



Hawaii Farm Bureau
F E D E R A T I O N

2343 Rose Street, Honolulu, HI 96819

Phone: (808) 848-2074; Neighbor Islands: 1-800-482-1272

Fax: (808) 848-1921; e-mail: info@hfbf.org

TESTIMONY

Re: HCR 290 REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A WORKING GROUP TO CONSIDER LEASING OR RENTING PUBLIC SCHOOL CAFETERIAS TO VALUE-ADDED FOOD PROCESSORS TO PROMOTE THE USE OF LOCALLY-GROWN FRESH PRODUCE IN SCHOOL MEALS.

Chair Tsuji and Committee Members:

HFBF on behalf of our commercial farm and ranch families and organizations strongly supports SCR147, Convening a working group to examine the feasibility of leasing school cafeterias.

Agriculture can play a role in improving school lunches. However, this can only happen if there is a true collaborative effort between the schools, procurement systems, food preparation entrepreneurs and farmers. Selling fresh produce, fruits, meats, eggs and milk alone to schools is not what Farm To School is about. It should also include a value added production systems that will make user friendly dishes using locally grown products for schools. New mechanisms to increase funding for purchase of food by schools outside of dependence of General Funds is also important.

I personally have been involved in a situation on Maui where the students begged for salads . Last year, the Student Council came before the Legislature asking for a farm to school program. I know the demand is there. It is our responsibility as a society to find a way to provide healthy meals to our children.

This renting of school cafeterias is one idea of how to increase funds for healthier school lunches. We have received an AG interpretation that this can be legally done. Attached is a copy of the document.

HFBF is intent on making this process work. We look forward to cooperating with the various agencies on coming up with solutions. We respectfully request your support of this measure and a timely appointment of members of the working group so work can commence on this important project. If there are any questions, please contact me, Mae Nakahata at 2819716. Thank you.

LINDA LINGLE
GOVERNOR



MARK J. BENNETT
ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
425 KUKEN STREET
HONOLULU, HAWAII 96813
(808) 586-1500

LISA M. GINOZA
FIRST DEPUTY ATTORNEY GENERAL

March 10, 2010

The Honorable Blake K. Oshiro
Majority Leader
Chair, House Finance Committee
The Twenty-Fifth Legislature
State Capitol, Room 439
Honolulu, Hawaii 96813

Dear Representative Oshiro:

Re: Public School Cafeteria Use

This is in response to your letter of February 9, 2010, inquiring whether the State Procurement Code prohibits the use of public school cafeterias during off-hours by the Hawaii Farm Bureau to do value added processing and, if not, whether there are other legal barriers that preclude schools from licensing rather than leasing, their facilities. The Procurement Code governs the procurement of produce and does not impose such a prohibition. As for other legal barriers, the use of school cafeterias is governed by the Department of Education's administrative rules, and the rules would appear to allow the Hawaii Farm Bureau to do value added processing in the cafeterias, although not through the issuance of a license but through the rental of Department of Education ("DOE") cafeteria facilities.

As we understand the concept in this context, value added processing means the local produce is minimally processed and its physical state changed (e.g. quick frozen, pre-washed, pre-trimmed, pre-cooked, etc.) to improve its shelf life and reduce the schools' preparation time, thus increasing the value and expanding the use of local produce. We understand the goal of this project is to introduce more locally grown produce into the public schools and that the Hawaii Farm Bureau, an umbrella advocacy organization for local farmers, would not receive any compensation from the DOE or the State for any increased sale of such produce to the DOE, but would utilize the public school cafeterias to process local produce. If the value added processing is successfully developed and conducted in the cafeterias, the individual produce farm members of the Hawaii Farm Bureau may benefit from cheaper production costs which could result in increased sales of their produce to the DOE. We do not believe the Procurement Code would prohibit such activity. Moreover, there would be no unfair advantage to the Hawaii Farm Bureau members who may benefit because produce farmers who are not members of the Hawaii Farm Bureau are subject to the same DOE administrative rules as the Hawaii Farm Bureau and could utilize the same or other public school cafeterias that may be available to develop their own value added processing.

