for the state organic program no
20 later than June 30, 2009.

21 SECTION 4. There is appropriated out of the general
22 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2008-2009 for
2 the department of agriculture to establish and implement an
3 organic agriculture program.

4 The sum appropriated shall be expended by the department of
5 agriculture for the purposes of this Act.

6 SECTION 5. New statutory material is underscored.

7 SECTION 6. This Act shall take effect upon its approval;
8 provided that section 4 shall take effect on July 1, 2008.

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Report Title:

State Organic Program; Department of Agriculture; Establishment;
Appropriation

Description:

Establishes a state organic program under the direction of the department of agriculture. Appropriates funds to the department of agriculture to implement a state organic program.

