

**LATE**

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

**February 5, 2010**

**TESTIMONY**  
before the  
SENATE COMMITTEE ON HEALTH  
Senator David Y. Ige, Chair  
Senator Josh Green, M.D., Vice Chair

**SB 2930 Relating to Nuisances**

Chair Ige, Vice Chair Green and Members of the Committee:

West County Farm Bureau represents farmers and ranchers from the Waianae Coast, Central Oahu and the North Shore of Oahu. Many of our members raise cattle, chickens and hogs. We strongly oppose SB 2930 because it requires the Department of Health (DOH) to immediately order the suspension of "a source of odor, gas or vapor", until the DOH determines that it is not dangerous or injurious to health.

Odor is subjective and frivolous complaints from new residents who relocate to or abut rural communities have been a form of harassment to farmers. We believe that our right to farm would be jeopardized before the investigation of a nuisance complaint is completed. In the case of livestock farming, the odor would be presumed to be dangerous or injurious to health before the DOH can complete its determination. In the meantime, our farming activity would be suspended. Does this mean we cannot feed our animals or irrigate our fields? Would our animals and vegetables starve or perish until the examination is resolved? Farmers will suffer not knowing how much time DOH requires determining the odor is dangerous or injurious to health before resuming their farming practice.

We believe the propose bill's precautionary measures would have an extreme negative impact to agriculture.

Thank you for the opportunity to submit comments in support of agriculture in Hawaii.

**LATE**

**Halina M. Zaleski  
3535A Ka`au Street  
Honolulu, HI 96816**

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SENATE COMMITTEE ON HEALTH  
Senator David Y. Ige, Chair  
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**SB 2930 Relating to Nuisances**

Chair Ige, Vice Chair Green and Members of the Committee:

This testimony is provided as a private individual and not as a representative of the College of Tropical Agriculture and Human Resources at the University of Hawaii at Manoa. I have 16 years of experience as a farmer and 16 years as a faculty member at UH Manoa. I appreciate the opportunity to present comments on this bill.

I oppose the proposed amendment to SECTION 1. Section 322-1, Hawaii Revised Statutes. The current wording of the section is sufficient to protect public health. Scientific evidence can be used to determine whether odors, gases or vapors are dangerous or injurious to health. On the other hand, the determination as to what is a foul or noxious odor is very subjective, and is often based on personal response rather than scientific evidence.

Personally, I find the exhaust fumes of all the traffic on the freeway to be foul and noxious. Could I then require the Department of Health to close down the freeway while they determine whether these odors, gases or vapors are dangerous or injurious to health?

Many people might find the smell of garbage trucks to be foul or noxious. Under this bill, the Department of Health could be required to suspend the pick-up of garbage while they conduct an examination. Of course, garbage accumulation in residential areas might lead to disease and pest challenges as well as foul odors, but that would not be a problem because the Department of Health could suspend the throwing away of garbage while they conducted an examination.

I have spoken to a vegetarian who finds the smell of cooking meat to be foul. Think of the havoc and economic loss that could be caused by a complaint that resulted in the Department of Health having to shut down a burger restaurant while they examined the odors.

It is not unusual for city people to find the smell of livestock farms to be foul. The Department of Health would be required to shut down farms while they conducted an examination. If this bill passes, funding would need to be provided to the Department of Health to build and operate a livestock holding area where the animals could be housed while the examination of odors is conducted.

The current wording of SECTION 1. Section 322-1, Hawaii Revised Statutes, is appropriate and sufficient to protect public health based on the best available scientific evidence. The proposed amendment opens the door to subjective complaints and requires the Department of Health to suspend operations irrespective of risk. Therefore I oppose this amendment.

**From:** Casey Alinan on behalf of webmaster  
**Sent:** Friday, February 05, 2010 10:31 AM  
**To:** HTHTestimony  
**Cc:** 'kcfb@hawaiiantel.net'  
**Subject:** FW: Testimony for SB2930 on 2/5/2010 2:55:00 PM

**LATE**

Forwarding email to HTHtestimony ([hthtestimony@capitol.hawaii.gov](mailto:hthtestimony@capitol.hawaii.gov))

Regards,

webmaster

-----Original Message-----

**From:** Melissa McFerrin [<mailto:kcfb@hawaiiantel.net>]  
**Sent:** Friday, February 05, 2010 9:43 AM  
**To:** Mailing List  
**Subject:** RE: Testimony for SB2930 on 2/5/2010 2:55:00 PM

Please note the error below in comments. Testimony is in opposition. Mahalo!

-----Original Message-----

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov) [<mailto:mailinglist@capitol.hawaii.gov>]  
**Sent:** Friday, February 05, 2010 9:35 AM  
**To:** [HTHtestimony@capitol.hawaii.gov](mailto:HTHtestimony@capitol.hawaii.gov)  
**Cc:** [kcfb@hawaiiantel.net](mailto:kcfb@hawaiiantel.net)  
**Subject:** Testimony for SB2930 on 2/5/2010 2:55:00 PM

Testimony for HTH 2/5/2010 2:55:00 PM SB2930

Conference room: 016  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Melissa McFerrin  
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Submitted on: 2/5/2010

Comments:  
Support with AMMENDMENTS