The Honorable Blake K. Oshiro

March 10, 2010

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Different groups may use the cafeterias for their respective value added processing, or use other facilities, or choose not to do value added processing at all. We understand that theoretically one of the benefits of value added processing is to lower produce prices, but produce must be competitively procured, and it would be difficult to justify the inclusion in a public solicitation of any procurement advantage to having used the public school cafeterias for value added processing as opposed to other facilities. But even if such a difference could be defended, non Hawaii Farm Bureau members are free to apply to use school cafeterias as the Bureau intends to do. It would be up to the individual produce farmers to determine how to best compete their produce for later procurement by the DOE and the State.

In order to use the public schools' kitchens and equipment, the DOE's Hawaii Administrative Rules ("HAR") entitled, "Use of Kitchen and Food Preparation Equipment" (title 8, chapter 40 and "Use of School Buildings, Facilities, and Grounds"(title 8, chapter 39) would apply. It appears that the general parameters of the DOE rules would allow the Hawaii Farm Bureau to use the cafeteria kitchens and equipment. The DOE allows school and community related organizations to use its kitchens and food preparation equipment upon application and approval, whenever such use does not interfere with the normal and usual activities of the school. (HAR §§ 8-40-1; 8-39-1.) Applications are to be submitted in writing to the respective school principal who has the authority to approve or deny the application. (HAR § 8-40-2.) The only complication is that the DOE requires "permanent school food services personnel from the base kitchen" to be present to supervise the proper use of the equipment and clean up of the work area. (HAR § 8-40-3.) A deposit and fees are assessed for the use of the kitchen and equipment which include a charge for such personnel and for trash and garbage, if warranted. (HAR § 8-40-6.) We would encourage the Hawaii Farm Bureau to directly discuss the specific details of this venture with the DOE to determine whether value added processing at the schools would be feasible.

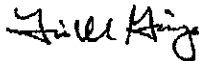
We hope you find this responsive, and if there are any questions about this response, I may be reached at 586-1268 or at patricia.t.ohara@hawaii.gov.

Very truly yours,



Patricia Ohara
Deputy Attorney General

APPROVED:



Mark J. Bennett
Attorney General

Pat Ohara - 6-1268
DAG

berg1-Matthew

From: Casey Alinan on behalf of webmaster
Sent: Monday, March 22, 2010 8:22 AM
To: EDNtestimony
Subject: FW: HCR290/SCR237: In Support

Forwarding testimony email to EDNtestimony regarding HCR290/SCR237

Regards,
webmaster

From: kathie pomeroy [mailto:kathiepomeroy@gmail.com]
Sent: Saturday, March 20, 2010 12:19 AM
To: Mailing List
Subject: HCR290/SCR237: In Support

REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A WORKING GROUP TO CONSIDER LEASING OR RENTING PUBLIC SCHOOL CAFETERIAS TO VALUE-ADDED FOOD PROCESSORS TO PROMOTE THE USE OF LOCALLY-GROWN FRESH PRODUCE IN SCHOOL MEALS.

NOTICE OF HEARING

DATE: Wednesday, March 24, 2010
TIME: 2:00 p.m.
PLACE: Conference Room 309

March 20, 2010

Honorable Reps. Takumi, Berg, Tsuji, and Wooley:

As a small farmer, I am in favor of HCR290/SCR237. For ag to advance in Hawaii, we need ag processing facilities. The school cafeterias offer this resource most cost effectively and immediately. I would suggest that the farms/users can be CTAHR Food Safety Certified (Primus Labs), which is actually more strict, in addition to the more expensive USDA certification that the DOE has allowed in the past.

This is an obvious solution to one of the hurdles small farms in Hawaii now face. Please support this Res. and help small farm efforts and the health of our students.

Sincerely,
Kathie Pomeroy

Kohala Medicinal Herb Farm
Kapa'au , Hawaii

berg1-Matthew

From: Jennifer Linton [jmlinton_bloom@yahoo.com]
Sent: Tuesday, March 23, 2010 10:51 AM
To: EDNtestimony
Subject: HCR 290 testimony

I am offering testimony in favor of HCR 290. Combatting the obesity epidemic in our state means providing a more nutritious environment for children, and since children spend a majority of their day in school, it is important to provide that environment at school. We live in an ideal climate to provide fresh produce to our children, and we should take advantage of it. Not only will it benefit the children to have fresh, locally produced foods in their school to eat, but it will benefit the local farmers who grow the food.

Thank-you for your time in reviewing my testimony.

Regards,

Jennifer Linton Bloom, MPH, ATC

808-651-3042

jmlinton_bloom@yahoo.com

"Be the change that you want to see in the world" -- Ghandi

berg1-Matthew

From: Pearl Johnson [pearlj@hawaii.rr.com]
Sent: Tuesday, March 23, 2010 10:10 PM
To: EDNtestimony
Subject: HCR 290 corrected testimony

To: Chairs Roy M. Takumi and Clift Tsuji
Vice Chairs Lyla B. Berg and Jessica Wooley
Members of the Committees on Education and Agriculture

From: Mrs. Pearl Johnson
Chair, Planning & Transportation committee
League of Women Voters of Honolulu

Date: March 24, 2010

Re: Hearing for HCR 290 - School Cafeterias; Leasing; Food Processors
Committee on Education/Committee on Agriculture
2:00 PM, Wednesday, March 24, 2010
Conference Room 209

The League of Women Voters of Honolulu urges passage of HCR 290. Allowing school cafeterias to be used by value-added food processors to promote the use of locally-grown fresh produce in the school meals program seems to be a truly creative use of underutilized valuable facilities.

There is an urgent need to increase the amount and variety of locally-grown fresh produce in our public schools through farm-to-school programs and focused procurement policy.

Leasing or renting cafeteria space to value-added processors to incorporate locally-grown produce into the school meals program could have a beneficial effect on student health and on Hawaii's agriculture industry. Income from leasing or renting public school cafeterias could be invested in school infrastructure or healthier school lunches.

We realize that there may be many obstacles to this change in school policy and support the formation of a working group to study the issues involved.

Please pass this resolution.

**West County Farm Bureau
94-403 Ukee Street
Waipahu, Hawaii 96797**

TESTIMONY

Committee on Education
Rep. Roy Takumi, Chair
Rep. Lyla Berg, Vice-Chair

Committee on Agriculture
Rep. Clift Tsuji, Chair
Rep. Jessica Wooley, Vice Chair

Wednesday March 24, 2010
TIME: 2:00 pm
PLACE: Conference Room 309

RE: HCR 290 - Requesting the Department of Education to Convene a Working Group to Consider Leasing or Renting Public School Cafeterias to Value-Added Food Processors to Promote the Use of Locally-Grown Fresh Produce in School Meals.

Chair Takumi, Chair Tsuji, Vice-Chair Berg, Vice-Chair Wooley, and Committee Members,

West County Farm Bureau represents farmers, ranchers and aquaculture farmers from the Waianae Coast, Central Oahu and the North Shore of Oahu. We strongly support HRC290 and believe exploring the use of existing infrastructure such as school cafeterias to produce agricultural value added products and direct rental income to schools to increase their school lunch procurement budget. There exist seasonal increases in production where a partnership with a value-added processor could alleviate the surplus of perishable products and provide additional funding for public schools that would like to incorporate locally grown agricultural products in their menus. Students would experience the concept of sustainability first hand through the partnership of their school lunch program with food processors and Hawaii farmers.

We respectfully ask for your favorable consideration of HCR 290. Thank you for your support of Hawaiian Agriculture.